

ALASKA LEGISLATIVE COMMITTEES DO NOT DOZ

1694 SJ SB 391 - SB 392

MSG 81-00015848 PRTY 1 05/07/81 10:46:13 ORIG: LA00 IN= 0000 OUT= 0075
FROM: ROBERTA TO: JUNG INFO
TARGET: LJH2 SUBJ: POMS PAGE 0004

TO: SENATOR RODEY

FROM: JIM KING, 308 E NO. LIGHTS. APO 99503; 279-7454

I AM IN FAVOR OF THE 1 MILLION DOLLAR LIMITATION ON WHETHER OR NOT
PEOPLE CAN SUE THE SKI RELATED INDUSTRIES.

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
FAIRBANKS, ALASKA 99811
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

April 2, 1981

SUBJECT: Skiing
(Work Order Number 12-1293)

TO: Senator Patrick M. Rodey

FROM: Richard A. Bradley 
Legislative Counsel

The bill requested is enclosed.

The bill repeals not only AS 09.65.135 but also the legislative findings that preceded that section as Sec. 1 Chapter 80, SLA 1980.

In my view, AS 18.60.822 which was added by Sec. 3 of Chapter 80, should not be repealed. As I understand the situation, ski areas within national forests are required by Forest Service regulations to operate under such a plan and its existence seems separate and apart from the risk-shifting accomplished by AS 09.65.135, AS 05.20.012, or their repeal.

RAB:ljb

Enclosure

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 31, 1981

SUBJECT: Skiing
(Work Order No. 12-1293)

TO: Senator Patrick M. Rodey

FROM: Richard A. Bradley *B*
Legislative Counsel

Some questions relating to your work order request.

I propose also to repeal the temporary law found at Section 1 of Chapter 80, SLA 1980, if the permanent law is repealed.

Chapter 80 repealed AS 05.20.012. A copy of the provision is attached; it does not appear in the present publication of AS 05.

Do you intend to reinstate it as the law controlling in this situation?

Since neither it nor AS 09.65.135 appears to state the common law, the results may or may not be desirable -- but we wish you to have a more full picture of the implications of your request.

RAB:ljb

Attachment

Effect of amendment. — The 1976 amendment inserted "labor, political" in paragraph (15) and added paragraphs (19), (20), and (21).

As the rest of the section was not affected by the amendment, it is not set out.

Chapter 20. Recreational Devices.

Section

- 10. Owners or operators to provide safe equipment
- 12. Liability for accidents in skiing areas

Sec. 05.20.010. Owners or operators to provide safe equipment. Every owner or operator of a device as defined in § 120 of this chapter shall construct, furnish, maintain and provide safe and adequate facilities and equipment with which to safely and properly receive and carry all persons offered to and received by the owner or operator of the device, and to promote the safety of the patrons, employees and the public. The owner or operator of ski equipment and devices is not considered a common carrier. (§ 1 ch 109 SLA 1960; am § 1 ch 25 SLA 1967)

Effect of amendment. — The 1967 amendment added the last sentence. 1967 (CSSL 99), see House Journal (1967), pp. 369-370.

Legislative committee report. — For legislative committee report on ch. 25, SLA

Sec. 05.20.012. Liability for accidents in skiing areas. No owner or operator of ski equipment may be held liable for the negligence of persons other than employees who use designated skiing areas owned or controlled by him, unless the owner or operator has negligently maintained the designated skiing areas or has furnished or supplied defective equipment, the use of which is the proximate cause of an injury sustained by a person while engaged in skiing activities within the designated skiing areas. (§ 2 ch 25 SLA 1967)

Legislative committee report. — For 1967 (CSSB 99), see House Journal (1967), pp. 369-370.

Chapter 25. Watercraft.

Article 3. General Provisions.

Section

- 60. Prohibited operation
- 100. Definitions

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subsection (b) of this section suggests that
is contemplated that such services
ually are to be performed by a private
agency. Granato v. Occhipinti, Sup. Ct.
Op. No. 1962 (File No. 3756), 602 P.2d 442
(1979).
Performance of "other services"
cannot be compelled. — There is no
implied grant of power in subsection (a) or
of this section to compel the
performance of "other services" by a state
agency not wishing to perform them.
Granato v. Occhipinti, Sup. Ct. Op. No.
1962 (File No. 3756), 602 P.2d 442 (1979).
The vague directive of this section that

in a private custody dispute the court may
order that "services be provided for the
protection of the child does not empower a
court to command the aid of the
department of health and social services in
a private custody dispute. Granato v.
Occhipinti, Sup. Ct. Op. No. 1962 (File No.
3756), 602 P.2d 442 (1979).
Distinctions between AS 47.10.020
and this section. — See Granato v.
Occhipinti, Sup. Ct. Op. No. 1962 (File No.
3756), 602 P.2d 442 (1979).
Quoted in Chavre v. Chavre, Sup. Ct.
Op. No. 1591 (File No. 3349), 598 P.2d 81
(1979)

Sec. 09.65.135. Limitations on claims arising from skiing. (a) A skier may not recover from a ski area operator for injury resulting from an inherent risk of skiing unless the injury occurred when the ski area operator was not providing the information required by (b) of this section.

(b) A ski area operator shall post trail signs at prominent locations within a ski area which shall include a list of the inherent risks of skiing and the limitation on liability of the ski area operator provided by this section.

(c) In this section
(1) "inherent risks of skiing" means the dangers or conditions which are an integral part of the sport of skiing, including, but not limited to,

- (A) changing weather conditions;
 - (B) variations or steepness in terrain;
 - (C) snow or ice conditions;
 - (D) surface or subsurface conditions such as bare spots, forest growth, and rocks;
 - (E) collisions with lift towers, other structures, and their components unless the skier is on the lift;
 - (F) collisions with other skiers; and
 - (G) a skier's failure to ski within the limits of his own ability;
- (2) "injury" means a personal injury or property damage or loss;
- (3) "skier" means a person in a ski area engaged in the sport of skiing, sliding downhill on snow or ice on skis, a toboggan, a sled, a tube, a ski-bob, or other device for recreation in snow;
- (4) "ski area" means all ski slopes, trails and other places under the control of a ski area operator and administered as a single enterprise in the state;
- (5) "ski area operator" means the operator of a ski area. (§ 2 ch 80 SLA 1980)

Title 7
Paragraphs

Title 8
Business and Professions

Title 6
Banks and Financial
Institutions



THE CITY AND BOROUGH OF JUNEAU

CAPITAL OF ALASKA

155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

LAW DEPARTMENT 586-3300

May 8, 1981

Senate Judiciary Committee
Pouch V
Juneau, Alaska 99811

File: Legislature - 1981 - SB 391

Subject: Opposition to SB 391

Gentlemen:

The last legislature enacted Chapter 80 SLA 1980 in an attempt to clarify for the courts, for skiers, for ski area operators, and for insurance carriers just how much responsibility ski area operators had for various risks which are inherent in skiing. An insurance liability crisis similar to that experienced a few years ago in the medical profession was already in the making last year and Chapter 80 SLA 1980 was partially in response to that crisis. In addition, the determination of which were inherent risks of skiing and which were not needed clarification. Without legislative action this matter could not be addressed except through expensive litigation on a case by case basis. That law met the needs of all those involved in skiing and should not now be repealed.

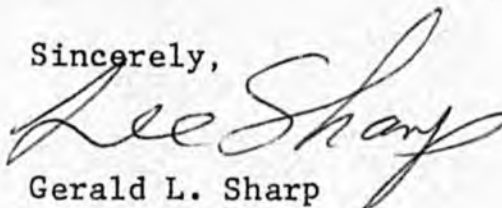
That law provides that ski area operators who properly post their ski area may not be held liable for "inherent risks of skiing." Those risks are the ones which are an integral part of the sport of skiing and include changing weather conditions, variations or steepness in terrain, snow or ice conditions, surface or subsurface conditions such as bared sports, forest growth or rocks, collisions with lift towers or other structures (unless the skier is on the lift), collisions with other skiers and the failure of the skier to ski within the limits of his own ability. The foregoing are risks which should reasonably fall upon the shoulders of the skier and not the ski area operator. These risks are either totally beyond the control of the ski area operator or are risks over which the ski area operator has little or no effective control. It is only reasonable that the ski area operator not be forced to run the risk of unnecessary litigation arising out of injuries due to such risks.

If the law is repealed ski area operators may very well be put in a worse position than they were in prior to the enactment of the law. If the law is repealed, an argument can be made that the legislature was making a policy statement that those conditions which were formerly inherent risks of skiing are no longer inherent risks of skiing and are therefore a liability of the ski area operator.

May 8, 1981

We urge you not to pass out Senate Bill 391 as it would create confusion where we now have certainty and would have an adverse impact on the ability of ski area operators to obtain insurance for their operations.

Sincerely,



Gerald L. Sharp
City-Borough Attorney

GLS: jr

cc: Jim Wakefield, Chairman
Assembly Legislative Committee

Jim Hall, Director
Parks and Recreation

IPMAFUR AHG

4-0369918127 05/07/81

ICS IPMNCZ CSP

SUSPECTED DUPLICATE

2062813535 TDRN SEATTLE WA 138 05-07 0158P EST

PMS SENATOR PATRICK M RODEY

CHAIRMAN SENATE JUDICIARY COMMITTEE

ALASKA STATE SENATE

0510

STATE CAPITOL BLDG

JUNEAU AK 99811

THE ALASKA VISITORS ASSOCIATION UNDERSTANDS THAT A HEARING WILL BE HELD TOMORROW BEFORE YOUR COMMITTEE ON SENATE BILL 391 WHICH WOULD REPEAL THE PRESENT DATE STATUTE RECOGNIZING THE INHERENT RISK OF SKIING. THE ALASKA VISITORS ASSOCIATION STRONGLY OPPOSES SENATE BILL 391 AND RESPECTFULLY URGES YOUR COMMITTEE'S CONSIDERATION OF THE FACT THAT THIS BILL IS IN DIRECT OPPOSITION TO ALASKA'S OBJECTIVE FOR INCREASED VISITOR TRAFFIC. FURTHER, REPEAL OF THE PRESENT STATUTE WOULD PLACE UNJUST AND COMPLETELY UNWARRANTED LIABILITY ON THE OPERATORS OF SKI AREAS BASED ON CONDITIONS COMPLETELY BEYOND THEIR CONTROL INCLUDING THOSE INHERENT CONDITIONS OF WEATHER AND IMPRODENT AND UNCONTROLLABLE ACTS OF SKIERS THEMSELVES. IT SHOULD BE RECOGNIZED THAT SKI AREA OPERATORS ARE SUBJECT TO MANY COMPULSORY REQUIREMENTS IN ADHERENCE TO VARIOUS SAFETY STANDARDS, NATIONAL FOREST SERVICE CONTRACTUAL REQUIREMENTS AND CODES. AGAIN, IT IS THE POSITION OF AIA THAT THOSE PEOPLE WILLING TO INVEST THEIR MONEY TO MAKE RECREATIONAL ACTIVITIES AVAILABLE TO ALASKANS AND ALASKA VISITORS SHOULD NOT BE SUBJECT TO LEGISLATION WHICH MAKES THEM LIABLE FOR MATTERS THAT CANNOT REASONABLY BE CONSIDERED TO BE UNDER THEIR CONTROL, AND WHICH WOULD AUTOMATICALLY REDUCE FURTHER DEVELOPMENT OF RECREATIONAL SKI AREAS

H J MUSIEL, VICE PRESIDENT

GOVERNMENT AFFAIRS

ALASKA VISITORS ASSOCIATION

1404 EST

IPMAFUR AHG

TELEGRAM

ALASCOM, INC.

PHONE: 586-6442

JUNEAU, AK 99802

MAY 7 PM 12 12

parties temporarily without funds, subsection (b) of this section suggests that it is contemplated that such services typically are to be performed by a private agency. *Granato v. Occhipinti*, Sup. Ct. Op. No. 1962 (File No. 3755), 602 P.2d 442 (1979).

Performance of "other services" cannot be compelled. — There is no implied grant of power in subsection (a) or (c) of this section to compel the performance of "other services" by a state agency not wishing to perform them. *Granato v. Occhipinti*, Sup. Ct. Op. No. 1962 (File No. 3756), 602 P.2d 442 (1979).

The vague directive of this section that

in a private custody dispute the court may order that "services be provided for the protection of the child" does not empower a court to command the aid of the department of health and social services in a private custody dispute. *Granato v. Occhipinti*, Sup. Ct. Op. No. 1962 (File No. 3756), 602 P.2d 442 (1979).

Distinctions between AS 47.10.020 and this section. — See *Granato v. Occhipinti*, Sup. Ct. Op. No. 1962 (File No. 3756), 602 P.2d 442 (1979).

Quoted in *Chavre v. Chavre*, Sup. Ct. Op. No. 1891 (File No. 3349), 598 P.2d 81 (1979).

Sec. 09.65.135. Limitations on claims arising from skiing. (a) A skier may not recover from a ski area operator for injury resulting from an inherent risk of skiing unless the injury occurred when the ski area operator was not providing the information required by (b) of this section.

(b) A ski area operator shall post trail signs at prominent locations within a ski area which shall include a list of the inherent risks of skiing and the limitation on liability of the ski area operator provided by this section.

(c) In this section

(1) "inherent risks of skiing" means the dangers or conditions which are an integral part of the sport of skiing, including, but not limited to,

(A) changing weather conditions;

(B) variations or steepness in terrain;

(C) snow or ice conditions;

(D) surface or subsurface conditions such as bare spots, forest growth, and rocks;

(E) ~~collisions with lift towers, other structures, and their components unless the skier is on the lift;~~

(F) collisions with other skiers; and

(G) a skier's failure to ski within the limits of his own ability;

(2) "injury" means a personal injury or property damage or loss;

(3) "skier" means a person in a ski area engaged in the sport of skiing, sliding downhill on snow or ice on skis, a toboggan, a sled, a tube, a ski-bob, or other device for recreation in snow;

(4) "ski area" means all ski slopes, trails and other places under the control of a ski area operator and administered as a single enterprise in the state;

(5) "ski area operator" means the operator of a ski area. (§ 2 ch 80 SLA 1980)

Introduced: 4/6/81
Referred: Judiciary

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2

SENATE BILL NO. 391

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to civil liability on claims arising
7 from skiing; and providing for an effective date."

7

8

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

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* Section 1. AS 09.65.135 is repealed.

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* Sec. 2. Section 1, ch. 80, SLA 1980, is repealed.

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* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-

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070(c).

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STRAIN INSURETY - Pass money lost to consumer

NO PENDING CASES IN LITIGATION

Alaska Action Trust - Group of Attorney's

TELEGRAM

LESCOM, INC.

PHONE: 550-442

JUNEAU, AK 99802

1981 MAY 7 PM 10:02

#

IPMAFUB AHG

1-042322N127 05/07/81

TLX ATKINSON AHG

1 ANCHORAGE AK 5/7/81

PMS PATRICK RODEY 465-3717

ØPOUCH V

JUNEAU AK

ATHE HONORABLE PAT RODEY

CHAIRMAN OF THE SENATE

JUDICIARY COMMITTEE

ALASKA STATE SENATE

STATE BUILDING

JUNEAU, ALASKA

0642

DEAR SENATOR RODEY:

I WANT TO TAKE THIS OPPORTUNITY TO EXPRESS MY STRONG
OPPOSITION TO S. B. 391. I BELIEVE THAT AS 09.10.300 FT SEA
IS A FAIR AND EQUITABLE BILL FROM A LEGAL STANDPOINT AND
ACCORDINGLY SHOULD REMAIN IN EFFECT.

SKI OPERATORS SHOULD NOT BE SUBJECTED TO LIABILITY FOR
INJURIES THAT OCCUR TO SKIERS AS A RESULT OF CONDITIONS
OVER WHICH THE OPERATOR HAS NO CONTROL. BECAUSE OF THE
INHERENT RISKS IN SKIING ALL PERSONS USING THE SKI SLOPES
MUST BE REQUIRED TO EXERCISE CARE FOR THEIR OWN SAFETY AND
THE SAFETY OF OTHER SKIERS.

THE STATES OF WASHINGTON, OREGON, UTAH AND COLORADO ALL HAVE LAWS SIMILAR TO AS 09.10.300 ET SEQ. TO MY KNOWLEDGE THE LEGISLATURES OF THOSE STATES HAVE NOT REPEALED THOSE LAWS NOR HAVE THE COURTS OF THOSE STATES STRUCK THEM DOWN FOR ANY REASON.

AS 09.10.300 ET SEQ, AS IT NOW STANDS, FAIRLY APPORTIONS THE RISKS AND RESPONSIBILITIES FOR SKIER SAFETY BETWEEN THE OPERATOR AND THE SKIER. S. B. 391 WOULD UNNECESSARILY UPSET THAT BALANCE TO THE DETRIMENT OF BOTH SKIERS AND THE SKI INDUSTRY.

VERY TRULY YOURS,

JOHN A. TREPTOW
ATTORNEY AT LAW
420 I. STREET, SUITE 500
ANCHORAGE, ALASKA 99501

2130 EST

IPMAFUB ANG

Alaska RESORT



P.O. BOX 249

GIRDWOOD, ALASKA 99587

May 4, 1981

RECEIVED

MAY 08 1981

Senator Pat Rodey
Alaska State Senate
Pouch V, State Capitol Building
Juneau, Alaska 99811

Dear Senator Rodey:

Attached is a letter I wrote to Mitch Gravo asking for the reasoning behind repeal legislation introduced to repeal the Inherent Risks of Skiing Act. We worked hard last year to get this legislation because we knew it was vital to the health of the ski industry. You yourself were helpful in getting the legislation passes unanimously in the Senate.

I am greatly concerned about any attempts to repeal this legislation and would appreciate the opportunity to discuss this with you and/or your committee. Please let me know when this would be convenient. If you need any more background information, please let me know.

Sincerely yours,

Chris von Imhof
Vice President and General Manager

CVI/bbp
Attachment

ALASKA'S LARGEST YEAR-ROUND RESORT & SKI FACILITY

(907) 783-2222

Alaska RESORT



P.O. BOX 249

GIRDWOOD, ALASKA 99587

May 3, 1981

Mr. Mitch Gravo
Cape Fox Hotel
Juneau, Alaska 99801

Dear Mitch:

The general manager of Eagle Crest Ski Area recently brought to my attention that legislation had been introduced to repeal the Inherent Risks of Skiing act (copy attached). I learned that you requested the introduction of such legislation through Senator Pat Roddy's judiciary committee.

I wonder if you are familiar with the background that lead to the introduction and passage of the Inherent Risks of Skiing Act. Ski areas are constantly plagued with nuisance claims making it almost impossible to run the business. Many states have now adopted similar legislation to protect their ski industry against unfair nuisance claims such as accidents skiers bring on themselves by skiing out of control or recklessly. We accept the responsibility we have for the safety of customers on our lifts, and we make sure they get the same protection on our slopes; however, we cannot protect them from themselves. We follow to the letter a stringent snow safety plan which details the required codes (federal, state, and local) and regulations with which we must comply.

Please be kind enough to advise me by phone or letter if, in fact, you intend to try to get the original legislation repealed and what is the reasoning behind this. If this is true, your actions are in direct conflict with your duties as lobbyist for the Alaska Visitors Association as the ski industry in Alaska is very much a part of the travel industry. In addition, I also understand you represent the Municipality of Anchorage, and as the Municipality is also operating a ski area, I am certain it would not appreciate repeal of the present legislation.

ALASKA'S LARGEST YEAR-ROUND RESORT & SKI FACILITY

(907) 783 2222



Mr. Mitch Gravo

-2-

May 3, 1981

Frankly, I will do everything in my power to stop repeal of this act which is so very important to ski areas to keep the insurance rates and cost of doing business down. I would hope that you recognize your conflict of interest and withdraw your repeal legislation.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Chris".

Chris von Imhof
Vice President and General Manager

CVI/bbp

Copy to ✓ Senator Pat Rodey
Mayor George Sullivan
Mr. John Spencer
Mr. Gary Walker
Mr. Rolf Klug

NEED YOUR HELP IN GETTING GRAVO TO WITHDRAW THIS LEGISLATION.

THANKS!

2

MSG 81-00015680 PRTY 1 05/06/81 18:54:59 ORIG: LA00 IN= 0005 OUT= 0037
FROM: ROBERTA TO: JUND INFO
TARGET: LJH2 SUBJ: POMS PAGE 0009

TO: SENATOR RODEY
FROM: BOB BRYANT, 119 MEADOWCREEK DRIVE, EAGLE RIVER 99577; 694-2888
RE: SB 391

AS A MEMBER OF THE NATIONAL SKI PATROL I HAVE BEEN DEEPLY INVOLVED
IN ALL ASPECTS OF SKIING FOR OVER 10 YEARS. I FEEL QUALIFIED TO VOICE
STRONG OPPOSITION TO CONSIDERATION, MUCH LESS PASSAGE OF SB 391.

RECEIVED
MAY 08 1981

TO: SENATOR RODEY
FROM: JOHN BLASKO, SRA BOX 249-T, ANC 99507; 345-0018

SB 391 UNDERMINES YEARS OF EFFORT IN DEVELOPING EQUITABLE LAWS
PERTAINING TO SKI RELATED INJURIES AND LIABILITIES. AS A 10 YEAR VOLUNTEER
SKI PATROLER I OPPOSE SB 391 IN ITS ENTIRETY.

TO: SENATOR RODEY
FROM: KATHERINE JANIGO, 7125 WHITEHALL ROAD, ANC 99502; 243-7754
RE: SB 391

I AM OPPOSED TO THE REPEAL OF THE INHERENT RISK OF SKIING LEGISLATION
THAT WAS PASSED LAST YEAR.

MSG 81-00015677 PRTY 1 05/06/81 18:28:29 ORIG: LA02 IN= 0003 OUT= 0034
FROM: MARCIE, ANC INFO TO: POM, JUNEAU INFO
TARGET: LJH2 SUBJ: POM PAGE 0001

TO: SENATOR RODEY
FROM: MARGIE FOSTER, 1502 TURPIN STREET, ANC 99504 (333-4617)

MY INTEREST IS AS AN ANCHORAGE SKI CLUB BOARD MEMBER. I WOULD
LIKE TO OPPOSE SENATE BILL 391.

RECEIVED

MAY 08 1981

MSG 81-00015677 PRTY 1 05/06/81 18:28:29 ORIG: LA02 IN= 0003 OUT= 0034
FROM: MARCIE, ANC INFO TO: POM, JUNEAU INFO
TARGET: LJH2 SUBJ: POM PAGE 0002

TO: SENATOR RODEY
FROM: HARVEY TURNER, 1900 STATE STREET, ANC 99504 (337-2467)

RE: SENATE BILL 391

I HAVE SKIED FAIRBANKS, ANCHORAGE, ALYESKA, AND JUNEAU SINCE
1949 AS A SKI RACER, INSTRUCTOR, RECREATIONAL SKIER AND SKI PATROLMAN
FOR 9 YEARS. MOST INJURIOUS RISKS ARE CAUSED BY POOR JUDGEMENT OF THE
SKIER - NOT MANAGEMENT OR HILL MAINTENANCE. I VIGOROUSLY REQUEST
SENATE BILL 391 BE KILLED.

RECEIVED

MAY 08 1981

MSG 81-00015768 PRTY 1 05/07/81 13:18:31 ORIG: LAGG IN= 0003 OUT= 0044
FROM: MARCIE, AND INFO TO: POM, JUNEAU INFO
TARGET: LJM2 SUBJ. POM PAGE 0003

TO: SENATOR PAT BODEY

FROM: CHARLES DRUMMOND, 1046 SUNRISE DRIVE, AND 00504 (870-0134)

WE DON'T NEED SENATE BILL 391. HAVING SKIED FOR 12 YEARS I FEEL
IT AN INSULT TO ALL THOSE WHO LIVE AND PLAY IN THE OUTDOORS TO THINK THEY
NEED ALL THE HAZARDS MARKED TO ENJOY SKIING. PLEASE DON'T TAKE IT AWAY
WITH HIGHER INSURANCE COSTS.

S

B

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A M E N D M E N T

OFFERED IN THE SENATE:

BY: Senate Judiciary

TO: Senate Secretary

SENATE BILL No. 392

HOUSE BILL No. _____

PAGE: 2-3

LINE: _____

Page 2, lines 11 through 20, amend to read:

(1) in the first year, one member from the first judicial district, one member from the combined area of the second and fourth judicial districts, [AND] one member from the third judicial district, and one appointed member;

(2) in the second year, one member at large, [AND] two members from the third judicial district, and one appointed member;

(3) in the third year, one member from the combined area of the second and fourth judicial districts, one member from the third judicial district, [AND] one member from the first judicial district, and one appointed member.

Page 3, lines 2 & 3, amend to read:

for emergency meetings. Meetings of the Board shall take place in the state.

COMMITTEE REPORT
SENATE

FURTHER: Finance

4/6/81

Date: 4-24-81

Mr. President:

The Committee on JUDICIARY has had SB 392
continuing the existence of the Board of Governors of the Alaska Bar Assoc.

under consideration and (a majority of the committee) (the committee)
reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s) same title
- replace with CS for _____ new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Edwards, Stan - do not pass
unless amended.

McCoy NO REC

Johnson - NO REC

Donnell NO REC

Mark Radey
CHAIRMAN
LC PASS

JAY S. HAMMOND
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 28, 1981

The Honorable Patrick Rodey
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Senator ^{Pat:} Rodey:

In reply to your letter concerning sunset of several regulatory boards, I'd like to furnish you the following information.

From the Governor's perspective, the Collection Agency Board (AS 08.24.011) is a board that might well be terminated, and the Governor does not intend to introduce legislation or take any effort to see that that particular board is continued in force after June 30, 1980. As for the Guide Licensing and Control Board (AS 08.54.010), the Governor is very much interested in seeing that this board is continued and has drafted legislation making some amendments to the statutes relating to the Guide Licensing and Control Board. This particular piece of legislation should be in completed form relatively soon and will be ready for introduction. As to the Board of Governors of the Alaska Bar Association (AS 08.08.040), the Governor believes that it is appropriate that this board be continued. As you may be aware, there has been some discussion in the past as to whether or not there should be a lay person on the board; this is for the Legislature to determine. Certainly it is appropriate that the board be continued. As to the Board of Welding Examiners (AS 08.99.010), the Governor will not be submitting legislation for the continuation of this board.

I would be pleased to discuss this with further, should you wish.

Sincerely,

A handwritten signature in cursive script, appearing to read "Keith".

Keith W. Specking
Legislative Assistant
to the Governor

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 membership 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 Eill 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.

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT

BOARD OF GOVERNORS

ALASKA BAR ASSOCIATION

P.O. BOX 270
ANCHORAGE, ALASKA 99510
AREA CODE 907/272-7469

RANDALL P. BURNS EXECUTIVE DIRECTOR

MARVIN S. FRANKEL DISCIPLINARY ADMINISTRATOR AND BAR COUNSEL



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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.

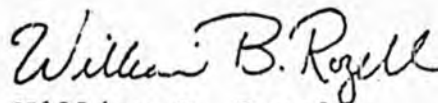
In this connection, we note that requiring attendance at an ABA accredited law school is not a severe impediment to entry into the legal profession. According to the brief of the ABA as amicus curiae, in the last decade the number of approved schools increased from 137 to 168. The number of students 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 DOOGAN & HOLMES
311 Franklin, Suite 201
Juneau, AK 99801
(907) 586-2210

WBR/slb

cc: Randall Burns
Board of Governors

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%.

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. Munson
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	Hollie 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	Mark 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	Margaret 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
272-7458

Adrienne P. Febo
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

Leslie D. Rome
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 HANSSON, 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)
 RINNER, 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 279
 ANCHORAGE, ALASKA
 99510
 272-7488

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:

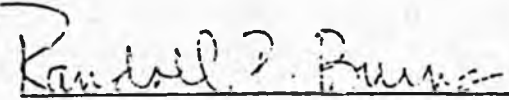
Stephen M. Agni	Wallace W. Mills
Kathleen Barron	Edward L. Miner
Constance A. Bastian	Milton L. Moss
William Bixby	Ruth E. O'Rourke
Kathryn A. Black	Laurie H. Otto
Julienne E. Bryant	Dianne Olsen
Jacqueline K. Carr	Steffanie D. Parker
Alicemary L. Closuit	Stephanie Patel
Terry-Lynn Coons	Matthew K. Peterson
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. Wheless
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 Henoch
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
Executive Director
ALASKA BAR ASSOCIATION

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ASSOCIATION
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99510
272-7488

ALASKA BAR ASSOCIATION

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RANDALL P. BURNS, EXECUTIVE DIRECTOR

WILLIAM GARRISON, BAR COUNSEL

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SECRETARY
KETCHIKAN

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.

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 7-3-1-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 ROG 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 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 Respondent indicted on unrelated 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		

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

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 7N	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 8 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 2/28/80--Atty appointed pursuant to ABR II-29--Practice in process of termination		

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FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
80-4	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 8-C-1	Dismissed	Closed	6/29/80
80-8	2/28/80	Magistrate	Interference w/justice 7-B-g	Dismissed	Closed	6/30/80
80-9	3/14/80	Third Party	Interference w/justice 7-D-2	Dismissed	Closed	4/22/80
80-10	3/3/80	ABA	Interference w/justice 7-B-(c) e)	Dismissed	Closed	6/4/80
80-11	4/12/80	Third Party	Misrepresentation/fraud 5-B	Under investigation		
80-12	4/21/80	Attorney	Trust violations 1 B & C	Abeyance 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	Closed	6/30/80
80-15	5/7/80	Attorney/client	Trust violation 1-A2(d)	Dismissed	Closed	6/3/80

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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. Frust 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	45
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
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 10/16/79 To Supreme Court 10/31/79 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	3/1: 0

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 9/8/79-- 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 8 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 D 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 7-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	2/11/80	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

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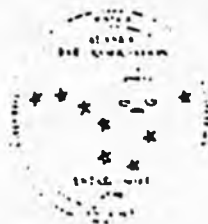
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RANDALL P. BURNS EXECUTIVE DIRECTOR
MARVIN S. FRANKEL DISCIPLINARY ADMINISTRATOR AND BAR COUNSEL

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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	Abeysance 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	5/17/80
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 II-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	Abeyance pending resolution of Civil Action		
80-12	4/21/80	Attorney	Trust violation	Abeyance 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	Abeyance; 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	Abeyance 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	6/3/80	Client	Personal Behavior	No Merit	DISMISSED	7/14/80
80-24	8/20/80	Client	Neglect	No Merit	CLOSED <i>Dismissed</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	7/10/80
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	Intorference 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 Behvior	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	Excessive fee	No Merit	CLOSED Dismissed	9/3/80
80-54	1/22/80	Client	Personal Behavior	No Merit	CLOSED Dismissed	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 Dismissed	5/9/80
80-60	2/26/80	Client	Interference w/justice	No Merit	CLOSED Dismissed	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	ABA	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	Neglect	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

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

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ANCHORAGE



January 8, 1981

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

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	Abeyance - 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	Abeyance - 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)	Scheduled 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	(\$24,589.96)	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)	Abeyance 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 servious 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	Abeyance 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	MR-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	Abeyance 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	Abeyance pending resolution of Civil action.		
80-12	4/21/80	Attorney	Trust violation	Abeyance pending resolution of Civil action.		

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	Abeyance 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.	Abeyance	
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	Abeyance 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	11/1/80
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		

PAGE 5

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
80-122	11/17/80	ABA	Advertisizing	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		