

STATE OF ALASKA

THE LEGISLATURE

1988

Source

CSHJR 69(Jud)

Legislative
Resolve No.

69



Urging expedient and positive action by the United States Congress on S. 1983 or other legislation adding a second bankruptcy judgeship for Alaska.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the District of Alaska currently has only one authorized bankruptcy judge, whose official duty station is Anchorage; and

WHEREAS the total number of bankruptcy cases filed in the District of Alaska has increased 332 percent between 1983 and 1987; and

WHEREAS, for the 12 - month period ending June 30, 1987, the District of Alaska recorded 204 Chapter 11 filings, placing it well above the national average of 80 filings per bankruptcy judge; and

WHEREAS the current District of Alaska bankruptcy judge handled 773 adversarial proceedings in the same 12 - month period, which is 2.5 times the circuit average of 311 proceedings per authorized judgeship; and

WHEREAS the high percentage of adversary proceedings and the high percentage of Chapter 11 filings result in a case load that requires the Alaska bankruptcy judge to expend a greater amount of time per case than a judge in a district with a more balanced case load; and

WHEREAS the Alaska District bankruptcy judge currently holds court for approximately four days a month in Fairbanks, Nome, Juneau, and Ketchikan, requiring the expenditure of more than 30 hours a month in nonproductive travel time; and

WHEREAS unpredictable flying weather in Alaska often results in additional lost time for the bankruptcy judge and staff due to

flight delays or cancellations; and

WHEREAS growing case loads in Cordova, Kodiak, Valdez, and Sitka have prompted recommendations by the Administrative Office of the United States Courts to recommend that these communities be added to the list of court sites; and

WHEREAS the current case load of the bankruptcy judge precludes addition of communities as court sites; and

WHEREAS the District of Alaska Bankruptcy Court will be moving in July 1988, to the remodeled Anchorage Federal Court Building, a building that includes facilities for a second bankruptcy judge, secretary, and law clerk, and a second courtroom; and

WHEREAS the Ninth Circuit Court of Appeals currently recognizes the excessive work load in the District of Alaska Bankruptcy Court by sending an extra judge and support staff to Alaska for approximately one week every month to help handle the conflict case load; and

WHEREAS roughly 25 percent of the cost for a second District of Alaska bankruptcy judge and support staff is currently being expended through the cost of this traveling judge and staff; and

WHEREAS Alaska's senators have introduced legislation to establish a second bankruptcy judge;

BE IT RESOLVED that the Alaska State Legislature urges the United States Congress to take expedient and positive action on S. 1983 or other legislation creating a second bankruptcy judgeship for the District of Alaska.

COPIES of this resolution shall be sent to the Honorable Howell T. Heflin, Chairman of the Subcommittee on Courts and Administrative Practices, a subcommittee of the U.S. Senate Committee on the Judiciary; the Honorable Charles E. Grassley, Ranking Minority Member of the Subcommittee on Courts and Administrative Practices, a subcommittee of the U.S. Senate Committee on the Judiciary; the Honorable Joseph R. Biden, Jr., Chairman of the Senate Committee on the Judiciary; the Honorable Strom Thurmond, Ranking Minority Member of the Senate Committee on the Judiciary; the Honorable Robert W. Kastenmeier, Chairman of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, a subcommittee of the U.S. House of Representatives Committee on the Judiciary; the Honorable Carlos J. Moorhead, Ranking Minority Member of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, a subcommittee of the U.S. House of Representatives Committee on the Judiciary; the Honorable Peter W. Rodino, Jr., Chairman of the House Committee on the Judiciary; the Honorable Hamilton Fish, Jr., Ranking Minority Member of the House Committee on the Judiciary; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.