

Sponsor Statement

HB 323

The Alaska Supreme Court is asking for a new superior court judge in Anchorage. The judge would be assigned to civil cases.

An additional judge is needed because Anchorage superior court judges have the highest caseloads in the state and a combination of devoting more time to Child in Need of Aid (CINA) cases and an ever-increasing number of unrepresented litigants has created a workload that is unsustainable.

Although judges' workloads are increasing, some of the additional work is the result of the court system doing a better job meeting the needs of those who come before it. This is particularly true with CINA cases.

Prior CINA practice was to have standing masters preside over all phases of a case with the exception of contested hearings. If a hearing was contested it would be assigned to an available superior court judge who would resolve the contested issue and then return the case to the standing master. Although that practice saved superior court time, it led to other problems.

The new practice begins the same as the old; a CINA case starts with a master until there is a contested issue. However, once that occurs, the case is permanently assigned to a superior court judge; it does not return to the master. Having a judge permanently assigned to the case is a better model in a number of ways, one of which is that it eliminates shuffling the family back and forth between a standing master and any number of superior court judges.

In addition to CINA cases, another prime driver behind the current workload is the prevalence of unrepresented litigants in domestic relations cases. Although we do not have historical statistics that track these cases, Alaska judges, like judges from across the country, have seen a significant increase over the past several years. What we know from current data is that when first filed about 37% of the cases have attorneys for both parties, 25% have an attorney for only one party and in 37% of the cases neither party has an attorney. The percentage of litigants appearing without counsel increases as the cases progress and increases significantly once litigants are filing motions after the initial decree is entered. Most of these post-judgment motions relate to child custody disputes.

Judges cite a list of time-consuming challenges that arise when counsel is absent from one side or both sides. Frequent motion practice, arguments unrelated to the relevant legal issues, delays stemming from the failure to submit needed information and judicial time spent calculating child support awards are some of those challenges. However, even though these litigants take more time, their cases are as important as those where the parties have lawyers and the judiciary is committed to ensuring that they too can meaningfully access the court.

Adding one new judge will not significantly reduce the workload of the Anchorage superior court (more judges will likely be needed in the very near future), but it will provide some relief as the court works to develop alternative ways to manage that workload. Thank you for considering this request.