

## NOTE FROM THE EDITOR

The *Alaska Law Review* is proud to present this second issue of our thirtieth volume. This issue marks the end of our thirtieth year working with the Alaska Bar Association, and the beginning of many years to come. We are thrilled to be taking this partnership into the future, and look forward to working with members of Alaska's legal community to build on an already successful relationship. Our goals for the coming years include facilitating more live discussions about relevant legal issues in Alaska, continuing to find strong articles that provide value to practitioners in the state, and growing our online presence by redesigning our website and publishing summaries from our Year in Review on a more frequent basis. Though we plan to enhance our online offerings, we'd like to remind readers that past issues of our Year in Review, as well as downloadable copies of all of our articles, can already be found on our current website, <http://alr.law.duke.edu>.

The first article in this issue, *Pretext Searches and Seizures: In Search of Solid Ground*, comes to us from a repeat author, Jeff May, and his co-authors Rob Duke and Sean Gucco. The article is intended to serve in part as an update to an issue the *Alaska Law Review* has covered before. It explores the history of pretext law enforcement stops in Alaska courts, considers some of the policy justifications for and against pretext, and attempts to balance competing concerns to determine the best standard for evaluating pretext stops. Ultimately, the article urges the court of appeals to continue using a "reasonable officer" standard, and offers suggestions for improving the standard's workability.

Our next article, *The Duties of the Judicial System to the Pro Se Litigant* by Mark Andrews, is the first of two pieces in this issue regarding pro se litigation. Mr. Andrews discusses Alaska's policy of pro se leniency, the idea that trial courts should advise pro se litigants of procedural requirements and hold them to less stringent standards than attorneys. The article then examines two cases that have complicated the policy by adopting different approaches with respect to when a court should offer advice to pro se litigants. Finally, it proposes analyzing pro se leniency under due process protections to better ensure a consistent outcome.

This issue's sole comment is authored by Garrett Boyle, a third-year law student at Tulane University. Mr. Boyle's comment, *Mutiny Against the MMPA: A Look at Alaska SB 60*, analyzes whether the Marine Mammal Protection Act precludes recently proposed legislation in Alaska that would place a bounty on sea otters lawfully taken by Alaska

Natives, and concludes that it does. Though the bill's sponsoring senator has chosen not to reintroduce the bill this term, the legislation speaks to an issue that will remain in the public light for years to come, and Mr. Boyle's analysis will be useful for future legislative proposals.

This issue also features a book review by the Hon. Troy A. Eid, Chairman of the Indian Law and Order Commission. Mr. Eid reviews the third edition of *Alaska Natives and American Laws* by David Case and David Voluck. Mr. Eid's compelling review offers insight into the strong value of the book as a comprehensive source of information, but also suggests areas he hopes will be more thoroughly explored in the next edition. Mr. Eid skillfully highlights key passages of the book while drawing on his own experience to inform his review.

Finally, our two student notes complement the other works within this issue. Howard Rhodes's *Giving Up the Ghost: Alaska Bar Ethics Opinion 93-1 and Undisclosed Attorney Assistance Revisited* looks at pro se litigation from a different angle than Mr. Andrews. While Mr. Andrews's article explores the duties of the court to assist pro se litigants, Mr. Rhodes considers whether attorneys should be able to assist pro se litigants by ghostwriting pleadings or providing other forms of legal advice without registering an appearance in court. The note argues that Alaska's stance on ghostwriting should be revised, and that attorneys should be required to identify themselves on any documents they substantially assist pro se litigants with preparing. It defends this view in part by arguing that attorney ghostwriting potentially undermines the very policies of judicial leniency that Mr. Andrews supports in his article.

Our last note, *The "Middle Place": The NPR-A Impact Mitigation Program and Alaska's North Slope* by Shauna Woods, provides an overview of the impacts of oil and gas drilling on communities in the North Slope. Ms. Woods discusses the community programs designed to mitigate these impacts and highlights the danger of funding them with money that is contingent on ongoing oil and gas leasing. Finally, the note advocates for the creation of more efficient ways to allocate funding such that communities can remain stable when the drilling ceases.

The staff of the *Alaska Law Review* has devoted a significant amount of time and effort to selecting and preparing these pieces for publication, and we sincerely hope that you will find them enjoyable, informative, and thought provoking. We are grateful for the opportunity to contribute to the meaningful discussion of Alaska's legal issues, and as always, we express our thanks to the Alaska Bar Association and the Alaska legal community for allowing us the privilege of publishing the *Alaska Law Review*.

*Kristie Beaudoin*