

PC: Did they take a part of it when you got paid?

JD: I was alone at first and then I went into Faulkner & Banfield. I was a couple of months, I guess, preparing for this case so naturally, when the fee came they took a sizeable part.

Tape #1, Side B

PC: What was the function of the local Bars before the Integrated Bar? What did they do?

JD: They didn't do much of anything. The Bar Act came in 1953 or 55. Judge Kalamarides was in the legislative session at the time, and he was the prime mover when the Integrated Bar got passed. He didn't go to (unintelligible). One difference was in the discipline of members of the Bar who had violated the canons of ethics in some way. The Bar didn't handle them, it was reported to the Judge, Judge Folta for example, and he would report it to the District Attorney, and the D.A. would talk to the Judge and they'd arrange a hearing in which the question is raised whether this man should be punished, disbarred, fined or reprimanded, or whatever was available for having done something contrary to the ethics of the profession. It was a regular trial in court. The D.A. representing the people of Alaska, and the lawyer sought to be disbarred would be represented by another attorney. That was the difference, really. After the Integrated Bar came into effect, the lawyers made their rules that were adopted by the Supreme Court, and the Bar conducts its own internal disciplinary proceedings. There are two ways it's set up. They have a regular hearing, a trial, and a recommendation is made to the Supreme Court as to whether this man should be reprimanded privately or publicly, or whether he should be suspended from the practice of law, or disbarred. That is final once the Supreme Court acts on that. That's the end of it. He can always petition later to be readmitted. That's up to the discretion of the Supreme Court.

PC: Was there a big difference in disciplinary proceedings? Not the proceedings themselves, but the number of people that were brought up for disciplinary proceedings before and after?

JD: I can't answer that question, I don't know. When I took office in 1959, I don't remember. I remember one case -- Neil Kay was disbarred by this Court, not by the, in fact the Board of Governors recommended he not be disbarred. The Supreme Court took the case

away from them and said, "We're the final persons you have to contact to find out," and we disbarred him. Later he was reinstated, quite a bit later. It caused a terrible clash between the Bar and the Court under Chief Justice Nesbett. The Bar (unintelligible) and the Supreme Court started to run the Bar Assoc. The Bar would not have anything to do with that and they caused such a furor that the American Bar Assoc. sent three distinguished people to Alaska to see if they couldn't settle the controversy. The Chief Justice of the Supreme Courts of Washington and Oregon, and an eminent lawyer named A.J. Schweppe, from Seattle. They did a good job. They finally got together here in Juneau with the Bar. Bob Ziegler was President at the time, so he didn't know that they were settling the controversy with the Bar being responsible, as they are now, for disciplinary matters -- the ultimate decree to come through the Court -- and the Bar to provide rules which the Supreme Court may or may not consent to. I think the Supreme Court has consented to almost every rule change that the Bar has asked for. There was a very bad feeling. Justice Arend was defeated on that account. He ran that year. The Bar took up the cudgel, ran TV and radio ads, had programs on TV which made him look like a horrible sort of man. He was a very fine man. I thought it was unfair the way they went about defeating him because they didn't tell the whole truth. But that's in the past and it's too bad that Arend had to run that year for election. If I'd been running, I would have been defeated also, and so would Nesbett. I had two more years. This happened in 1965. I was retained in 1962 for ten years, and my time wasn't up till 1972. By that time I had retired because of my health. I never sat on a disciplinary proceeding before the Integrated Bar came into effect, so I don't know just how they handle these things. I do remember a man named Bill Stump from Ketchikan, you may have heard about him. Judge Folta had the District Attorney prosecuting him for certain ethical standings of the Bar and the Judge found him guilty, I hate to use the word guilty, but that's what it amounted to. He suspended him for a certain length of time.

PC: What was he supposed to have done?

JD: He was supposed to have (unintelligible) in Juneau. He was supposed to have threatened a legislator if he didn't vote for a bill, or not vote for a bill, or something. There was going to be trouble. It was a threat. That's all I remember about it. I can't remember the name

of the person. He was in Ketchikan, a long-time legislator.

PC: Was what he did something that someone would be suspended from the Bar now?

JD: Yes, I think so. I don't think the result would make any difference, Integrated Bar or not. There weren't many cases that I recall practicing in Juneau, of lawyers being disbarred, it was just a few being reprimanded. That's the only one that comes to mind, as a matter of fact.

PC: During the Court-Bar fight, how did you feel about what was happening?

JD: I was distressed by it. It upset me because we were such a close group of people. I knew all of the members of the Bar in those good times, or most of them. I was glad to see the American Bar Assoc. send these three men up. And I had a lot to do, I think, at the final meeting here in December of 1965, to accept the solution these people had suggested that the Bar make the rules and the Court adopt them; the Bar handles internal grievance procedures and if it's something beyond the reprimand of someone, they go to the Supreme Court for further action. In other words, they do not recommend to the Court that this man be suspended for five years, and then the Court makes it eight, or three years, and there's been no complaints from the Bar that I know of. I think probably in one sense it was a good thing because it brought to the attention of the Bar that the Supreme Court felt it was not handling its own internal problems like it should. There were very many complaints or hearings against lawyers, and so the Supreme Court decided to take the whole thing over. It caused such an eruption it ended up back in the Bar's hands. But in that intervening period, they had time to think about it. The Bar and the Court have rather good relations now.

PC: Has the Bar improved as far as discipline is concerned?

JD: I think it has.

PC: Do you think it was necessary for the, at least show, to get the Bar moving?

JD: I don't know if that was necessary, but it was the only way we could think about at the time. That was the purpose of it.

PC: Was it a cohesive action of the Court?

JD: Yes.

PC: I've heard that Chief Justice Nesbett was the motivating force.

JD: He was the motivating force. He was very strong willed and a

dominant personality. I have to admit that he would sway me sometimes with the force of his argumentation. He was a tough man. He did an awfully good job in setting up the Court system, that's what people forget. He came down to Juneau with a copy of the bill in his hand. No money, no paper clips, no desk, no chair, or anything, and said "organize this Court system." So he and I worked together night and day, weekends, holidays, and everything else to get the Court system organized. We started in July and our Supreme Court rules went in effect and Supreme Court opened for duty in October. We had all the Superior Courts manned by judges and clerks and so on by January, and they were sworn in by February of 1960. Since that time, we've had so many new judges. I don't even know all the judges now, particularly in Anchorage.

PC: When did the Court start looking at the Bar?

JD: I think that was in 1964, I'm not sure.

PC: So it really had to do with the amount of cases, it was such an outrage?

JD: Well, we thought at the time it was, yes. But the Bar felt differently because they had recommended no discipline for McKay. And we held that he was (unintelligible) and surely be given (unintelligible) discipline. I think we made a mistake in the sense that we shouldn't have knocked down so speedily. We probably should have taken it up with the Integrated Bar first and let them know what our feelings were and then discussed the whole matter and maybe iron it out in some way. But Buell had all the papers ready. He called me to go up to Anchorage and said sign here, and we discussed it a little bit and decided (unintelligible), so I signed. I wish I hadn't now.

PC: What about Harry Arend.

JD: He was in favor of it. The reason I didn't like the attack on Harry, they implied very vividly that he was not an honest man, that he was a dictating type of person and didn't have the temperament for a judge, which was all false. But it was the only way people could be persuaded to vote against him. Ordinarily in this set up, we have what is called the Missouri System where the Judges are appointed by the Governor with the Council's meeting down the hall. They send names up to the Governor, the Governor appoints from those names only. Under that system, very few Judges, except Harry Arend, have been defeated. In fact, the Judicial Council makes the recommendation during an election, or before the election, as to whether Judge so-and-so should be retained for another six years, or ten years. They get a

questionnaire that's circulated among the whole Bar and the Peace Officers' Assoc., I think, generally trying to get to the jurors. I'm not sure about the jurors, too many people serve on that to find out who they are. Judge Williams downstairs was twice recommended against retention by the Bar. The people got angry in Juneau because they liked him, and he got big votes -- stayed in office both times. I wrote a letter for him (unintelligible), I think he's on (unintelligible), a little bit tougher than some judges on sentences, you know, for a misdemeanor or speeding, traffic cases.

PC: I'm going to take you back a bit. I want to ask you about a few of the people who were in Juneau before statehood, practicing law. We could start with Mildred Hermann.

JD: Yes, Mildred Hermann was before statehood. Henry Roden practiced for a while. He either left or ended up in government service.

PC: As Attorney General?

JD: Yes, Attorney General and later Treasurer. I knew Henry quite well, I liked him. A good old man. He was well up in years when he died, he was about 87. He was from Switzerland and he spoke with a German accent, but you could understand him. He had been in Alaska for many, many years. He'd been up in Iditarod, Flat and Dillingham, and places like that. Norm Banfield, R.E. Robertson, they called him Bob Robertson.

PC: What was he like?

JD: He was a good attorney. He was an older man, compared to me. He was Fred Easthaugh's father-in-law. Did a good job and had a good clientele. His partner, Mike Monagle, was a civil lawyer. It was very interesting -- one was Republican and one was a Democrat. Mike is retired now, I haven't seen him for a long time. In the law firm we had Banfield, Boochever, Frank Doogan who died last year, or two years ago,

PC: Can you tell me a little bit about Frank Doogan?

JD: Frank Doogan was a very fine man. He was born in Juneau, came from a family of about 12 children. They're all fine kids, I know them all. His mother was a real wonderful woman. His father married when they were young and I think the other brothers helped Frank to get through law school. Frank said he wanted to be a lawyer and they said if we all gather together we can send one through law school, but not the others. That's the way it happened with my wife. Their father was dead and they had to bring all the money home to their mother to

take care of a daughter who had tuberculosis. Sacrifices were made in those days to help people out. Frank was a good lawyer, too.

PC: Did he go to law school?

JD: Yes, in Spokane, the Catholic school there. The daughter went there for three years and got married, and now regrets not having finished. There was Norman, Bob, Frank and myself, we were the Faulkner, Banfield & Doogan firm. Faulkner had retired and gone to San Francisco.

PC: Was the Faulkner, Banfield & Doogan firm a Republican firm?

JD: Faulkner and Banfield were Republicans, and Boochever, Doogan and I were Democrats. That didn't have anything to do with our jobs, though.

PC: So you didn't let politics interfere with your practice?

JD: No. I don't remember any case at all where that happened. Howard Stabler's wife is a lawyer. Bill Paul, Jr., his father was a well-known Native leader. Bill is part Native, part white. He's a lawyer. He went south quite a few years ago.

PC: Do you remember his father?

JD: Yes.

PC: What was he like?

JD: He was a lawyer too at one time, and was disbarred years ago, and then readmitted later.

PC: Why was he disbarred?

JD: I can't remember.

PC: Was he a Juneau lawyer?

JD: Yes. He was a full-blooded Tlingit Indian. He didn't practice law very much, his main source was trying to get the native claims for the Indians. He spent years on trying to get the Indians reimbursed for the lands that had been taken by the government from them. Of course, after his death, the Alaska Native Claims Act was passed, so his efforts had a lot to do with that. Some people didn't like him. Norman Banfield for one, but you'd have to talk to him about that. He didn't think much of young Bill Paul either.

PC: What about Fred Paul?

JD: Fred went to Seattle and is still practicing law there. He was a good attorney as far as I know. I didn't know him very well. He practiced up here for a while and then went to Seattle and passed the Washington Bar.

PC: Were there any other Native attorneys, or were they the only ones?

JD: They were the only ones. Roy Madsen, Judge Roy Madsen from Kodiak is part Indian. I can't think of any other Native attorneys. There

are actually some new ones in Anchorage, some younger people whom I don't know. You may have had one in your class.

PC: No, I didn't.

JD: I was glad to see it done. Wish more of them had the money to go to school because they're intelligent people. I can't think of anybody else who practiced here. Bob Annis.

PC: Can you tell me a little bit about Bob Annis?

JD: Bob was a good lawyer. He started out as Assistant to the Attorney General, like most of us did.

PC: *With you or under Ralph Rivers?*

JD: No, it was Jerry Williams. Annis was in charge of mostly the aviation part of Alaska's government. He dealt with airplanes and so on. Bob was found dead in his hotel room not too many years ago, in Anchorage. That's all I know. I don't remember how he died. Thomas Stewart phoned one morning and said they found Bob in his room and he was dead.

PC: Did you know Grover Winn?

JD: No, I didn't know Grover Winn. I know his son, his daughter. I didn't live in Juneau while I was young. I've heard a lot of things about him, but I've forgotten most of them, I guess.

PC: Do you remember any of them?

JD: No, I can't really recall. You could tell stories about him, funny things that happened, but I can't remember what they were.

PC: Who would be a good person to talk to about them?

JD: Banfield.

PC: George Grigsby, was he down here?

JD: In the early days he was here, but I knew him best in Anchorage when I went up there. George Grigsby was quite active at that time, and he gradually failed. He was a very entertaining person. He and my Dad used to like to get together to tell stories of the early days in Alaska. There was one story either Grigsby or my father told me about a judge in Nome, who's name I forgot. He was asked whether so-and-so could be admitted to the Bar. He said, "Hell, no, there are enough scums(?) at the Bar now."

PC: Was that (unintelligible).

JD: No, it was some other lawyer. There were all different types of courts, judges, and lawyers. I liked George. I took him home once, from the Bar meeting. We had a little whiskey there and he got a little bit drunk. It was winter time, below zero, and I was afraid of his

walking home so I drove him home. (Unintelligible) wife thought I was a cab driver and she was real rude to me. Told me to get out and leave him to her, so that's what I did. I never met her after that.

PC: Was that in Anchorage?

JD: Yes. Old Stanley McCutcheon had come to Anchorage, one of the early lawyers there too. Buell Nesbett, Stanley McCutcheon, McCarrey, Robison.

PC: In territorial days, what was the reputation of the Anchorage lawyers like McCutcheon, Grigsby, Renfrew, McCarrey in Juneau? What did Juneau think of the Anchorage Bar?

JD: I don't think they had any particular thoughts about it. I never heard any discussion about Anchorage lawyers.

PC: Did you have associations with Anchorage lawyers at all? Did they have offices in town?

JD: No, Juneau had its lawyers here at the time and no Juneau lawyers were in Anchorage, like they have now. With the pipeline explosion, Banfield opened an office in Anchorage. Easthaugh went there, and somebody else here had an office in Anchorage. (Unintelligible) he had an office down here. I don't know all the members of the Juneau Bar anymore.

PC: Did they all have separate clients in the territorial days? Did the Juneau Bar have a distinct clientele, and the Anchorage Bar as well?

JD: During the war, Anchorage started to boom when all the troops went there. It was a pretty rough town for a while. After the war, in 1945, Anchorage just started to grow. I don't know what caused it being the international aviation spot for planes from Japan and over in Europe just south of the (unintelligible). More business came there, construction business, and the government spent money around Anchorage. Now I suppose the population is 150,000. I don't think the type of business was different except that some lawyers here had fish-related business. They didn't have too much in Anchorage. But there was a lot of the routine jobs a lawyer has. I found out as a private practitioner that it wasn't very lucrative. Unless you got the retainers from the big firms, it's pretty hard to make a living. It was then. Now these lawyers, they all seem to do pretty well. Juneau's been booming too, the last ten years. It's increased in population.

PC: Do you have pipeline money too?

JD: I suppose it filters down here. I don't know what keeps Juneau

going except it's the capital. There are quite a few more employers than in 1945 and the capital has grown. The more departments, the more people get hired, more homes being built. I suppose there are 25,000 people here now. I came down here when there were 10,000.

PC: I wanted to ask you about lawyers and politics. Did lawyers feel that once they were lawyers, they should be in politics, be a part of a Party and be active?

JD: Some of them did. It used to be that quite a few lawyers ran for election in the legislature. Max Denovitch(?) became a Senator. Paul Robison was a legislator at one time. Henry Roden was in the 1913 House of Representatives, that's the first one we had. I have the session (unintelligible). My father was a lawyer and also a representative in the legislature. Joe Murray from Valdez. Ralph Rivers served before he became Attorney General. L.V. Ray, I think, was in the legislature in the early days. The Donohoës were (unintelligible). Once I was (unintelligible) on my father spent his time down there. I used to come down with him (unintelligible) the House. Used to live here and go to school here, and do his fishing.

PC: What were the Donohoës like?

JD: They were sort of a well-to-do family. I don't know where the money had come from because I know that Ruth Donohoe, young Tom's sister, always seemed to be well off and I don't know what work she's ever done. A very nice person. Their home was in California, around Palo Alto. I didn't know the old man too well, he had palsy when I new him. He was quite active in politics. He was the National Democratic Chairman for Alaska at one time. My father was a Democrat. Young Tom also. The lawyers in the legislature took a greater interest in the last 15-20 years than they have in the last few years. Not too many lawyers there now. I don't know if there are any, there might be some.

PC: Did you ever gravitate toward politics?

JD: No, I kept out of politics. My father had his fill of it and I just didn't like it. I don't know why I rebelled against it. I never have been in politics except in this job, which was political in a way. I don't know why Bill Egan appointed me unless it was because he and I grew up in Valdez together. He's a couple of years older than I am.

PC: Do people have a different regard for lawyers? Has it changed, the role of lawyers and attorneys?

JD: I don't think so.

PC: In the early years, they would have thought about lawyers just as they do now? Lawyers have a fairly hard life.

JD: Maybe they're not well thought of by most people, today or yesterday, as years ago.

PC: Even in territorial days they didn't think much of lawyers?

JD: All I can think about is Valdez, and I think they had the same attitude. Except my father knew so many people that were friends with him, that he was liked and respected as a lawyer. L.V. Ray came over from Seward, and he was a good man. A fellow named Reid who practiced in Valdez, who committed suicide. His son's still alive somewhere in California.

PC: Was Reid practicing, was he a contemporary of your father?

JD: Yes, he was practicing at that time.

PC: I've never heard of him.

JD: I forget his first name. His son's name is Richard. They weren't making too much money. My father never had very much when he was elected to Congress. They didn't pay big salaries in those days, and he had three children to send through (unintelligible) college, which they did. When he was elected Delegate to Congress, he stayed there 12 years. When he came back, I was overseas at the time. He came back in 1944 as a judge in Anchorage. He had to borrow money from me to get back to Anchorage. All my income went into a bank in Seattle from overseas. There was no place to spend money over there, I kept a few dollars for myself. I remember my mother writing to my father and asking if it was alright, and I said, "Take it all if you want." They had a joint account with me.

PC: Were there some lawyers who were making money?

JD: I don't think in Valdez. They were making enough for a living, support a family, but they weren't making the big money that some of those firms are making now in Anchorage. You've got firms up there with 20-30 lawyers in them. They have to be making awfully good money to support that many people.

PC: What about in territorial days? Were any lawyers making good money?

JD: I think the two firms here made pretty good money, and in Ketchikan Ziegler, Ziegler & Cloudy, that was Adolph Ziegler and his son, Bob. I think they did well. They had the corporate clients also, insurance companies and fishing interests and so on, the sawmill (unintelligible). Bob Jernberg made good money down there. His former partner, Lester Gore, took Bob in. Lester died and Bob practiced by himself. He's

retired now, too, lives in California somewhere.

PC: I know that Lester Gore had been judge up in Nome and then he went back to practice in Ketchikan. Was there any problem with a judge going back to practicing? You don't hear about it very often.

JD: You don't hear about it too often. I'm trying to think of any judges, prior judges who are practicing, but I can't recall any. There have been several who are retired, but they had enough monetary background from their trial practices mostly. Particularly in Anchorage, and also in Juneau and Ketchikan to some extent, a lawyer who had practiced long enough would acquire property as fees. Property is always worth money and it appreciates in value ever since it was retained back in those days. I listened to a couple of judges one time on a plane, talking about their holdings down in Kenai. They're independently well-off and of course, being a judge doesn't mean that much to them as far as the salary is concerned. But I didn't practice long enough to acquire anything like that, I had to live on my salary.

PC: Did people actually pay the lawyers with property?

JD: They did if they didn't have any money, and the lawyer would say, "Well, if I recover this property for you, how about paying me off by giving me some of the acreage." That's the way it happened. Buell Nesbett had property in Kenai, Ralph Moody has some down there. I think Paul Robison owns property around Anchorage. Wendell Kay probably does also. George Boney, who's dead now, had some property interest. You see, lawyers had the first crack. If a client needed some help, and it was going to be a very expensive lawsuit, he'd bargain with the lawyer and the lawyer would be delighted to take land.

PC: Besides land, was there any other interests lawyers had that made them money?

JD: Buell Nesbett got involved with a coal mine. He made money and after statehood, he had a fight with the Dept. of the Interior and lost it. He had to repay his partner the money he made on it. But he's not hurting at all. He gets a good retirement plus good land value he's got up in Alaska still. He comes back every year. He's blind in one eye, and both legs were shattered, but he walks pretty well.

PC: How did that happen?

JD: Airplane accident. His plane crashed in 1969.

PC: That was after he had become Judge?

JD: Yes. He flew his own plane and he and the Administrative Director went out fishing out of Anchorage. The plane stalled out and just fell

to the ground. Something went through his eye, it was terribly painful. He wouldn't have it taken out for a long time. He was a stoic and never complained about anything. They finally took the eye out. I don't even think he uses a cane anymore, but his legs were pretty well broken. He was a Commander of a destroyer during the war, sort of a tough man. He had some of that concept of authority as a Chief Justice as he had during the war as a Commander of a fighting ship.

PC: As an Associate Justice, what were you on the ship?

JD: I wasn't on the ship.

PC: No, but as an Associate Justice on the court, how did he treat the Associate Justices?

JD: He treated them fine. I never had any trouble with Buell. In fact, I admire the work the man did to get this court system going. Lethargic, sober lawyers don't admit that to the older crowd. Boyko was a lawyer up in Anchorage, too. I'd forgotten. Came up fairly early.

PC: He has a very colorful reputation.

JD: A colorful man, yes. It's fascinating watching him try a lawsuit. He's a brilliant person and he walks the edge very carefully. He and John Hellenthal can be very biting in court, they are two lawyers who don't care about your feelings at all. There aren't too many lawyers who practice that way anymore.

PC: Did more lawyers used to practice that way?

JD: Yes.

PC: What is it, can you describe it?

JD: Well, sarcastic remarks made to the lawyers, interruptions, "Counsel, I object to this and to that," sort of quarrel in the courtroom until the judge stops them.

PC: Was it showmanship?

JD: I suppose so, yes. They think it's the way to win their cases. Wendell Kay was not exactly like that. He was a very good criminal lawyer, even though he could be firm and angry. He also had a good sense of humor and (unintelligible), the lawyers don't expect it (unintelligible). He's another one who came up when I was there. I think Wendell came up with the Alaska Housing Authority, as attorney for them. He went in with Warren Cuddy, then Dan came and joined the firm. Then Mr. Cuddy died and Dan took over the bank. Wendell has had different partners since then, I don't know who they are.

PC: Paul Robison used to be his partner.

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