

education, administering loans and scholarships, and maintaining a law library and research center.

The Foundation was established, pursuant to Section 501(c)(3) of the Internal Revenue Code, as a Not for Profit Corporation, and was incorporated in accordance with the laws of the State of Alaska.

The Board of Governors of the Alaska Bar presently serves as the Board of Directors of the Foundation.

While it has been largely quiescent since formation, with insufficient funds to operate effectively, the program is currently being activated with its first objective being the establishment of a viable scholarship program. The first scholarships will be offered in 1980.

C. American Bar Association

Each state bar association has one representative in the House of Delegates of the American Bar Association. The delegate is elected by the active members of the Alaska Bar to serve a two year term. Alaska's current representative is Keith E. Brown, whose term expires at the end of the American Bar's annual meeting in 1980.

His function is to represent the views of the Alaska Bar on all matters which come before the House of Delegates for consideration.

D. Alaska Legal Services Corporation

Nine attorneys serve on the Board of Directors of Alaska Legal Services Corporation (ALSC), two from the First Judicial District, one from the Second Judicial District, three from the Third Judicial District, and one from the Fourth Judicial District. Each serves for a term of three years. The ninth attorney on the Board of Directors is the President of the Alaska Bar, who serves during his term as President. In addition, there are nine alternate members who serve when a regular member is unable to do so. All of the elections are administered by the Alaska Bar Association.

The Board carries out the purpose of the Corporation, which is to provide legal assistance to persons lacking the financial capability to obtain private counsel. It meets at least four times a year, supervises a staff of thirty-eight (38) professionals and forty-nine (49) support personnel, and administers a budget of \$1.7 million.

When necessary, the Bar Association provides state-wide mailing services to ALSC.

E. Alaska Code Revision Commission

The Alaska Code Revision Commission was established in 1976 to review and recommend revisions to the laws of Alaska. The Board of Governors appoints one attorney to the Commission. Since its inception, all appoint-

ing entities have appointed members of the Alaska Bar to the Commission.

F. Judicial Council

Three attorneys serve for six year terms on the Judicial Council. The Council's purpose is to recommend candidates for judicial office and to conduct studies for the improvement of the administration of justice.

The attorney members are appointed by the Board of Governors after nominating petitions have been circulated and advisory polls conducted.

In addition, the Bar Association has conducted polls evaluating judicial candidates and transmits the results to the Council for its consideration.

G. Judicial Qualifications Commission

After advisory polls, the Board of Governors appoints two attorney members, who serve four year terms, to the Judicial Qualifications Commission.

The Commission has the power to investigate malfeasance or misfeasance on the part of a member of the judiciary, and to recommend to the Supreme Court impeachment, suspension, removal from office, retirement or censure.

H. Ninth Circuit Judicial Conference

The Ninth Circuit Judicial Conference was estab-

lished by the Judicial Council of the Ninth Circuit Court of Appeals to consider the business of the courts in the circuit, advise means of improving the administration of justice, and implement decisions regarding administration of the courts.

All the judges in the Ninth Circuit, the President of each state bar association, the United States Attorney, Magistrates, law school representatives, and private practitioners comprise its membership.

In addition to the President of the Bar, Alaska has two other lawyer representatives who are appointed by the presiding judge of the Federal Court in Alaska to serve staggered three year terms. The Bar Association participates in the selection of these two attorney members by soliciting nominations, conducting an advisory poll, and thereafter recommending to the Chief Judge three persons for each vacancy.

The lawyer representatives serve without compensation and without reimbursement for expenses.

I. National Conference of Bar Presidents

At the time of their election to office, the President and President-Elect of the Alaska Bar become members of the National Conference of Bar Presidents, which meets twice a year in conjunction with the meetings of the American Bar Association. In addition, all past Presidents of the Alaska Bar are members.

Its purpose is to educate and train bar leaders, to keep them abreast of current events, to improve the quality of delivery of legal services, and to improve the administration of justice.

J. Western States Bar Conference

Fifteen (15) states are members of the Western States Bar Conference. The conference meets once a year to share the ideas and experiences of the member state bar associations.

The President and President-Elect of each state bar, as well as all past Presidents, are members of the Conference.

K. Rocky Mountain Mineral Law Foundation

The Rocky Mountain Mineral Law Foundation, one of the preeminent natural resources organizations in the United States, sponsors continuing legal education programs, publishes books and treatises, provides scholarships and, in general, encourages development of natural resources law.

Its Board of Trustees is comprised of law school representatives, private practitioners, and one appointee from each bar association in the Western states. Harris Saxon, the Alaska Bar's current representative, serves at the pleasure of the Board of Governors.

L. Bankruptcy Judge Merit Screening Committee

Three members of the Alaska Bar served, pursuant to federal statutes, on the Ninth Circuit Bankruptcy Judge Merit Screening Committee.

Its purpose was to determine whether the current bankruptcy judge was qualified to continue to serve in his position, and to make recommendations to the Chief Judge of the Ninth Circuit.

During the process, the Committee reviewed answers to comprehensive questionnaires solicited from attorneys practicing in bankruptcy court, heard testimony from interested persons, and interviewed the judge.

by THE JUDICIARY COMMITTEE

SENATE BILL

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 08.03.010(c) is amended by adding a new paragraph to read:

(19) Board of Governors of the Alaska Bar Association (AS 08.08.040) - June 30, 1984.

* Sec. 2. ~~AS 08.03.010(c) is amended to read:~~
AS 08.03.010(b)(1) IS REPEALED.

Sec 3 AS 08.08.040 is amended to read:

Sec. 08.08.040. BOARD OF GOVERNORS OF THE ALASKA BAR. (a) There is [HEREBY] constituted a Board of Governors of the Alaska Bar to be elected under bylaws and regulations adopted [PROMULGATED] by the board.

(b) The board consists of ^{NINE} ~~SIX~~ active members elected by the active members of the Alaska Bar and three persons who are appointed by the governor and who are not attorneys.

* Sec. ~~33~~ 34 AS 08.08.050(a) is amended to read:

Sec. 08.08.050. SELECTION [ELECTION] OF THE BOARD. (a) Two members of the board shall be elected by and from among the members of the association resident in the first judicial district; four members of the board shall be elected by and from among the members of the association resident in the third judicial district; two members by and from among the members of the association resident in the combined area of the second and fourth judicial districts; ONE MEMBER AT LARGE FROM THE ENTIRE STATE; ~~Three members who are not attorneys shall be appointed by the governor and are subject to confirmation by the legislature in joint session [AND ONE MEMBER AT LARGE FROM THE ENTIRE STATE]~~

* Sec. ~~35~~ 5 AS 08.08.050(b) is amended to read:

(b) Members of the Board of Governors shall hold office for three years and until their successors are elected or appointed and qualified.

* Sec. ~~6~~ 6 AS 08.08.050(c) is repealed and reenacted to read:

(c) Board members shall be selected annually, on the following triennial rotation:

(1) in the first year, one member shall be appointed; one member shall be elected from the first judicial district, one member from the combined second and fourth judicial district, and one member from the third judicial district, AND ONE MEMBER AT LARGE FOR THE ENTIRE STATE.

(2) in the second year, one member shall be appointed; one member shall be elected from the first judicial district, one member

from the combined second and fourth judicial district, and one member from the third judicial district;

(3) in the third year, one member shall be appointed and two members shall be elected from the third judicial district.

Sec. 7 AS 08.08.070 is repealed and reenacted to read:

Sec. 08.08.070. VACANCIES ON THE BOARD. (a) The board shall fill a vacancy in the elected membership of the board until the next annual election.

(b) The governor shall appoint a member to fill a vacancy in the appointed membership of the board for the unexpired term.

Sec. 8 AS 08.08 is amended by adding a new section to read:

Sec. 08.08.075. MEETINGS OF THE BOARD. AS 44.62.310 and 44.62.312 apply to the meetings of the board. Members of the Alaska Bar and the public shall be given 30 days notice of meetings of the board except for emergency meetings dealing with the executive administration of the bar examination. ~~Meetings of the board shall take place in the state.~~

Sec. 9 AS 08.08.080 is amended to read:

Sec. 08.08.080. POWERS OF BOARD. (a) Except as may be otherwise provided in this chapter or the Alaska Bar Rules, the board may adopt reasonable provisions

(1) concerning membership and the classification of membership in the Alaska Bar;

(2) providing for employees of the Alaska Bar, the time, place and method of their selection, and their respective powers,

duties, terms of office, and compensation;

(3) concerning annual and special meetings;

(4) concerning the establishment, collection, deposit, investment, and disbursement of membership and admission fees, penalties, and all other funds;

[(5) PROVIDING FOR THE ORGANIZATION AND GOVERNMENT OF LOCAL SUBDIVISIONS OF THE ALASKA BAR;]

(6) providing for all other matters affecting in any way the organization and functioning of the Alaska Bar;

(7) providing for continuing legal education and for certification of a continuing legal education program;

(8) establishing and maintaining a program for the certification of attorneys as specialists.

(b) The board may

(1) approve and recommend to the state supreme court [ADDITIONAL] rules for promulgation by the court including rules concerning admission, [AND] discipline, licensing and continuing legal education ~~AND DEFINING THE PRACTICE OF LAW~~

(2) adopt reasonable bylaws and regulations consistent with this chapter and the Alaska Bar Rules;

(3) sue in the name of the Alaska Bar in a court of competent jurisdiction to enjoin a person from doing an act constituting a violation of this chapter;

(4) fix the annual membership fee for active ~~[AND] inactive~~ and judicial ~~members~~

(5) recommend to the legislature changes to this chapter and to the provisions of state law generally.

* Sec. ~~10~~ AS 08.08.085 is amended to read:

Sec. 08.08.085. ANNUAL REPORT TO LEGISLATURE. (a) The Board of

CLASSIFICATIONS OF MEMBERS

Governors shall report annually to the ~~Board of Governors of the~~ legislature on all matters concerning admissions, discipline of members, and disbarment proceedings, except for those matters defined as confidential by court rule.

(b) The report of the Board of Governors shall note

(1) each addition, modification, or repeal of a bylaw or regulation of the Alaska Bar;

(2) each addition, modification, or repeal of the Alaska Bar Rules proposed to or adopted by the state supreme court.

SEC. 11. THIS ACT TAKES PLACE IMMEDIATELY IN ACCORDANCE WITH AS. 01.10.070(C).

BOARD OF GOVERNORS

ALASKA BAR ASSOCIATION

PO BOX 279

ANCHORAGE, ALASKA 99510

AREA CODE 907/272-7469

RANDALL P. BURNS EXECUTIVE DIRECTOR

MARVIN S. FRANKEL DISCIPLINARY ADMINISTRATOR AND BAR COUNSEL



OFFICERS

WILLIAM B. ROZELL
PRESIDENT
JUNEAU

KAREN L. HUNT
PRESIDENT-ELECT
ANCHORAGE

STANLEY T. FISCHER
VICE PRESIDENT
KODIAK

HUGH G. WADE
SECRETARY
ANCHORAGE

BOARD MEMBERS

WILLIAM P. BRYSON
STANLEY T. FISCHER
KAREN L. HUNT
ELIZABETH P. KENNEDY
EDWARD G. KING
JONATHAN H. LINK
WILLIAM B. ROZELL
RICHARD D. SAVELL
HUGH G. WADE

January 19, 1981

Senator Jalmer M. Kerttula
Senate President
State of Alaska
Pouch V
Juneau, AK 99811

Representative Mike Miller
Acting Speaker of the House
State of Alaska
Pouch V
Juneau, AK 99811

Dear Mr. President and Mr. Speaker:

On behalf of the Board of Governors of the Alaska Bar Association, pursuant to AS 08.08.085, I make the following report to you and the members of the Alaska Legislature concerning admissions, discipline of members and disbarment proceedings.

Admissions and discipline, including disbarment proceedings, are conducted by the Alaska Bar Association pursuant to bar rules promulgated by the Alaska Supreme Court. The Alaska Bar Association reports to the Supreme Court on its activities after each bar examination (twice a year) for admissions and after each quarter for discipline. Disbarment proceedings are a part of disciplinary activities. Final action on all admissions applications and on all serious disciplinary matters is taken by the Alaska Supreme Court and not by the Alaska Bar Association. Copies of the petitions for admissions and quarterly discipline reports submitted to the Alaska Supreme Court are enclosed for your information.

Also enclosed are copies of reports on fee arbitration which have been provided to the Supreme Court.

Senator Jalmer M. Kerttula
Representative Mike Miller
January 19, 1981
Page Two

Decisions of the Board of Governors on discipline and admission matters may be appealed to the Alaska Supreme Court. The court's opinions in such cases are published. During 1980 the Alaska Supreme Court struck down the requirement that applicants be residents of the state for 30 days before taking the bar examination (Sheley v. Alaska Bar Association, Opinion #2156, August 29, 1980); affirmed the decision of the Board of Governors which increased the six month suspension recommended by the hearing committee made up of attorneys and lay persons to a two year suspension (In the Matter of Preston, Opinion #2156, August 29, 1980); affirmed the decision of the Board of Governors which similarly increased the suspension recommended for W. Clark Stump from one to five years (In the Matter of Stump, Opinion #2237, December 5, 1980); and upheld as fair, reasonable and constitutionally valid the requirement that applicants for admission be graduates of an accredited law school (Application of Urie, Opinion #2172, Sept. 26, 1980). The Urie opinion concluded:

The ABA system of accreditation is sophisticated and time-consuming. We can think of no effective substitute which could be developed at the state level without diverting impractical amounts of manpower and money into such an inquiry. Given the strong state interest in assuring that those entering the practice of law have had suitable training in adequate institutions, and considering the precedent from other jurisdictions, we are of the opinion that the Alaska bar rule requirement is valid and does not violate the due process clause of either the Alaska Constitution or the United States Constitution.

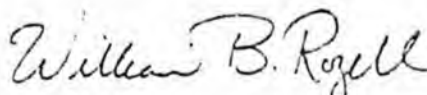
In this connection, we note that requiring attendance at an ABA accredited law school is not a severe impediment to entry into the legal profession. According to the brief of the ABA as amicus curiae, in the last decade the number of approved schools increased from 137 to 168. The number of students therein increased from 63,000 to 121,600, which included 36,808 women. There are 16 ABA approved schools in California, with a total enrollment of over 14,600 students. (Footnotes omitted.)

Senator Jalmer M. Kerttula
Representative Mike Miller
January 19, 1981
Page Three

In a separate challenge in the federal courts the Ninth Circuit Court of Appeals affirmed the United States District Court and held that the requirement of graduation from an accredited law school was rationally related to the fitness or capacity to practice law and did not violate the Fourteenth Amendment of the United States Constitution. The court followed earlier decisions upholding such requirements in other states. (Santos v. Alaska Bar Association and the Justices of the Supreme Court of Alaska, 618 F.2d 575 (9th Cir. 1980)).

Very truly yours,

ALASKA BAR ASSOCIATION



William B. Rozell
President

FAULKNER, BANFIELD DOCCAN & HOLMES
311 Franklin, Suite 201
Juneau, AK 99801
(907) 586-2210

WBR/slb

cc: Randall Burns
Board of Governors

IN THE SUPREME COURT OF THE STATE OF ALASKA

In the Matter of the Applications of:

DAVID L. ALLISON, MARY ELLEN ASHTON, JAMES)
D. BABB, JR., MARILYN E. BAIN, SUSAN P.)
BEHLKE, WILFRED D. BENNETT, JOAN E. BLADES,)
DOUGLAS L. BLANKENSHIP, DANIEL L. CALLAHAN,)
LARRY D. CARD, LARRY L. CAUDLE, MARK C.)
CHCATE, JEFFREY W. COLE, THERON J. COLE,)
KATHRYN J. COLEMAN, PATRICK W. CONHEADY,)
DENNIS P. CUMMINGS, DALE O. CURDA, JOSEPH)
D. DARNELL, JOSEPH D. DiGANGI, MICHAEL P.)
DIXON, ROBERT L. DOSS, JR., HELGA EAKON,)
JOHN M. EBERHART, WALTER T. FEATHERLY, III,)
ADRIENNE P. FEDOR, MARYANN E. FOLEY, PETER)
B. FOOR, D. MONITA FONTAINE, WILLIAM R.)
FOSSEY, JOSEPH H. FRANICH, JR., RAYMOND)
M. FUNK, PETER C. GAMACHE, DEIDRE S.)
GANOPOLE, GAYLE L. GARRIGUES, JOSEPH W.)
GELDHOF, DIANNA R. GENTRY, PETER W.)
GIANNINI, DAVID E. GRASHIN, MITCHELL D.)
GROVO, CARMEN L. GUTIERREZ, STEPHEN L.)
HALE, THERESA R. HEBERT, EDWARD H. HEIN,)
JAIME P. HIDALGO, THERESA HILLHCUSE,)
ROBERT C. HOLMES, ALAN J. HOCOPER, DONALD D.)
HOPWOOD, THOMAS G. JOHNSON, C. BARCLAY)
JONES, MARC W. JUNE, JAMES F. KLASSEN, DAVID)
G. KOIVUNIEMI, GERARD R. LaPARLE, CAROLYN)
D. LATHROP, CHARLENE A. LICHTMANN, NICHOLAS)
G. MAROULES, PHILIP J. MATRICARDI, JOHN P.)
McDONALD, KATHLEEN I. McGUIRE, MICHAEL S.)
McLAUGHLIN, WILLIAM F. MEESE, PEGGY M.)
MENTELE, ROBERT J. MOLLOY RICHARD D.)
MONKMAN, JOHN M. MOXNESS, MYRA M. MUNSON,)
MICHAEL K. MURRAY, DEANNA C. MYERS, LOU)
ANNE S. NELSON, JONATHAN B. NOLL, MARGARETT)
L. OBFRLY, DAVID W. OESTING, GREGORY L.)
PETERS, HOLLI I. PLOG, MARY L. POTEET,)
PENNY R. POTTER, COLLEEN A. RAY, JOHN M.)
RICHARD, KENNETH P. RINGSTAD, ELEANOR C.)
RIVER, LESLIE D. ROMO, HENRY C. SCHMIDT,)
LINDA SCOCCIA, SUSAN R. SHARROCK, ELIZABETH)
L. SHAW, DONALD R. SHERER, ROBERT D. SINKEY)
JOHN M. SKRHAK, JR., MICHAEL A. STEPOVICH,)
JR., WALTER STILLNER, ANTHONY L. STRONG,)
HARVEY P. SULLIVAN, LAURENCE M. SYLVESTER,)
JOHN M. TALLEY, RICHARD J. TODD, FRED H.)
VALDEZ, RICHARD L. WAGG, STEPHEN M.)
WILLIAMS, MARK T. WOELBER, CLARKE L. YOUNG,)
DURWOOD J. ZAEELKE, JR., CAROL A. ZAMARELLO,)
WALTER P. ZULKOSKI, STANLEY T. LEWIS)
))
))
))

PETITION

For Admission to the Practice of Law in)
Alaska and Membership in the Alaska Bar)
Association)

ALASKA BAR ASSOCIATION

BOX 279

ANCHORAGE, ALASKA

99510

272-7469

The Board of Governors of the Alaska Bar Association, by its Executive Director, Randall P. Burns, in accordance with Part I, Rule 4, Section 4, Alaska Bar Rules, certifies to this Court the following results of the July, 1980 Bar Examination and respectfully petitions the Court to grant the admission of the applicants herein recommended as qualified for admission:

1. The Alaska Bar Association conducted a Bar Examination on July 28, 29, and 30, 1980 in which a total of 106 applicants were examined. Thirteen (13) of the applicants qualified for the attorney examination.

2. The examination consisted of three parts. The Alaska portion consisting of four essay questions was given on the first afternoon. The California portion consisting of six essay questions was given on the first morning and the second day. The third day consisted of the multi-state examination. Thirteen attorney applicants took only Alaska essay examination. Some of the general applicants were permitted to transfer their scores from prior multi-state exams in lieu of taking the multi-state portion of the July, 1980 exam.

3. The Committee of Law Examiners certified its written report of examination to the Board of Governors on October 24, 1980. The Committee followed Rule 4, Section 6 of the Alaska Bar Rules. A composite score of 70% was the passing score on the examination, a scaled score of 135 on the multi-state having been considered the equivalent of 70% of the highest possible score on that portion of the examination. The different parts of the general examination were weighted as follows: 40% California, 40% Multi-state and 20% Alaska. After the initial grading, the Committee of Law Examiners re-read the California essay answers of applicants whose initial composite scores were between 65% and 70%. Fifty-eight (58) general applicants and seven (7) attorney applicants were certified by the Committee as having received a composite score of 70% or above. Thirty-five (35) general applicants and six (6) attorney applicants were certified as having received composite scores below 70%.

ALASKA BAR
ASSOCIATION

BOX 279

ANCHORAGE, ALASKA

99510

272-7469

Committee's report of examination, the recommendations of the Executive Director and such other matters as it considered pertinent, determined that the following 65 applicants receiving composite scores of 70% or above were qualified for admission to practice law in Alaska:

Mary Ellen Ashton	Marc W. June
Marilyn E. Bain	James F. Klasen
Susan P. Behlke	Gerard R. LaParle
Wilfred D. Bennett	Carolyn D. Lathrop
Joan E. Blades	Stanley T. Lewis
Douglas L. Blankenship	Charlene A. Lichtmann
Daniel L. Callahan	Nicholas G. Maroules
Larry D. Card	Philip J. Matricardi
Larry L. Caudle	Peggy M. Mentele
Mark C. Choate	Robert J. Molloy
Jeffrey W. Cole	Richard D. Monkman
Theron J. Cole	John M. Moxness
Kathryn J. Coleman	Myra M. Murson
Patrick W. Conheady	Deanna C. Myers
Joel D. DiGangi	Michael S. McLaughlin
Walter T. Featherly, III	Jonathan B. Noll
Maryann E. Foley	Gregory L. Peters
William R. Fossey	Holli I. Ploog
Joseph H. Franich	Mary L. Poteet
Raymond M. Funk	Colleen A. Ray
Deidre S. Ganopole	Kenneth P. Ringstad
Dianna R. Gentry	Eleanor C. River
Peter W. Giannini	Linda Scoccia
David E. Grashin	Elizabeth L. Shaw
Mitchell D. Gravo	John M. Skrhak, Jr.
Carmen L. Gutierrez	Richard J. Todd
Theresa R. Hebert	Fred H. Valdez
Theresa Hillhouse	Richard L. Wagg
Robert C. Holmes	Stephen M. Williams
Alan J. Hooper	Marl T. Woelber
Donald P. Hopwood	Clark L. Young
Thomas G. Johnson	Durwood J. Zaelke, Jr.

Carol A. Zamarello

5. The Board of Governors, based upon the Committee's report of examination, the recommendations of the Executive Director and such other matters as it considered pertinent, determined that the following forty-one (41) applicants who received composite scores below 70% have failed to demonstrate their qualifications for admission to practice law in Alaska:

David L. Allison	John P. McDonald
James D. Babb, Jr.	Kathleen I. McGuire
Dennis P. Cummings	William F. Meese
Dale O. Curda	Michael K. Murray
Joseph D. Darnell	Lou Anne S. Nelson
Michael P. Dixon	Margarett L. Oberly
Robert L. Doss, Jr.	David W. Oesting
Helga Eakon	Penny R. Potter
John M. Eberhart	John M. Richard

ALASKA BAR
ASSOCIATION

BOX 279

ANCHORAGE, ALASKA
99510

272-7469

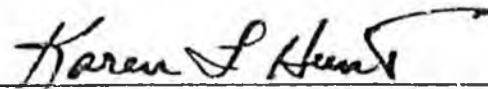
Peter B. Foor
D. Monita Fontaine
Peter C. Gamache
Gayle Garrigues
Joseph W. Geldhof
Stephen L. Hale
Edward H. Hein
Jaime P. Hidalgo
Carol Barclay Jones
David G. Koivuniemi

Henry C. Schmidt
Susan R. Sharrock
Donald R. Sherer
Robert D. Sinkey
Michael Stepovich, Jr.
Walter Stillner
Anthony L. Strong
Harvey P. Sullivan
Laurence M. Sylvester
John M. Talley

Walter P. Zulkoski

WHEREFORE, the Board of Governors of the Alaska Bar Association recommends that upon the filing of proof of compliance with the provisions of Part I, Rule 6 of the Alaska Bar Rules, the applicants listed in paragraph four (4) above be admitted to practice in Alaska and that the applications of the forty-one (41) applicants listed in paragraph five (5) above be denied.

DATED this 13th day of November, 1980.



BY: Karen L. Hunt, President-Elect
ALASKA BAR ASSOCIATION

FOR: Randall P. Burns, Executive Director
ALASKA BAR ASSOCIATION

IN THE SUPREME COURT OF THE STATE OF ALASKA

In the Matter of the Applications of:

STEPHEN M. AGNI, DAVID L. ALLISON, ELLA)
ANAGICK, KATHLEEN C. BARRON, CONSTANCE A.)
BASTIAN, WILLIAM BIXBY, KATHRYN A. BLACK,))
RICHARDO BRAVO, JR., JULIENNE E. BRYANT,)
LARRY D. CARD, JACQUELINE K. CARR,)
MARK C. CHOAT, ALICEMARY L. CLOSUIT,)
PATRICK W. CONHEADY, TERRY-LYNN COONS,)
PATRICK J. COUGHLIN, DAN E. DENNIS, PAUL)
L. DILLON, DAN D. DIXON, GEORGE DUKE,)
DAVID G. DYE, SHARON J. EMLEY, RONALD D.)
FLANSBURG, PETER C. GAMACHE, RENE J.)
GONZALEZ, LEWIS F. GORDON, DAVID E.)
GRASHIN, NANCY J. GROSZEK, PARRY GROVER,)
GLORIA HANSSSEN, WILLIAM C. HARPIN, SUSAN)
HENOCH, TERESA HILLHOUSE, KARLA F.)
HUNTINGTON, JAMES E. HUTCHINS, DAVID A.)
INGRAM, JAMES H. ISHERWOOD, III, RICHARD)
D. KIBBY, RICHARD J. KORECKI, HENRY M.)
LANCASTER, KATHERYN LYNCH, GARY L.)
MARSHALL, FRED A. MATSUNO, KATHLEEN I.)
McGUIRE, JAMES Q. MERY, WALLACE W. MILLS,))
EDWARD L. MINER, MILTON L. MOSS, DIANNE)
E. OLSEN, RUTH E. O'ROURKE, LAURIE OTTO,,)
STEFFANIE D. PARKER, STEPHANIE PATEL,)
MATTHEW K. PETERSON, BETTY RAMAGE, MARK)
RINDNER, BARBARA D. L. ROBERTS, LOWELL A.)
ROBINSON, LESLIE D. ROMO, PATRICK RUMLEY,))
JEAN S. SCHANEN, BRYAN E. SCHULER,)
ELIZABETH H. SHELEY, BRUCE F. SHERMAN,)
THOMAS G. SMITH, MICHAEL A. D. STANLEY,)
GERALD E. STINSON, HARVEY P. SULLIVAN,)
JOHN M. TALLEY, H. CONNOR THOMAS, RICHARD)
J. TODD, LANCE P. WELLS, RAYMOND G.)
WHELESS, L. VAN WHITEHEAD, ROY V.)
WILLIAMS, CARL WINNER, MICHAEL L.)
WOLVERTON, RONALD M. ZOBEL)
)
)
)

PETITION

For Admission to the Practice of Law in)
Alaska and Membership in the Alaska Bar)
Association)

ALASKA BAR
ASSOCIATION

BOX 278

ANCHORAGE, ALASKA
99510

2-7488

The Board of Governors of the Alaska Bar Association, by its Executive Director, Randall P. Burns, in accordance with Part I, Rule 4, Section 4, Alaska Bar Rules, certified to this Court the following results of the February, 1980 Bar Examination and respectfully petitions the Court to grant the admission of the applicants herein recommended as qualified for admission:

1. The Alaska Bar Association conducted a Bar Examination on February 26, 27, and 28, 1980 in which a total of 78 applicants were examined. Ten (10) of the applicants qualified for the attorney examination.

2. The examination consisted of three parts. The Alaska portion consisting of four essay questions was given on the first afternoon. The California portion consisting of six essay questions was given on the first morning and the third day. The second day consisted of the multi-state examination. Nine (9) attorney applicants took only the multi-state examination. Some of the general applicants were permitted to transfer their scores from prior multi-state exams in lieu of taking the multi-state portion of the February, 1980 exam.

3. The Committee of Law Examiners certified its written report of examination to the Board of Governors on May 22, 1980. The Committee followed Rule 4, Section 6 of the Alaska Bar Rules. A composite score of 70% was the passing score on the examination, a scaled score of 135 on the multi-state having been considered the equivalent of 70% of the highest possible score on that portion of the examination. The different parts of the general examination were weighted as follows: 40% California, 40% Multi-state and 20% Alaska. After the initial grading, the Committee of Law Examiners re-read the California essay answers of applicants whose initial composite scores were between 65% and 70%. Forty-seven (47) general applicants and nine (9) attorney applicants were certified by the Committee as having received a composite score of 70% or above. Twenty-one (21) general applicants were, and one (1) attorney applicant was certified as having received composite scores below 70%.

(4) On May 22, 1980, the Board of Governors, based upon the Committee's report of examination, the recommendations of the Executive director and such other matters as it considered pertinent, determined that the following 56 applicants receiving composite scores of 70% or above were qualified for admission to practice law in Alaska:

Stephen M. Agni	Wallace W. Mills
Kathleen Barron	Edward L. Miner
Constance A. Bastian	Milton L. Moss
William Bixby	Ruth E. O'Rourke
Kathryn A. Black	Laurie H. Otto
Julienne E. Bryant	Dianne Olsen
Jacqueline K. Carr	Steffanie D. Parker
Alicemary L. Closuit	Stephanie Patel
Terry-Lynn Coons	Matthew K. Peterson
Patrick J. Coughlin	Betty Ramage
Dan E. Dennis	Mark Rindner
Paul L. Dillon	Barbara D. L. Roberts
David Dye	Lowell A. Robinson
Sharon J. Emley	Patrick Rumley
Ronald D. Flansburg	Jean S. Schanen
Parry Grover	Bryan E. Schuler
Lewis F. Gordon	Bruce F. Sherman, Jr.
Rene J. Gonzalez	Gerald E. Stinson
Gloria Hanssen	Elizabeth H. Sheley
William C. Harpin	Michael A. D. Stanley
Karla F. Huntington	H. Connor Thomas
James E. Hutchins	Lance P. Wells
David A. Ingram	Carl Winner
James H. Isherwood, III	Roy V. Williams
Richard D. Kibby	Raymond G. Wneless
Richard J. Korecki	Michael L. Wolverton
Kathryn D. Lynch	Ronald M. Zobel
Gary L. Marshall	
James Q. Mery	

5. The Board of Governors, based upon the Committee's report of examination, the recommendations of the Executive Director and such other matters as it considered pertinent, determined that the following twenty-two (22) applicants who received composite scores below 70% have failed to demonstrate their qualifications for admission to practice law in Alaska:

David L. Allison	Susan Henoeh
Ella Anagick	Teresa Hillhouse
Ricardo Bravo, Jr.	Henry M. Lancaster
Larry D. Card	Kathleen I. McGuire
Mark C. Choat	Fred A. Matsuno
Patrick W. Conheady	Leslie D. Romo
Danny D. Dixon	Harvey P. Sullivan
George Duke	Thomas G. Smith
Nancy J. Groszek	John M. Talley
David E. Grashin	Richard J. Todd
Peter C. Gamache	L. Van Whitehead

WHEREFORE, the Board of Governors of the Alaska Bar Association recommends that upon the filing of proof of compliance with the provisions of Part I, Rule 6 of the Alaska Bar Rules, the applicants listed in paragraph four (4) above be admitted to practice in Alaska and that the twenty-two (22) applicants listed in paragraph five (5) above be denied.

DATED this _____ day of June, 1980.



Randall P. Burns
Randall P. Burns
Executive Director
ALASKA BAR ASSOCIATION

ALASKA BAR
ASSOCIATION

BOX 279

ANCHORAGE ALASKA
99510

272-7469

BOARD OF GOVERNORS

ALASKA BAR ASSOCIATION

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

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

RANDALL P. BURNS, EXECUTIVE DIRECTOR
WILLIAM GARRISON, BAR COUNSEL

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



July 16, 1980

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

Dear Chief Justice Rabinowitz:

Please find enclosed the discipline and fee arbitration figures for the second quarter of 1980. I believe that we are managing to maintain the case load at a workable level.

Mr. Marvin Frankel will assume the duties of Disciplinary Administrator as of this date. I am confident that he will prove to be an asset to the office.

I would like to take this opportunity to express my appreciation to you and the other Justices for the courtesy which has been extended to me during the past three years.

Regarding the report, I would like to clarify an error in reporting. Please note the data sheet for the first quarter, which I have included and marked Exhibit A. Due to an oversight, the final tally for the number of cases closed last quarter was miscounted. A count of the data sheet setting forth the individual cases will indicate that twenty (20), rather than nineteen (19) cases, were dismissed. I have indicated the corrected data on Exhibit A. As a practical matter this simply means that we ended the

Hon. Jay A. Rabinowitz
July 16, 1980
Page 2

quarter, and began the second quarter, with
a case load of twentyseven (27) rather than
twentyeight (28). I remain,

Respectfully,



William W. Garrison
Bar Counsel

WWG/cc

CC: Board of Governors
Justice Robert Boochever
Justice Roger G. Connor
Justice Warren W. Matthews
Justice Edmond W. Burke

EXHIBIT A
DISCIPLINE REPORT

January 1, 1980 - March 31, 1980

I. CASELOAD

1. Cases pending & carried forward on January 1, 1980	38
2. Cases filed or reactivated since January 1, 1980	10
TOTAL CASELOAD FOR PERIOD	48
3. Cases closed since January 1, 1980	
(a) Dismissed by Bar Counsel	19
(b) Informal Admonitions	1
(c) Disbarred	0
TOTAL	20
4. Total Pending Cases on March 31, 1980	28

II. STATUS OF PENDING ACTIVE CASES:

1. Investigative Stage:	
(a) To Committee Member for Advisory Opinion ..	0
(b) Bar Counsel	25
(c) Special Prosecutor	1
(d) Matters held in abeyance	0
(e) Conciliation Panel	0
TOTAL	0
2. Before Board of Governors	0
3. Before Supreme Court	2
TOTAL PENDING ACTIVE CASES ON MARCH 31, 1980	28

III. REQUESTS FOR ASSISTANCE OR COMPLAINTS FOUND NOT TO BE VIOLATIONS OF THE CODE OF PROFESSIONAL RESPONSIBILITY

Number disposed of during this quarter 76

DISCIPLINE REPORT

APRIL 1, 1980 - JUNE 30, 1980

I. CASELOAD

1. Cases pending & carried forward on April 1, 1980. . .	27
2. Cases filed or reactivated since April 1, 1980. . . .	9
TOTAL CASELOAD FOR PERIOD	36
3. Cases closed since April 1, 1980	
(a) Dismissed by Bar Counsel	12
(b) Informal Admonitions	1
(c) Disbarred	0
TOTAL	13
4. Total Pending Cases on June 30, 1980	23

II. STATUS OF PENDING ACTIVE CASES

1. Investigative Stage:	
(a) To Committee Member for Advisory Opinion	0
(b) Bar Counsel	17
(c) Special Prosecutor	1
(d) Matters held in abeyance	3
(e) Conciliation Panel	0
2. Before Board of Governors	0
3. Before Supreme Court	2
TOTAL PENDING ACTIVE CASES ON JUNE 30, 1980	23

III. REQUESTS FOR ASSISTANCE OR COMPLAINTS FOUND NOT TO BE VIOLATIONS OF THE CODE OF PROFESSIONAL RESPONSIBILITY

Number disposed of during this quarter	86
--	----

FEE ARBITRATION REPORT
APRIL 1, 1980 - JUNE 30, 1980

CASELOAD

1. Cases pending & carried forward on April 1, 1980.	20
Cases filed since April 1, 1980	14
3. Cases Reactivated since April 1, 1980	0
TOTAL CASELOAD FOR PERIOD.	34
4. Cases Closed since April 1, 1980.	10
TOTAL PENDING CASES ON JUNE 30, 1980	24

ALASKA BAR ASSOCIATION
SURVEY OF GRIEVANCES

In an effort to better inform the court, bar and public of the source and nature of grievances, and the areas of practice from which grievances arise, the following is a sample based on the files closed in the Bar Association office from April 1, to June 30, 1980.

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

I. NATURE OF GRIEVANCE	#	%
1. Trust violations (embezzlement/ conversion/withholding client's property)	1	7.5
2. Conflict of Interest	1	7.5
3. Neglect (Failure to perform, delay abandonment)	0	0
4. Relationship with client	4	31
5. Misrepresentation/Fraud	1	7.5
6. Excessive Fees	0	0
7. Interference with justice	5	39
8. Improper advertising & solicitation	1	7.5
9. Criminal conviction	0	0
10. Personal Behavior	0	0
11. Failure to cooperate with investigation	0	0
12. Medical incapacity	0	0
13. Incompetence	0	0
14. Other	0	0
TOTAL	13	100.0

An additional 86 matters were handled which did not involve violations of the Code of Professional Responsibility, but did involve an interview, require a response on the rendering of assistance to resolve the matter.

4

DISCIPLINARY REPORT
SECOND QUARTER

APRIL 1, 1980 - JUNE 30, 1980

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
77-18	3/22/77	Third Party	Neglect--3 A & E	Petition for formal Hrg. held pending malpractice action.	Investigation delayed because of absence of witness	
78-13	6/2/78	ABA	Interference w/justice 7-B-1-f	Criminal Prosecution dismissed D.A. Records forwarded to Discipline Under investigation.		
78-20	7/11/78	ABA	Misrep./fraud 5-B	To Review Committee Member 9/27/78--To Hearing Committee 6/12/79--To ROC 10/10/79 To Supreme Court 10/31/79 Brief Submitted--Oral Argument before Supreme Ct 6/24/80		
78-29	11/20/78	Client	Incompetence 13	Investigation pending resolution of civil mal- practice suit		
79-1	2/9/79	Opposing Counsel	Interference w/justice 7-D-1--Personal Behavior 10-B Failure to co-operate with Disciplinary Authorities 11-C-2	Petition for formal Hearing sent to Resp. 9/20/79. Answer received. Investigation continuing on affirmative defenses Respondent indicted on un- related criminal charges. (See 80-16) Trial Set for Sept. 1980.		
79-2	3/6/79	ABA	Trust Violation 1-A 1,2c	Petition for Formal Hearing served on Respondent Attorney		

4

PAGE 2

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
79-4	3/22/79	ABA	Criminal Conviction 9	Pet. for Formal Hrg. 4/24/79--Set for formal hrg. 6/12/79--Rescheduled 7/12/79--To BOG 9/8/79-- To Supreme Court 9/17/79 Briefs submitted--Oral Argument 3/24/80--Pending Decision by Court.		
79-6	5/3/79	ABA	Criminal Conviction 9	Supreme Court order Suspending Resp. issued 6/18/79--Resp. previously suspended for non- payment of dues--Present address unknown.		
79-7	5/6/79	ABA	Interference w/justice 7-T-1	BOG assigned matter to special prosecutor--Hearing before master held--Findings and recommendation of Master issued. BOG considered same 6/10/80. Matter referred back to Master for additional findings.		
79-8	5/18/79	ABA	Relationship w/client 4-B-2,3 12 Complaints	ABR-29 Petition filed and granted--9/28/79--Attorney appointed--9/28-79--Motion to suspend for failure to pay dues filed 9/28/79. Disability Proceedings pending. Receipt of Affidavits from Psychiatrist.		
79-9	7/17/79	ABA	Conflict of Interest	Informal Admonition	Closed	6/6/80

PAGE 3

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
79-17	9/5/79	Third Party	Interference w/justice	Dismissed	Closed	4/17/80
79-18	9/4/79	Opposing Counsel	Conflict of Interest 2-A-5b	Investigation delayed pending resolution of Civil action		
79-26	9/24/79	Client	Relationship w/client 4-B-2,3	See 79-8- Consolidated		
79-34	10/11/79	Opposing Counsel	Interference w/justice 7H	Dismissed	Closed	6/3/80
79-36	10/30/79	Third Party	Misrepresentation/fraud 5B	Under investigation		
79-39	11/2, 79	ABA	Improper advertising B A 2	Under investigation		
79-40	11/6/79	Client	Relationship w/client 4 B 2	Dismissed	Closed	6/30/80
79-41	11/8/79	Client	Relationship w/client 4 B 1	Dismissed	Closed	6/29/80
80-1	11/15/79	Client	Relationship w/client 4 B 2	Dismissed	Closed	5/7/80
80-3	2/20/80	ABA	Medical Incapacity	Attorney placed on inactive status by court order--dated 2/21/80--Atty appointed pursuant to ABR 11-29--Practice in process of termination		

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
80-6	1/30/80	Clients	Relationship w/client 4, B; Neglect 3, A	Under investigation		
80-5	2/11/80	Third Party	Interference w/justice	Petition for formal hearing filed, consolidated with 79-2.		
80-6	2/26/80	Third Party	Solicitation B-C-1	Dismissed		6/29/80
80-8	2/28/80	Magistrate	Interference w/justice 7-B-B	Dismissed		6/30/80
80-9	3/14/80	Third Party	Interference w/justice 7-D-2	Dismissed		4/22/80
80-10	3/31/80	ABA	Interference w/justice 7-B-(c) (e)	Dismissed		6/4/80
80-11	4/12/80	Third Party	Representation/Trade 5-B	Under investigation		
80-12	4/21/80	Attorney	Trust violations 1 B & C	Advance Under investigation by District Attorney-Civil Action in progress		
80-13	4/25/80	Client	Relationship w/client 4-F	Unable to locate Resp.		
80-14	4/21/80	Client	Relationship w/client 4-B 1, 2, 3	Dismissed		6/30/80
80-15	5/1/80	Attorney/client	Trust violation 1-A2(D)	Dismissed		6/1/80

PAGE 5

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
80-16	5/14/80	ABA	Trust Violation 1-B & C	Abeyance, Criminal proceedings in progress. See 79-1.		
80-17	5/15/80	Attorney	Solicitation C-1	Under investigation		
80-18	5/15/80	ABA	Trust Violation 1A2,C	Investigation delayed. Civil action in progress.		
80-19	6/5/80	Wife	Misrepresentation/fraud 5-B	Dismissed	Closed	6/30/80

DISCIPLINE REPORT

January 1, 1980 - March 31, 1980

I. CASELOAD

1. Cases pending & carried forward on January 1, 1980	38
2. Cases filed or reactivated since January 1, 1980	10
TOTAL CASELOAD FOR PERIOD	48
3. Cases closed since January 1, 1980	
(a) Dismissed by Bar Counsel	19
(b) Informal Admonitions.....	1
(c) Disbarred	0
TOTAL	20
4. Total Pending Cases on March 31, 1980	28

II. STATUS OF PENDING ACTIVE CASES:

1. Investigative Stage:	
(a) To Committee Member for Advisory Opinion ..	0
(b) Bar Counsel	25
(c) Special Procedutor	1
(d) Matters held in abeyance	0
(e) Conciliation Panel	0
TOTAL	0
2. Before Board of Governors	0
3. Before Supreme Court	2
TOTAL PENDING ACTIVE CASES ON MARCH 31, 1980	28

III. REQUESTS FOR ASSISTANCE OR COMPLAINTS FOUND NOT TO BE VIOLATIONS OF THE CODE OF PROFESSIONAL RESPONSIBILITY

Number disposed of during this quarter	76
--	----

FEE ARBITRATION REPORT

January 1, 1980 - March 31, 1980

CASELOAD

1. Cases pending & carried forward on January 1, 1980	15
2. Cases filed since January 1, 1980	12
3. Cases Reactivated since January 1, 1980	1
TOTAL CASELOAD FOR PERIOD	28
4. Cases Closed since January 1, 1980	8
TOTAL PENDING CASES ON March 31, 1980	20

ALASKA BAR ASSOCIATION
SURVEY OF GRIEVANCES

In an effort to better inform the court, bar and public of the source and nature of grievances, and the areas of practice from which grievances arise, the following is a sample based on the files closed in the Bar Association office from January 1 to March 31, 1980.

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

I. NATURE OF GRIEVANCE	#	%
1. Trust violations (embezzlement/ conversion/withholding client's property)	0	0
2. Conflict of Interest	1	5
3. Neglect (Failure to perform, delay abandonment)	2	10
4. Relationship with client	4	20
5. Misrepresentation/Fraud	1	5
6. Excessive Fees	0	0
7. Interference with justice	9	15
8. Improper advertising & solicitation	2	10
9. Criminal conviction	0	0
10. Personal Behavior	0	0
11. Failure to cooperate with investigation	0	0
12. Medical incapacity	0	5
13. Incompetence	1	0
14. Other	0	0
TOTAL	20	100%

An additional 76 matters were handled which did not involve violations of the Code of Professional Responsibility, but did involve an interview, require a response on the rendering of assistance to resolve the matter.

DISCIPLINARY REPORT
FIRST QUARTER

January 1, 1980 - March 31, 1980

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
73/74-33	1/18/74	Client	Conflict of Interest 2A -3a	Informal Admonition	Closed	3/19/80
77-18	3/22/77	Third Party	Neglect--3 A & E	Petition for formal Hrg. held pending malpractice action	Investigation initially delayed because of absence of witness	
77-25	6/28/77	Client	Misrepresentation, Fraud 5-B	Dismissed Witnesses Unavailable	Closed	2/28/80
78-4	3/8/78	Fee Arb. Panel	Interference with Justice 7-T-1	Dismissed	Closed	3/18/80
78-13	6/2/78	Alaska Bar Assn.	Interference w/justice 7-B-1-f	Criminal Prosecution Dismissed Under Investigation		
78-15	6/19/78	Opposing Counsel	Interference w/justice 7-B-1-h	Dismissed	Closed	3/18/80
78-20	7/11/78	Alaska Bar Assn.	Misrep./Fraud 5-B	To Review Committee Member 9/27/78--To Hearing Committee 6/12/79--To BOG 10/10/79 To Supreme Court 10/11/79 Brief Submitted - Oral Argument Requested		
78-22	8/3/78	Opposing Counsel	Relationship w/client 4-A-2	Dismissed	Closed	3/28/80
78-25	10/4/78	Opposing Counsel	Interference w/justice 7-D-1	Dismissed	Closed	3/13/80

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
78-29	11/20/78	Client	Incompetence 13		Investigation pending resolution of civil malpractice suit	
79-1	2/9/79	Opposing Counsel	interference w/justice 7-D-1--Personal Behavior 10-B Failure to co-operate with Disciplinary Authorities 11-C-2		Petition for formal Hearing sent to Resp. 9/20/79. Answer received Investigation continuing on affirmative defenses	
79-2	3/6/79	Alaska Bar Assn.	Trust Violation 1-A 1,2c		Accounting in Process	
79-4	3/22/79	Alaska Bar Assn.	Criminal Conviction 9		Pet. for Formal Hrg. 4/24/79--Set for formal Hrg. 6/12/79-Rescheduled 7/12/79-- To BOG 9/9/79-- To Supreme Court 9/17/79 Briefs submitted-- Oral Argument 3/24/80	
79-6	5/3/79	Alaska Bar Assn.	Criminal Conviction 9		Supreme Court order Suspending Resp. Issued 6/18/79--Resp. previously suspended for non-payment of dues--Present address unknown	

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
79-7	5/6/79	Alaska Bar Assn.	Interference w/justice 7-T-1	BOG assigned matter to special prosecutor-- Hearing before master held		
79-8	5/18/79	Alaska Bar Assn. Client	Relationship w/client 4-B-2,3 12 Complaints	ABR-29 Petition filed and granted--9/28/79--Attorney appointed--9/28/79--Motion to suspend for failure to pay dues filed 9/28/79 Respondent's address unknown		
79-9	7/17/79	Fee Arb. Panel	Conflict of Interest 2-A-1	Under Investigation		
79-13	5/19/79	Client	Neglect 3A,E	Dismissed	Closed	1/80
79-16	6/13/79	Judge	Incompetence 13	Dismissed	Closed	3/18/80
79-17	9/5/79	Third Party	Interference w/justice	Under Investigation		
79-18	9/4/79	Opposing Counsel	Conflict of Interest 2-A-5b	Investigation delayed pending resolution of civil action		
79-20	9/6/79	Opposing Counsel	Interference w/justice T-2	Dismissed	Closed	1/17/79
79-23	9/12/79	Client	Neglect--3 A,B	Dismissed	Closed	3/18/80
79-25	9/24/79	Alaska Bar Assn.	Improper Advertising 8-2	Dismissed	Closed	3/17/80
79-26	9/24/79	Client	Relationship w/ client 4-B-2,3	See 79-8 Consolidated		

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
79-31	6/1/79	Judge	Interference w/justice 7-D-1	Dismissed	Closed	2/28/80
79-32	10/11/79	Client	Relationship w/Client 4 B 2	Dismissed	Closed	3/17/80
79-33	9/27/79	Third Party	Interference w/justice 7 G 2	Dismissed	Closed	2/22/80
79-34	10/11/79	Opposing Counsel	Interference w/justice 7N	Under Investigation		
79-36	11/30/79	Third Party	Misrepresentation/Fraud 5B	Under investigation		
79-38	10/30/79	Client	Relationship w/client 4E	Dismissed	Closed	3/17/80
79-39	11/2/78	Alaska Bar Assn.	Improper advertising 8 A 2	Under investigation		
79-40	11/6/79	Client	Relationship w/client 4 B 2	Under investigation		
79-41	11/8/79	Client	Relationship w/client 4 B 1	Under investigation		
79-42	9/26/79	Third Party	Solicitation B C 1	Dismissed	Closed	3/17/80
79-43	11/28/79	Attorney	Relationship w/client 4 B 3	Dismissed	Closed	1/14/80
79-44	11/29/79	Opposing Counsel	Interference w/justice 7 J 1	Dismissed	Closed	3/17/80

DISCIPLINARY REPORT

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
79-45	12/10/79	Third Party	Interference w/justice 7-0	Dismissed	Closed	3/19/80
80-1	11/15/79	Client	Relationship w/client 4-B-2	Under investigation		
80-2	9/27/79	Third Party	Interference w/justice 5-G-2	Dismissed	Closed	2/22/80
80-3	2/20/80	Alaska Bar Assn.	Medical Incapacity	Attorney placed on inactive status by court order-dated 2/28/80--Atty appointed pursuant to ABR II-29		
80-4	10/30/80	Clients	Relationship w/client 4,B; Neglect 3,A	Under Investigation		
80-5	2/21/80	Third Party	Interference w/justice	Under investigation		
80-6	2/26/80	Third Party	Solicitation 8-C-1	Under investigation		
80-7	2/28/80	Judge	Interference w/justice 7-B-g	Dismissed	Closed	3/25/80
80-8	2/28/80	Magistrate	Interference w/justice 7-B-g	Under investigation		
80-9	3/14/80	Third Party	Interference w/justice 7-D-2	Under investigation		
80-10	3/3/80	Alaska Bar Assn.	Interference w/justice 7-B-(c) (a)	Under investigation		

ALASKA BAR ASSOCIATION

PO BOX 279
ANCHORAGE, ALASKA 99510
AREA CODE 907/272-7469

RANDALL P. BURNS EXECUTIVE DIRECTOR
MARVIN S. FRANKEL DISCIPLINARY ADMINISTRATOR AND BAR COUNSEL

BOARD MEMBERS

WILLIAM P. BRYSON
STANLEY T. FISCHER
KAREN L. HUNT
ELIZABETH P. KENNEDY
EDWARD G. KING
JONATHAN M. LINK
WILLIAM B. ROZELL
RICHARD D. SAVELL
HUGH G. WADE

OFFICERS

WILLIAM B. ROZELL
PRESIDENT
JUNEAU

KAREN L. HUNT
PRESIDENT-ELECT
ANCHORAGE

STANLEY T. FISCHER
VICE PRESIDENT
KODIAK

HUGH G. WADE
SECRETARY
ANCHORAGE

ELIZABETH P. KENNEDY
TREASURER
ANCHORAGE

October 14, 1980



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

Dear Chief Justice Rabinowitz:

RE: QUARTERLY REPORT OF DISCIPLINE ADMINISTRATOR

Enclosed, please find my report for the quarter ending September 30, 1980.

At the request of the Board of Governors, this report reflects some changes which I have instituted concerning the record keeping of this office.

The changes are in an interim stage and may or may not reflect the final decision on the manner of keeping the records of this office. Your indulgence would be appreciated.

Very truly yours,

ALASKA BAR ASSOCIATION

Marvin S. Frankel
State Bar Counsel

MSF/cc

Enclosures

cc: Justice Roger G. Connor
Justice Warren W. Matthews
Justice Edmond W. Burke
Randall P. Burns (for distribution to
the Board of Governors)

ALASKA BAR ASSOCIATION
SURVEY OF GRIEVANCES

In an effort to better inform the court, and the Bar of the source and nature of grievances, and the areas of practice from which grievances arise, the following is furnished based on the files of the Bar Association office.

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

I. NATURE OF GRIEVANCE	#	%
1. Trust violations (embezzlement/ conversion/withholding client's property)	5	4.4
2. Conflict of interest	4	3.5
3. Neglect (failure to perform, delay, abandonment)	48	41.6
4. Relationship with client	12	10.4
5. Misrepresentation/fraud	7	6.1
6. Excessive Fees	7	6.1
7. Interference with justice	14	12.2
8. Improper advertising & solicitation	5	4.4
9. Criminal conviction	4	3.5
10. Personal Behavior	6	5.2
11. Wilful failure to cooperate with Discipline Authorities	0	0
12. Medical incapacity	2	1.7
13. Incompetence	1	.9
TOTAL	115	100%

FEE ARBITRATION REPORT

JULY 1, 1980 - SEPTEMBER 30, 1980

CASELOAD

1. Cases pending & carried forward on July 1, 1980 .	26
2. Cases filed since July 1, 1980	22
3. Cases Reactivated since July 1, 1980	3
TOTAL CASELOAD FOR PERIOD	51
4. Cases Closed since July 1, 1980	18
TOTAL PENDING CASES ON SEPTEMBER 30, 1980	33

DISCIPLINE REPORT

JULY 1, 1980 - SEPTEMBER 30, 1980

I. CASELOAD

1. Cases pending & carried forward on July 1, 1980.	22
2. Cases filed or reactivated since July 1, 1980.	79
TOTAL CASELOAD FOR PERIOD.	101
3. Cases closed since July 1, 1980.	60
(a) Dismissed by Bar Counsel	55
(b) Informal Admonitions.	3
(c) Disbarred	0
(d) Suspensions	2
TOTAL	60
4. Total Pending Cases on September 30, 1980.	43

II. STATUS OF PENDING ACTIVE CASES

1. Investigative State:	
(a) To Committee Member for Advisory Opinion.	2
(b) Bar Counsel	30
(c) Special Prosecutor	0
(d) Matters held in abeyance	8
(3) Conciliation Panel	0
2. Before Board of Governors	1
3. Before Supreme Court	2
TOTAL PENDING ACTIVE CASES ON SEPTEMBER 30, 1980	43

DISCIPLINARY REPORT

JULY 1, 1980 - SEPTEMBER 30, 1980

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
77-18	3/22/77	Third Party	Neglect	Complaint filed 7/25/80 - Time to answer extended 10/5/80		
78-13	6/2/78	ABA	Interference w/justice	Complaint filed 8/5/80 - Time to answer extended 10/10/80		
78-20	7/11/78	ABA	Misrep./fraud	Oral Argument before Supreme Court 6/24/80		
78-29	11/20/78	Client	Incompetence	Abejance pending resolution of civil malpractice suit		
79-1	2/9/79	Opposing Counsel	Interference w/justice Personal Behavior Failure to co-op with Disciplinary Authorities	Complaint sent to Resp. 9/20/79. Answer received. Investigation cont'g on affirmative defenses. Resp. indicted on unrelated criminal charges. (See 80-16) Trial Set for 11/3/80		
79-2	3/6/79	ABA	Trust Violation	Complaint filed 7/14/80 - Hrg. set 10/6/80 - Guetschow, Chrm. Consolidated with 80-5.		
79-4	3/22/79	ABA	Criminal conviction	Supreme Court Decision 8/29/80 -	Suspension 4/5/79 To 4/5/81	8/29/80
79-6	5/3/79	ABA	Criminal Conviction	Supreme Court order Suspend Resp. issued 6/18/79	Suspension	8/30/80
79-7	5/6/79	ABA	Interference w/justice	Referred back to BOG from Master		
79-8	5/18/79	ABA	Relationship w/client	ABR-29 Pet. filed and granted 9/28/79 - Attorney appointed 9/28/79 - Motion to suspend for failure to pay dues filed 9/28/79. Disability Investigation pending.		

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
79-9	7/17/79	ABA	Conflict of Int.	Informal Admonition	CLOSED	6/6/80
79-17	9/5/79	Third Party	Inter w/justice	No merit	DISMISSED	4/17/80
79-18	9/4/79	Opposing Counsel	Conflict of Int.	Abeyance pending resolution of Civil action.		
79-26	9/24/79	Client	Relationship w/client	See 79-8 -- Consolidated		
79-34	10/11/79	Opposing Counsel	Interference w/justice	No Merit	DISMISSED	6/3/80
79-36	10/30/79	Third Party	Misrep/fraud	Informal Admonition	CLOSED	7/16/80
79-39	11/2/79	ABA	Improper Adver.	Informal Admonition	CLOSED	9/17/80
79-40	11/6/79	Client	Relationship w/client	No Merit	DISMISSED	6/30/80
79-41	11/8/79	Client	Relationship w/client	No Merit	DISMISSED	6/29/80
80-1	11/15/79	Client	Relationship w/client	No Merit	DISMISSED	5/7/80
80-3	2/20/80	ABA	Medical Incapacity	Attorney placed on inactive status by Court Order dated 2/28/80 - Atty appointed pursuant to ABR 11-29 - Practice in process of termination.		
80-4	1/30/80	Clients	Relationship w/client & Neglect	No Merit	DISMISSED	7/16/80

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
80-5	2/11/80	Third Party	Interference w/justice	Hrg. set 10/6/80 Consolidated with (79-2)		
80-6	2/26/80	Third Party	Solicitation	No Merit	DISMISSED	6/29/80
80-8	2/28/80	Magistrate	Interference w/justice	No Merit	DISMISSED	6/30/80
80-9	3/14/80	Third Party	Interference w/justice	No Merit	DISMISSED	4/22/80
80-10	3/3/80	ABA	Interference w/justice	No Merit	DISMISSED	6/4/80
80-11	4/12/80	Third Party	Misrep/fraud	Abeyanee pending resolution of Civil Action		
80-12	4/21/80	Attorney	Trust violation	Abeyanee pending resolution of Civil Action		
80-13	4/25/80	Client	Relationship w/client	Under investigation.		
80-14	4/21/80	Client	Relationship w/client	No Merit	DISMISSED	6/30/80
80-15	5/7/80	Attorney/client	Trust violation	No Merit	DISMISSED	6/3/80
80-16	5/14/80	ABA	Trust violation	Abeyanee; Pending unrelated criminal trial		
80-17	5/15/80	Attorney	Solicitation	No Merit	DISMISSED	7/15/80
80-18	5/15/80	ABA	Trust violation	Abeyanee pending resolution of Civil Action		

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE		STATUS	DISPOSITION	DATE CLOSED
80-19	6/5/80	Wife	Misrep/fraud	No Merit		DISMISSED	6/30/80
80-20	7/16/80	ABA	Criminal conviction	Informal Admonition		CLOSED	7/22/80
80-21	7/17/80	ABA	Relationship w/client	Under investigation (See 80-13)			
80-22	8/7/80	ABA	Solicitation	Under investigation			
80-23	5/3/80	Client	Personal Behavior	No Merit		DISMISSED	7/14/80
80-24	8/20/80	Client	Neglect	No Merit		CLOSED <i>WSS</i>	4/3/80
80-25	3/12/80	Client	Neglect (3 charges)	No Merit		DISMISSED	7/9/80
80-26	7/30/80	Client	Neglect	Under Investigation			
80-27	7/24/80	Third Party	Neglect	No Merit		DISMISSED	7/30/80
80-28	2/23/80	Client	Neglect	No Merit		DISMISSED	7/17/80
80-29	7/30/80	Client	Neglect	No Merit		DISMISSED	8/27/80
80-30	5/3/80	ABA	Criminal	No Merit		DISMISSED	9/3/80
80-31	7/31/80	Client	Neglect	No Merit		DISMISSED	8/27/80
80-32	8/27/80	Client	Neglect	Under Investigation			
80-33	7/11/80	Client	Relationship w/client	No Merit		DISMISSED	7/22/80
80-34	7/22/80	Client	Neglect	No Merit		DISMISSED	8/29/80
80-35	6/26/80	Client	Neglect	No Merit		DISMISSED	7/31/80

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
80-36	6/23/80	Client	Neglect	No Merit	DISMISSED	7/31/80
80-37	8/5/80	Client	Neglect	Abeyance pending Criminal Proceeding in progress (See 80-16)		
80-38	7/29/80	Client	Neglect	No Merit	DISMISSED	7/29/80
80-39	4/25/80	Client	Neglect	No Merit	DISMISSED	7/1/80
80-40	8/6/80	Client	Neglect	No Merit	DISMISSED	8/7/80
80-41	8/18/80	ABA	Neglect	No Merit	DISMISSED	9/18/80
80-42	7/5/80	Client	Misrepresentation	No Merit	DISMISSED	7/18/80
80-43	7/14/80	Third Party	Neglect	No Merit	DISMISSED	8/8/80
80-44	8/12/80	Client	Neglect	No Merit	DISMISSED	9/9/80
80-45	5/27/80	Client	Neglect	No Merit	DISMISSED	5/28/80
80-46	4/8/80	Client	Relationship w/client	No Merit	DISMISSED	6/9/80
80-47	6/2/80	Client	Personal Behavior	No Merit	DISMISSED	6/17/80
80-48	3/26/80	Client	Interference w/justice	No Merit	DISMISSED	4/11/80
80-49	4/24/80	Client	Neglect	No Merit	DISMISSED	4/30/80
80-50	1/16/80	Client	Personal Behavior	No Merit	CLOSED - Dismissed	4/11/80
80-51	5/9/80	Client	Personal Behavior	No Merit	DISMISSED	6/3/80
80-52	3/3/80	Attorney	Interference w/justice	No Merit	CLOSED - Dismissed	9/18/80

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE		STATUS	DISPOSITION	DATE CLOSED
80-53	12/1/79	Client	Excassive fee	No Merit		CLOSED <i>Dismissed</i>	9/3/80
80-54	1/22/80	Client	Personal Behavior	No Merit		CLOSED <i>Dismissed</i>	4/11/80
80-55	4/1/80	Client	Relationship w/client	Under investigation			
80-56	4/10/80	Attorney	Excessive fee	No Merit		DISMISSED	4/11/80
80-57	4/17/80	Attorney	Solicitation	Under investigation			
80-58	3/15/80	Client	Neglect	No Merit		DISMISSED	4/4/80
80-59	3/11/80	Client	Neglect	No Merit		CLOSED <i>Dismissed</i>	5/9/80
80-60	2/26/80	Client	Interference w/justice	No Merit		CLOSED <i>Dismissed</i>	9/4/80
80-61	9/4/80	Client	Neglect	Under investigation			
80-62	2/25/80	Client	Neglect	Under investigation			
80-63	4/25/80	Client	Neglect	No Merit		DISMISSED	9/18/80
80-64	5/27/80	Client	Neglect	Under investigation			
80-65	5/24/80	Client	Neglect	No Merit		DISMISSED	9/4/80
80-66	8/8/80	Client	Neglect	Under investigation			
80-67	7/11/80	Client	Neglect	No Merit		DISMISSED	8/29/80
80-68	5/21/80	Client	Neglect	No Merit		DISMISSED	9/16/80
80-69	7/1/80	Client	Neglect	No Merit		DISMISSED	9/23/80
80-70	8/5/80	Client	Neglect	Under investigation			

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
80-71	5/14/80	Client	Conflict of Interest	Under Investigation		
80-72	4/7/80	Client	Misrepresentation	No Merit	DISMISSED	9/10/80
80-73	9/9/80	Client	Misrepresentation	No Merit	DISMISSED	9/10/80
80-74	9/9/80	Client	Neglect	Abeyance pending Fee Arb FA 38-80		
80-75	3/25/80	Client	Neglect	No Merit	DISMISSED	9/29/80
80-76	6/27/80	Client	Neglect	No Merit	DISMISSED	9/29/80
80-77	9/4/80	Client	Neglect	Under investigation		
80-78	9/4/80	Client	Neglect	Under investigation		
80-79	2/14/80	ADA	Medical Incapacity	Under Investigation		
80-80	9/11/80	Third Party	Personal Behavior	No Merit	DISMISSED	9/18/80
80-81	9/18/80	Client	Neglect	Under investigation		
80-82	3/10/80	Client	Neglect	No Merit	DISMISSED	9/16/80
80-83	4/4/80	Client	Excessive fee	Under investigation		
80-84	8/25/80	Client	Neglect	No Merit	DISMISSED	9/18/80
80-85	4/16/80	Client	Neglect	No Merit	DISMISSED	9/18/80
80-86	4/22/80	Client	Excessive fee	No Merit	DISMISSED	9/29/80
80-87	6/3/80	Client	Excessive fee	Under investigation		
80-88	5/18/80	Client	Neglect	No Merit	DISMISSED	8/29/80

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE		STATUS	DISPOSITION	DATE CLOSED
80-89	3/21/80	Client	Neglect	No Merit		DISMISSED	9/8/80
80-90	4/7/80	Client	Neg'	Under investigation			
80-91	9/19/80	Client	Excessive fee	Under investigation			
80-92	9/19/80	Attorney	Interference w/justice	Under investigation			
80-93	5/13/80	Client	Neglect	No Merit		DISMISSED	9/23/80
80-94	9/22/80	Attorney	Neglect	Under investigation			
80-95	9/23/80	ABA	Conflict of Interest	Under investigation			
80-96	9/23/80	Client	Interference w/justice	Under investigation			
80-97	9/16/80	Client	Excessive fee	No Merit		DISMISSED	9/24/80
80-98	9/23/80	Client	Neglect	No Merit		DISMISSED	9/25/80

BOARD OF GOVERNORS

ALASKA BAR ASSOCIATION

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

RANDALL P. BURNS EXECUTIVE DIRECTOR

MARVIN S. FRANKEL DISCIPLINARY ADMINISTRATOR AND BAR COUNSEL



January 8, 1981

OFFICERS

WILLIAM B. ROZELL
PRESIDENT
UNEAU

KAREN L. HUNT
PRESIDENT-ELECT
ANCHORAGE

STANLEY T. FISCHER
VICE PRESIDENT
KODIAK

HUGH G. WADE
SECRETARY
ANCHORAGE

ELIZABETH P. KENNEDY
TREASURER
ANCHORAGE

BOARD MEMBERS

WILLIAM P. BRYSON

STANLEY T. FISCHER

KAREN L. HUNT

ELIZABETH P. KENNEDY

EDWARD G. KING

JONATHAN H. LINK

WILLIAM B. ROZELL

RICHARD D. SAVELL

HUGH G. WADE

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

RE: QUARTERLY REPORT OF DISCIPLINE ADMINISTRATOR

Dear Chief Justice Rabinowitz:

Enclosed, please find my report for the quarter ending December 31, 1980.

I have added statistics on Fee Arbitration files which may be of interest to you.

Very truly yours,
ALASKA BAR ASSOCIATION

Marvin S. Frankel
State Bar Counsel

MSF/cc

Enclosures

cc: Justice Roger G. Connor
Justice Warren W. Matthews
Justice Edmond W. Burke
Randall P. Burns (for distribution to the Board of Governors)

FEE ARBITRATION REPORT

OCTOBER 1, 1980 - DECEMBER 31, 1980

CASELOAD

1.	Cases pending & carried forward on October 1, 1980	33
2.	Cases filed since October 1, 1980.	12
3.	Cases reactivated since October 1, 1980.	0
	TOTAL CASELOAD FOR PERIOD	45
4.	Cases Closed since October 1, 1980	<u>17</u>
	TOTAL PENDING CASES ON DECEMBER 31, 1980	28

4

FEE ARBITRATION

4th QUARTER 1980

FILE NO.	DATE FILED	AMOUNT	STATUS	DISPOSITION	DATE CLOSED
FA 16-79	8/28/79	(\$500.00)	Reopened 3/18/80 See discipline 78-1	Absence - Medical Dis.	
FA 34-79	12/21/79	(\$2,973.59)	Turned back to Discipline Administrator	CLOSED	11/24/80
FA 5-80	2/8/80	(\$6,850.00)	File in Ketchikan - Awaiting Decision Decision requested 12/3/80		
FA 9-80	3/5/80	(\$5,000.00)	\$4,400.00 awarded to Respondent	CLOSED	11/26/80
FA 13-80	4/15/80	(\$9,000.00)	File in Juneau - Awaiting decision Decision requested 12/2/80		
FA 15-80	4/28/80	(\$2,900.00)	Mr. Day died 6/23/80	CLOSED	11/6/80
FA 18-80	5/28/80	(\$1,000.00)	See FA 16-79. See discipline 78-1	Absence - Medical Dis.	
FA 19-80	5/30/80	(\$1,500.00+)	File in Ketchikan - Awaiting Decision Decision requested 12/2/80		
FA 20-80	6/2/80	(\$9,920.73)	Panel Decision referred back to Discipline Action. See 80-95.	CLOSED	11/7/80
FA 25-80	6/16/80	(\$3,750.00)	\$3,750.00 awarded to Respondent	CLOSED	11/13/80
FA 27-80	7/14/80	(\$1,200.00)	Awaiting Decision from Panel 12/15/80		
FA 29-80	8/4/80	(\$3,000.00)	\$2,657.50 awarded to Respondent	CLOSED	10/30/80
FA 30-80	8/6/80	(4,000.00)	Awaiting Decision from Panel 9/30/80		
FA 31-80	8/26/80	(\$1,200.00)	Settled by parties	CLOSED	10/27/80
FA 32-80	8/26/80	(\$20,000.00)	To be scheduled after Jan. 15, 1981		

FILE NO.	DATE FILED	AMOUNT	STATUS	DISPOSITION	DATE CLOSED
FA 33-80	9/3/80	(\$70,800.00)	Schedule for cont'd hearing Jan. 27, 1981		
FA 34-80	9/3/80	(\$?)	File in Fairbanks - Awaiting Decision Decision requested 12/3/80		
FA 35-80	9/4/80	(\$45,693.75)	Settled between parties	CLOSED	11/13/80
FA 37-80	9/11/80	(\$2,500.00)	Complaint withdrawn	CLOSED	11/25/80
FA 38-80	9/12/80	(\$1,900.00)	Complaint withdrawn	CLOSED	11/4/80
FA 39-80	9/17/80	(\$618.70)	\$618.70 awarded to Respondent	CLOSED	11/24/80
FA 40-80	4/23/80	(\$1,000.00)	Complaint withdrawn	CLOSED	11/6/80
FA 41-80	4/14/80	(\$1,450.00)	Awaiting further notice from Complainant 12/23/80		
FA 42-80	9/8/80	(\$598.00)	File in Sitka - Awaiting hearing File sent 11/5/80		
FA 43-80	4/2/80	(\$600.00)	Unable to locate complainant		
FA 44-80	9/15/80	(\$?)	File in Fairbanks - Awaiting hearing File sent 12/2/80		
FA 45-80	9/9/80	(\$?)	Complaint withdrawn	CLOSED	11/6/80
FA 46-80	9/18/80	(\$168.00)	Settled between parties	CLOSED	12/3/80
FA 47-80	9/22/80	(\$13,530.70)	To be scheduled after March 1, 1981		
FA 48-80	9/23/80	(\$971.50)	Awaiting response from complainant		
FA 49-80	9/26/80	(\$1,500.00)	Complaint withdrawn	CLOSED	11/18/80
FA 50-80	9/29/80	(\$?)	Complaint withdrawn	CLOSED	10/9/80

FILE NO.	DATE FILED	AMOUNT	STATUS	DISPOSITION	DATE CLOSED
FA 51-80	9/29/80	(\$4,538.48)	Complaint withdrawn	CLOSED	10/20/80
FA 52-80	10/3/80	(\$400.00)	To be scheduled after Jan 15, 1981		
FA 53-80	10/22/80	(\$4,781.74)	No response from complainant		
FA 54-80	11/5/80	(\$24,589.94)	No response from complainant since 12/3/80		
FA 55-80	11/10/80	(\$1,000.00)	Complainant and Respondent to have meeting - Awaiting results of same.		
FA 56-80	10/29/80	(\$170.00)	Awaiting response from complainant		
FA 57-80	11/20/80	(\$194.00)	Awaiting response from complainant		
FA 58-80	11/24/80	(\$1,337.27)	Abejance until Jan. 12, 1981		
FA 59-80	11/24/80	(\$500.00)	Awaiting response from Respondent		
FA 60-80	12/4/80	(\$?)	Awaiting Fee Arb forms from complainant		
FA 61-80	12/8/80	(\$33,333.33)	Hearing scheduled Jan. 20, 1981 - See 80-133.		
FA 62-80	12/18/80	(\$3,673.00)	To be set for hearing after Jan 12, 1981		
FA 63-80	12/17/80	(\$94,000.00)	File to be sent to Fairbanks for hearing - 1/8/81		

ALASKA BAR ASSOCIATION
SURVEY OF GRIEVANCES

In an effort to better inform the Court, and the Bar of the source and nature of grievances, and the areas of practice from which grievances arise, the following is furnished based on the files of the Bar Association office.

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

I. NATURE OF GRIEVANCE	#	%
1. Trust violations (embezzlement/ conversion/withholding client's property)	4	4.65
2. Conflict of Interest	8	9.30
3. Neglect (Failure to perform, delay, abandonment)	32	37.21
4. Relationship with client	6	6.98
5. Misrepresentation/fraud	6	6.98
6. Excessive Fees	6	6.98
7. Interference with justice	16	18.60
8. Improper advertising & solicitation	3	3.49
9. Criminal conviction	1	1.16
10. Personal Behavior	1	1.16
11. Wilful failure to cooperate with Discipline Authorities	0	0
12. Medical incapacity	2	2.33
13. Incompetence	1	1.16
TOTAL	86	100%

DISCIPLINE REPORT

OCTOBER 1, 1980 - DECEMBER 31, 1980

I. CASELOAD

1.	Cases pending & carried forward on October 1, 1980.	43
2.	Cases filed or reactivated since October 1, 1980.	43
	TOTAL CASELOAD FOR PERIOD	86
3.	Cases closed since October 1, 1980.	31
	(a) Dismissed by Bar Counsel	26
	(b) Informal Admonitions	4
	(c) Disbarred.	-0-
	(d) Suspensions.	1
	TOTAL.	31
4.	Total Pending Cases on December 31, 1980.	55

II. STATUS OF PENDING ACTIVE CASES

1.	Investigative State:	
	(a) To Committee Member for Advisory Opinion	-0-
	(b) Bar Counsel.	42
	(c) Special Prosecutor	1
	(d) Matters held in abeyance	7
	(e) Hearing Committee	2
2.	Before Board of Governors	2
3.	Before Supreme Court.	1
	TOTAL PENDING ACTIVE CASES ON DECEMBER 31, 1980	55

DISCIPLINARY REPORT

OCTOBER 1, 1980 - DECEMBER 31, 1980

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
77-18	3/22/77	Third Party	Neglect	Hearing Continued to 2/6/81		
78-13	6/2/78	ABA	Interference w/justice	Hearing scheduled on or about 4/15/81		
78-20	7/11/78	ABA	Misrep./fraud	Supreme Court Decision 12/3/80	Five year suspension 10/31/79 to 10/31/84	12/10/80
78-29	11/20/78	Client	Incompetence	Absence pending resolution of Civil malpractice suit		
79-1	2/9/79	Opposing Counsel	Interference w/justice Personal Behavior Failure to co-op with Disciplinary Authorities	Defendant acquitted of Criminal Charges. Under investigation. (80-16, 80-37)		
79-2	3/6/79	ABA	Trust Violation	To Board of Governors 1/26/81		
79-7	5/6/79	ABA	Interference w/justice	Under Investigation		
79-8	5/18/79	ABA	Relationship w/client	ABR-29 Pet. filed and granted 9/28/79 - Attorney appointed 9/28/79 - Motion to suspend for failure to pay dues filed 9/28/79. Disability investigation pending.		
79-18	9/4/79	Opposing Counsel	Conflict of Interest	Absence pending resolution of Civil action.		
79-26	9/24/79	Client	Relationship w/client	See 79-8 -- Consolidated		
80-3	2/20/80	ABA	Medical Incapacity	12/2/80 - Application for Reinstatement		
80-5	2/11/80	Third Party	Interference w/justice	See 79-2 - To BOG 1/26/81		
80-11	4/11/80	Third Party	Misrep/fraud	Absence pending resolution of Civil action.		
80-12	4/21/80	Attorney	Trust violation	Absence pending resolution of Civil action.		

PAGE 2

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
80-13	4/25/80	Client	Relationship w/client	Informal Admonition	CLOSED	10/31/80
80-16	5/14/80	ABA	Trust violation	See 79-1.		
80-18	5/15/80	ABA	Trust violation	Abeysance pending resolution of Civil action.		
80-21	7/17/80	ABA	Relationship w/client	Informal Admonition (See 80-13)	CLOSED	10/31/80
80-22	8/7/80	ABA	Solicitation	Informal Admonition	CLOSED	10/31/80
80-26	7/30/80	Client	Neglect	Under Investigation		
80-32	8/27/80	Client	Neglect	Under Investigation		
80-37	8/5/80	Client	Neglect	See 79-1, 80-16.		
80-55	4/1/80	Client	Relationship w/client	No Merit	DISMISSED	10/2/80
80-57	4/17/80	Attorney	Solicitation	Under Investigation		
80-61	9/4/80	Client	Neglect	No Merit	DISMISSED	11/11/80
80-62	2/25/80	Client	Neglect	No Merit	DISMISSED	10/9/80
80-64	5/27/80	Client	Neglect	No Merit	DISMISSED	10/9/80
80-66	8/8/80	Client	Neglect	No Merit	DISMISSED	10/11/80
80-70	8/5/80	Client	Neglect	No Merit	DISMISSED	10/16/80
80-71	5/14/80	Client	Conflict of Interest	Pending Civil Litigation 8/1/81.	Abeysance	
80-74	9/9/80	Client	Neglect	No Merit	DISMISSED	11/4/80

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
80-77	9/4/80	Client	Neglect	No Merit	DISMISSED	10/29/80
80-78	9/4/80	Client	Neglect	Under Investigation		
80-79	2/14/80	ABA	Medical Incapacity	No Merit	DISMISSED	11/11/80
80-81	9/18/80	Client	Neglect	No Merit	DISMISSED	11/13/80
80-83	4/4/80	Client	Excessive fee	No Merit	DISMISSED	10/9/80
80-87	6/3/80	Client	Excessive fee	No Merit	DISMISSED	10/9/80
80-90	4/7/80	Client	Neglect	No Merit	DISMISSED	10/9/80
80-91	9/19/80	Client	Excessive fee	Under Investigation		
80-92	9/19/80	Attorney	Interference w/justice	No Merit	DISMISSED	12/22/80
80-94	9/22/80	Client	Neglect	Informal Admonition	CLOSED	11/19/80
80-95	9/23/80	ABA	Conflict of Interest	Under Investigation		
80-96	9/23/80	Client	Interference w/justice	Under Investigation		
80-99	10/2/80	Client	Neglect	No Merit	DISMISSED	11/18/80
80-100	10/9/80	Client	Interference w/justice	Absence pending adjudication by Court		
80-101	10/9/80	Client	Neglect	No Merit	DISMISSED	10/9/80
80-102	10/9/80	Client	Conflict of Interest	No Merit	DISMISSED	11/3/80
80-103	10/9/80	Client	Interference w/justice	Under Investigation		

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
80-104	10/20/80	ABA	Criminal Conviction	Awaiting Supreme Court Order		
80-105	10/16/80	Client	Neglect	No Merit	DISMISSED	10/20/80
80-106	10/17/80	Attorney	Neglect	Under Investigation		
80-107	10/20/80	Client	Excessive Fees	No Merit	DISMISSED	10/31/80
80-108	10/20/80	Client	Interference w/justice	No Merit	DISMISSED	12/22/80
80-109	10/20/80	Client	Conflict of Interest	Under Investigation		
80-110	10/29/80	Client	Neglect	Under Investigation		
80-111	11/3/80	Client	Personal Behavior	No Merit	DISMISSED	11/14/80
80-112	11/4/80	Client	Neglect	No Merit	DISMISSED	11/4/80
80-113	11/4/80	Client	Neglect	Under Investigation		
80-114	11/4/80	Client	Conflict of Interest	Under Investigation		
80-115	11/4/80	Client	Neglect	Under Investigation		
80-116	11/7/80	ABA	Interference w/justice	Under Investigation		
80-117	11/10/80	Client	Neglect	No Merit	DISMISSED	11/10/80
80-118	11/10/80	Client	Neglect	No Merit	DISMISSED	11/10/80
80-119	11/14/80	Client	Neglect	No Merit	DISMISSED	12/16/80
80-120	11/14/80	Client	Conflict of Interest	Under Investigation		
80-121	11/14/80	Client	Misrepresentation	Under Investigation		

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
80-122	11/17/80	ABA	Advertising	Under Investigation		
80-123	11/19/80	Client	Relationship w/client	Under Investigation		
80-124	11/24/80	Client	Interference w/justice	Under Investigation		
80-125	11/25/80	Client	Neglect	Investigation by H. Berkowitz		
80-126	11/25/80	Client	Neglect	Under Investigation		
80-127	12/2/80	Client	Misrepresentation	Under Investigation		
80-128	12/3/80	Client	Interference w/justice	Under Investigation		
80-129	12/3/80	Client	Interference w/justice	Under Investigation		
80-130	12/5/80	Client	Misrepresentation	Under Investigation		
80-131	12-5-80	Client	Neglect	Under Investigation		
80-132	12/8/80	Client	Neglect	No Merit	DISMISSED	12/9/80
80-133	12/9/80	Client	Excessive fees	Under Investigation		
80-134	12/9/80	Client	Conflict of Interest	Under Investigation		
80-135	12/9/80	Client	Interference w/justice	Under Investigation		
80-136	12/9/80	Client	Interference w/justice	Under Investigation		
80-137	12/17/80	Client	Neglect	Under Investigation		
80-138	12/19/80	Client	Excessive fees	Under Investigation		
80-139	12/22/80	Client	Neglect	Under Investigation		
80-140	12/23/80	Client	Interference w/justice	Under Investigation		
80-141	12/29/80	Client	Fraud and deceit	Under Investigation		

MISCELLANEOUS MATTERS

<u>PETITIONER</u>	<u>NATURE OF CASE</u>	<u>STATUS</u>
1. Eyerly	Admissions - ABA approved Law School	Pending Supreme Court Oral Argument.
2. (Confidential)	Admissions - Method of Grading Bar Exam	Petition denied by B.O.G. 9-6-80.
3. Santos	Admissions - ABA approved Law School	Petition for certification - U.S. Supreme Court 7-10-80.
4. Sheley	Admissions - 30 day residency requirement	Awaiting Supreme Court Decision on Petitioner's Motion for Attorney Fees and Costs.
5. Schroeter	Rule 81 Opposition - Superior Court	Decision favorable to Petitioner - Case closed.
6. Urie Pond Craviotto	Admissions - ABA approved Law School	Supreme Court Decision Upholding Alaska Bar Rule - 9-26-80 Case closed.
7. (Confidential)	Petition for Reinstatement	Pending action by Supreme Court.
8. (Confidential)	Admissions - Notified passed bar, then notified to contrary.	Assigned to Master - Case closed 9-18-80.
9. (Confidential)	Admissions - Unlawful practice of Law	B.O.G. denied approval 9-6-80.

Will the Bar Association See "Sunset"—This Year?

2/20/81

By JOE La ROCCA

JUNEAU — The Alaska Bar Assn. has agreed to try to resolve its widely-publicized differences with the legislature over the controversial question of whether the lawyers' group is a state agency subject to the state's so-called "Sunset" law. It sets up a process under which the legislature determines whether state agencies should be abolished for unsatisfactory performance, or allowed to continue to exist based on its usefulness.

Bart Rozelle of Juneau, president of the 1,300 member state bar association, told a joint meeting of the House and Senate Judiciary Committees Monday that a majority of the bar's members, has voted to cooperate with the legislature this year rather than continue to defy what some legislators see as the state's authority to oversee and regulate certain aspects of the bar association's activities.

Rozelle said the bar association hopes to avoid what he

termed the "unfortunately acrimonious" atmosphere which characterized the discussions last year between the bar association and the legislature over whether the attorneys' organization is subject to legislative review under the sunset statute adopted by the legislature in 1978. That acrimony, Rozelle said, "tended to undermine what can be the constructive results of the sunset process."

Under the sunset process, the Legislative Budget and Audit Committee is charged with the responsibility for auditing the records and performance of state agencies, and reporting its findings to the legislature and its appropriate legislative committees.

Last year, the House Judiciary Committee, chaired by Rep. Charlie Parr, D-Fairbanks advised the Speaker of the House that the bar association had taken the position that "it is not a state agency, and that it is not subject to the Sunset review process." The committee report said that the

association "refused the legislative Auditor access to some of its records, there," the report said, "no performance audit has been conducted."

The report noted that, in a letter to the association, the committee had requested information on 87 points, 73 of which were "answered completely." On one point, a request for a copy of disciplinary records, the bar association said that the information was confidential, and could not be released.

The Legislative Budget and Audit Committee took the Bar Assn. to court over the dispute. The State Supreme Court decided that the records were classified confidential by court rule, and that the bar association had no authority to release them.

The House Judiciary Committee proposed legislation last year extending the existence of the bar association only until June 30th of this year, and making statutory changes which it said were needed to serve the public

interest.

But the legislation died in the Senate Judiciary Committee triggering an automatic termination of the bar association under the sunset statute, effective June 30th of this year.

In what was clearly a conciliatory statement designed to avert a continuation of the dispute, Rozelle told the Joint Judiciary Committees that the bar association has voted to seek the Supreme Court's permission to submit its records to the Legislative Auditor this year.

As a result of last year's controversy, the bar assn. president said, "we took a pretty hard look at ourselves on a number of questions that were raised." He added: "We think it's constructive to meet with the legislature and rather than fight with the legislature, participate in the process."

He pointed out that the decision to do was controversial within the bar association. Two member groups, the Tanana Valley and the Ketchikan bar associations, opposed the de-

cision, and may file a suit against any attempt to release the association's confidential records to the Legislative Auditor. However, Rozelle said, that hasn't changed the state bar association's position.

Still unresolved by Rozelle's comments to the Judiciary Committees, however, was the basic question of whether the bar association considers itself a state agency subject to the state's sunset process.

Rozelle was pressed on the question by Rep. Parr, who pointed out that the association is still on record as stating that it is not. Rozelle replied that the group has not taken another vote on the question.

Both Parr and Senator Bill Ray (D-Juneau) argued that the Bar Association plays a decisive role in the selection and retention of state judges and justices because attorneys dominate the Alaska Judicial Council, pursuant to a section of the State Constitution which was drafted largely by lawyer delegates. The Governor appoints judges from a list of nominees chosen by the seven-member council which consists of three attorneys, the chief justice, and three lay members.

The council also sponsors a poll of attorneys in the state to evaluate the performance of judges and justices and makes public recommendations on whether they should be retained for subsequent terms by the voters when their terms have expired.

Senator Ray says he thinks the simplest way for the legislature to resolve the dispute is to determine the Bar Association this year under the sunset statute. That would compel the State Supreme Court to decide whether or not the Bar Association is subject to the state's sunset law.



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

SUMMARY OF JOINT SENATE-HOUSE HEARING
OF
FEBRUARY 16, 1981

Room 116, State Capitol - Juneau, Alaska

Legislation before Committee:

SB 11 "An Act continuing the existence of the Board of Governors of the Alaska Bar Association; and providing for an effective date."

CSSB 29 "An Act relating to nuclear materials."

The joint meeting of the House and Senate Judiciary Committees was called to order by Chairman Rodey at 2:05 p.m., and was co-chaired by Representative Miller.

Senate members present were: Senators Rodey, Ray, Parr, and Hohman. Senator Bennett was absent.

An overview of the Alaska Bar Association was presented by William B. Rozell, President, Alaska Bar Association. Among those items discussed were the Fee Arbitration Committee, Conciliation Panels, Continuing Legal Education Commission, and the Sunset Review.

The Chair then heard questions from the floor and general discussion concerning Bar Association activities.

CSSB 29, scheduled for hearing, was deferred until a future date.

Hearing no objections, Chairman Rodey adjourned the meeting at 3:15 p.m.



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

A G E N D A

Monday, February 23, 1981
JOINT SENATE-HOUSE JUDICIARY COMMITTEE MEETING

CALL TO ORDER

SB 11 "An Act continuing the existence of the Board of Governors of the Alaska Bar Association; and providing for an effective date."

- William B. Rozeli, President
Alaska Bar Association

RECESS



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Fourth V
State Capitol
Juneau, Alaska 99801

JOINT MEETING OF SENATE & HOUSE JUDICIARY COMMITTEES

Monday, February 16, 1981

A G E N D A

CALL TO ORDER

SB 11 "An Act continuing the existence of the Board of Governors of the Alaska Bar Association; and providing for an effective date."

- William B. Rozell, President
Alaska Bar Association

Brief overview of the Alaska Bar Association Board of Governors' activities.

SB 29 "An Act relating to nuclear materials."

Adoption of Committee Substitute.

RECESS

SENATE JUDICIARY COMMITTEE

Bill Number SB 11 Original Sponser(s) ZIEGLER
Title CONTINUING THE EXISTENCE OF THE BOARD OF GOVERNORS OF THE AMERICAN
BAR ASSOCIATION; EFFECTIVE DATE
Originally Received From KERTTULA
Contact ZIEGLER / BURNS Date 1-13-81

Committee Recommendation (MAJORITY) _____

Report Attached yes no) Supporters _____

MINORITY _____

Report Attached yes no) Supporters _____

Object of Bill ~~Renew~~ EXTEND EXISTENCE OF BOARD

Committee Amendments _____

Fiscal Impact

LAA Legal/Research Contact

Research/Information
ON FILE

Concerned Parties:

Supporting

Opposing

BAR ASSOCIATION - RANDALL
BURNS

506-3710 N&M (6/1/81)

Supporting

Opposing

--	--

Additional Remarks:

1-26-91 Concern - Govt. Information (AKA 17600-205) 286-6125



Alaska State Legislature

House of Representatives

Committee on Judiciary

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

February 20, 1981

TO: Rep. Clocksin, Rep. Miller, Rep. Chuckwuk, Rep. Anderson,
Rep. Phillips, Rep. O'Connell, Rep. Hurlbert

Sen. Rodey, Senate Judiciary Chairman

FROM: Rep. Brown

SUBJ: Committee schedule for week of February 22-28

* * * * *

February 23, Monday: AT 1:30 p.m.

SB 11

House and Senate Judiciary joint review of the
Alaska Bar Association "Sunset"

February 24, Tuesday: AT 1:15 p.m.

HB 160: An Act annulling 15 AAC 05.410(4);
pertaining to raffles and lotteries

February 25, Wednesday: AT 8:30 a.m.

Joint hearing with Labor/Commerce Committee on
HB 138: Appropriations to Telecommunications

February 25, Wednesday: AT 1:15 p.m.

Continued review of the Alaska Bar Association
"Sunset"

February 26, Thursday: AT 8:30 a.m.

Joint hearing with Labor/Commerce Committee on
HB 138; ONLY IF NEEDED

February 26, Thursday: AT 1:15 p.m.

Division of Corrections overview of the Parole
Board "Sunset"

February 27, Friday: AT 1:15 p.m.

Continued review of HB 158: An Act relating to
state regulation of fireworks

HB - INTEGRATED BILL FROM
COMMITTEE - NOT FROM FLOOR

DATE —

REG. - OR NOT REG.
LEGISLATIVE QUESTION

WHAT LEGISLATION TO CHANGE FLOWERS OF EAC?
BROWN - DIVISION AUTHORITY