

February 22, 2017

Dear Representative Claman,

I've taken a look at this bill and have some comments to offer. My comments are my own, but I'll bet many attorneys feel as I do.

This bill (HB 104), as I understand it, 1) repeals the AS 09.68.130 requirement that upon settlement of an injury/death case, both sides must submit a 'results' form to the AK Judicial Council, but 2) seems to direct the AJC to "periodically" collect the same information sometime in the future. I respectfully support the repeal measure for reasons that follow, but think mandatory direction to the AJC to collect in the future that which it has ignored in the past is a bad idea. Section 1 should announce repeal of AS 09.68.130 and nothing more.

It is my memory that a number of defense firms refused to comply with the reporting requirement upon passage of the statute in 1997, hence negating the value of the information that has been collected [intended to see how expenditure of and payment for plaintiff and insurance defense resources compare, but failing this goal because of non-compliance with the reporting requirement]. Though I can't independently verify this number, I have been told that only about 20% of those who should be reporting are now reporting as the 18 year old statute demands.

The Alaska Judicial Council may have published some data early on, but it was not terribly useful and nothing has been published in years that I am aware of. I mean no criticism of the AJC: it may be under-loved and under-staffed. One way or the other, the current reporting requirement is just a time-wasting "unfunded mandate" upon otherwise busy professionals, that fails to benefit anyone.

The bill, as I read it, uses mandatory ("shall") language in section 1(a) to direct the AJC to collect the now-required information in the future. For the reasons above, I think this is a bad idea. If there is a major concern about the authority of the AJC in this regard, and a fear that such authority may be needed in the future, I would ask that the language in section 1(a) be softened to use "may" instead of "shall."

Thanks for sponsoring this bill and for your time in considering my comments.

Respectfully Yours,



Michael J. Schneider  
Law Offices of Michael J. Schneider, P.C.  
880 "N" Street, Suite 202  
Anchorage, AK 99501  
Telephone: (907) 277-9306  
Facsimile: (907) 274-8201  
Email: mschneider@aktriallaw.com  
Website: www.aktriallaw.com