

In the Supreme Court of the State of Alaska

In the Disciplinary Matter Involving
Harland H. McElhany, II,

Respondent.

Supreme Court No. S-11819

Order of Disbarment

Date of Order: 4/19/05

ABA Membership No. 9411110
ABA File Nos. 2002S048 and 2002D058

Before: Matthews, Eastaugh, Fabe, and Carpeneti, Justices [Bryner,
Chief Justice, not participating]

On consideration of the findings, conclusions, and recommendation submitted by the Alaska Bar Association Disciplinary Board under Alaska Bar Rule 22(n) for review by the supreme court under Alaska Bar Rule 22(r),

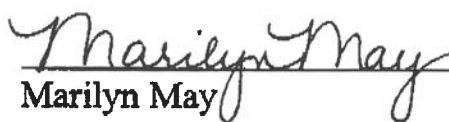
IT IS ORDERED:

1. The Disciplinary Board's findings, conclusions and recommendation for discipline are **APPROVED**.
2. Attorney Harland Harry McElhany II is **DISBARRED** from the practice of law effective **05/19/05**.
3. McElhany shall pay the Alaska Bar Association \$1000.00 in attorney fees and \$389.37 in costs.
4. If McElhany seeks reinstatement under Alaska Bar Rule 29, he must prove that he has met the following terms and conditions:
 - (a) restitution of all losses suffered by clients or for payments made from the Lawyers' Fund for Client Protection as the result of the misconduct with interest at the rate set by the Civil Rules from the date of loss or payment;

- (b) satisfactory completion of the Multi-State Professional Responsibility Examination;
 - (c) attendance at a legal ethics CLE of at least two credit hours; and
 - (d) attendance at a CLE course in the area of client trust accounts and trust funds.
5. Satisfaction of the above conditions carries no implication that McElhany will be reinstated, as no disbarred attorney has any basis for an expectation of reinstatement.
6. If the court orders reinstatement, and if McElhany returns to the active practice of law, he must hire an independent auditor, accountant or bookkeeper acceptable to bar counsel to oversee his financial and trust accounting practices and who will provide to bar counsel quarterly reports of compliance with approved accounting standards for as long as bar counsel deems necessary, but for a period of no less than two years.

Entered by direction of the court.

Clerk of the Appellate Courts


Marilyn May

cc: Supreme Court Justices
Clerks of Court

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