

In the Supreme Court of the State of Alaska



In the Disciplinary Matter Involving)

Gary G. Foster,)

Respondent.)

Supreme Court No. S-11274
S-11274

Order

Date of Order: 2/5/04

ABA File Nos. 2001D036 / 2001D110 / 2001D125 / 2001D159

ABA Membership No. 7811096

Before: Bryner, Chief Justice, Matthews, Eastaugh, Fabe, and Carpeneti,
Justices

On consideration of the findings of fact, conclusions of law, and recommendation for discipline submitted by the Alaska Bar Association under Alaska Bar Rule 22(n) for review by the supreme court pursuant to Alaska Bar Rule 22(r), filed on November 3, 2003,

IT IS ORDERED:

1. The Disciplinary Board's recommendation for discipline is **APPROVED**.
2. Attorney Gary G. Foster is **SUSPENDED** from the practice of law for three years, one year of which shall be stayed under the conditions below.
3. Conditions for reinstatement following the two years of suspension are as follows:
 - (a) satisfactory compliance with the probation plan attached to the Disciplinary Board's findings, conclusions and recommendation dated October 31, 2003;
 - (b) attendance at continuing legal education courses on office management and ethics of at least 12 hours per year;

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(c) payment of attorneys' fees in the amount of \$1,000.00 to the Alaska Bar Association incurred as a result of this proceeding; and

(d) payment of restitution of the judgment paid by Arthur Martinez to his estate (represented to be \$14,261.00 by Bar Counsel), plus interest.

4. If Foster is reinstated following suspension, there shall be a period of probation for one year from the time Foster is reinstated, under the following conditions:

(a) no grievances being filed against him which Bar Counsel does not dismiss under Bar Rule 11(a)(9);

(b) completion of 12 CLE credits per year; and

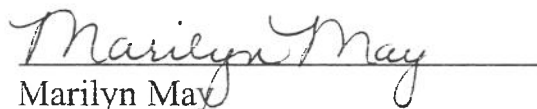
(c) compliance with the conditions to reinstatement set out in paragraph (3) above.

5. Respondent shall comply with the requirements set out in Alaska Bar Rule 28.

6. Suspension is effective 30 days from the date of this order, that is **March 6, 2004.**

Entered at the direction of the court.

Clerk of the Appellate Courts


Marilyn May

Distribution:

Mark Woelber
Alaska Bar Association
P O Box 100279
Anchorage AK 99510-0279

Gary Foster
3437 Airport Way Suite 203
Fairbanks AK 99709