

## NOTE FROM THE EDITOR

The *Alaska Law Review* is proud to present the first issue in its thirty-first volume. As part of our renewed partnership, the Alaska Bar Association and the *Alaska Law Review* have jointly decided to prioritize the online publication of the journal. Instead of sending printed copies to all Alaska Bar members, the primary method for accessing the *Alaska Law Review* will be through online publication. As in the past, each forthcoming issue will be freely available on our website with printable and searchable PDFs, as will a complete archive of previous issues. Starting with this issue, every Alaska Bar member will be notified via email that a new issue of the *Alaska Law Review* has been published.

Alaska Bar members who wish to continue receiving a printed copy of the *Alaska Law Review* may subscribe for an annual subscription cost of \$15 per volume, which includes the two issues published each year. To subscribe to receive print issues of the upcoming volume of the *Alaska Law Review*, please visit our website at <http://www.alr.law.duke.edu> (click on “Subscriptions”).

The first article in this issue, *Selling Ice in Alaska: Employment Preferences and Statutory Exemptions for Alaska Native Corporations 40 Years After ANCSA* by Gregory Fisher and Faith Rose, argues that Alaska Native Corporations are currently subject to worker-protective legislation to which Congress never intended to subject them. The authors review ANCSA’s unique set of exemptions from federal employment regulations before offering two solutions to problems created by the federal statutes that remain in force: a congressional amendment clarifying and limiting the extent of Alaska Native Corporation liability, and judicial adoption of a two-part test that emphasizes Congress’s intent to protect employment policies that give preference to Alaska Native shareholders.

The next article in this issue comes to us from Kristin Knudsen Latta, a professor at the University of Alaska Anchorage. Ms. Knudsen Latta’s article, *The Role of Non-lawyers on Administrative Tribunals: What Lay Members Think About Law, Lawyers, and Their Own Participation in Alaska’s Mixed Administrative Tribunals*, presents results from the first major survey of the opinions of lay members of Alaska’s administrative tribunals. The article argues that lay members take their roles on tribunals quite seriously, and suggests a number of ways the Alaska legal community can improve lay member involvement.

My own contribution to the scholarship in this issue takes the form

of our sole comment, *Reducing Black Carbon from Wood Burning in Fairbanks, Alaska*. The comment provides some background on the concerns about air quality raised by soot from winter wood burning in Fairbanks, and evaluates possible legal solutions, including public nuisance claims, local regulations, and strict compliance with federal environmental laws. The comment argues not only that reducing black carbon levels would improve the local air quality, but also that a reduction in pollution from wood burning could have an effect on climate change more generally.

The first of our student notes in this issue was written by Andrew Katbi, a former *ALR* member who passed away last year in a car accident. Andrew's dear friends at Duke brought his note to our attention and were integral to the process of preparing it for publication. Andrew demonstrated an interest in criminal law during his time at Duke, and his note, *Crossing the Line: An Analysis of Problems with Classifying Recidivist Misdemeanor Offenses as Felonies*, provides a critical examination of Alaska's recidivist laws. The note argues that reclassifying recidivist misdemeanors as felonies raises constitutional and prudential concerns, and proposes a graduated approach to sentencing enhancement.

Our last student note is Gordon Sommers's *The End of the Public Interest Exception: Preventing the Deterrence of Future Litigants with Rule 82(b)(3)(I)*, which highlights the unpredictability of litigation costs for plaintiffs under Alaska Rule of Civil Procedure 82(b)(3)(I). The note argues that the public interest exception to ordinary rules about awarding attorneys' fees leaves plaintiffs unable to adequately gauge the cost of undertaking a lawsuit. Finally, the note urges Alaska courts to continue working toward clarity in the law.

In closing, I would like to invite all readers to provide feedback on the *Alaska Law Review*. We strive to publish thought-provoking articles, and are always pleased to hear from Alaska Bar members who would like to contribute to the conversation. We especially invite readers to submit responses, reactions, and further insights on topics discussed in the journal. To reach out to the editorial board with your questions, comments, or responses, please email [alr@law.duke.edu](mailto:alr@law.duke.edu). We would be delighted to discuss our content with you further.

The staff of the *Alaska Law Review* has spent all semester preparing this issue, and we sincerely hope you will find the works within it informative, enjoyable, and engaging. As always, we are grateful to the Alaska Bar Association and the Alaska legal community for granting us the privilege of publishing the *Alaska Law Review*, and we look forward to many more fruitful years of working together.

*Kristie Beaudoin*