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AMENDMENT #1

OFFERED IN THE HOUSE

BY: REPRESENTATIVE GARA

TO: CSHB 76 (JUD)

Page 1 Line 5 delete all material and add:

* **Sec. 2.** AS 37.05 is amended by adding a new section to article 6 to read:

Sec. 37.05.590. Civil legal services fund. The civil legal services fund is established as a special account in the general fund. The fund consists of appropriations to it. Annually, the legislature may appropriate to the fund all or part of the amount deposited into the general fund of the state under AS 09.17.020(j), and \$75 of the amount collected from each filing fee set out in Rule 9(b)(1), Alaska Rules of Administration. The legislature may make appropriations from the fund to organizations that provide civil legal services to low-income individuals. Nothing in this section creates a dedicated fund. In this section, "low-income individual" means an individual with an income equal to or less than 125 percent of the most recent federal poverty guidelines for Alaska set by the United States Department of Health and Human Services.

***Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to read:

INDIRECT COURT RULE AMENDMENT. The provisions of AS 09.60.250, added by sec. 1 of this Act, have the effect of amending Rule 9, Alaska Rule of Administration, by requiring the court to collect a surcharge.

***Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. Section 1 of this Act applies to civil actions filed on or after the effective date of this Act.

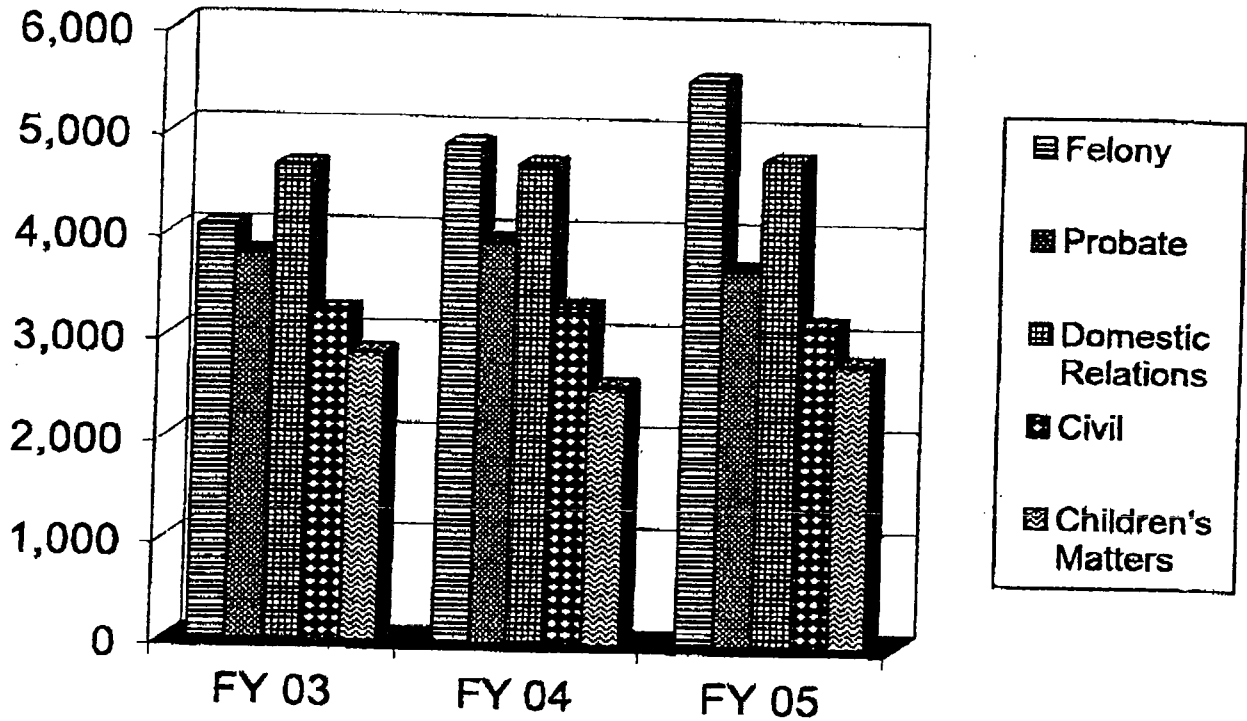
HISTORICAL PUNITIVE DAMAGE AWARDS

Case Name	Case Number	Case Description	Amount of Punitive Damages Awarded by Verdict (total)	Amount Collected	Verdict Date	State Move to Intervene	State's Calculation of State's Share	Credit for Rule 82 Award	Appeal Status	Notes
Andrew v Midwest Folding Products, Inc. & LKSD	4BE-01-353	Child Injured by Folding Table Collapse	\$5,000,000	\$166,666.67	07/30/04	N/A	N/A	N/A	N/A	Received \$166,666.67 on 10/13/04
Barretts Office Interiors v. Fallier et al.	3AN-01-4776 CI	Contract?	Judge tried: \$25,000 (\$10,000 on remand)		12/09/04	No			appealed & remanded	Insufficient assets.
Mutz v Leader	1JU-03-0224 CI	Insurance Bad Faith	\$12,000,000	\$300,000.00	09/09/04	Yes	Compromise \$300,000			Received \$300,000 on 1/5/05
AHTNA Government Services Corp v Richard Harris	3AN-01-11346 CI	Transactional Litigation	\$243,192.00		12/20/04	No	\$108,220.00			Defendant discharged in bankruptcy.

**Awards 2005 - January 2007 or which are still judicially pending
PUNITIVE DAMAGE AWARDS**

Case Name	Case Number	Case Description	Amount of Punitive Damages Awarded by Verdict (total)	Amount Collected	Verdict Date	State Move to Intervene	State's Calculation of State's Share	Credit for Rule 82 Award	Appeal Status	Notes
Reusi v. Alaska Petroleum Contractors	3KN-99-132	Employment Action	\$500,000 (reversed on appeal)		01/11/01	Yes	yet to be determined		Appeal concluded	Amount to the State yet to be determined by the trial court.
State of Alaska v. Karen Carpenter, Washwood One, and Tom Leykis	S-107001/10739	Tort Claim Arising Out of Radio Communication	\$150,000.00		2002	Yes	\$75,000 minus atty fees	On appeal	Yes	On Appeal to Supreme Court. Draft circulating.
MacDonald v. City of Tenakee Springs, et al.	1JU-03-228 CI	Civil Assault	\$135,000.00		03/21/05	No	\$87,500			Insufficient assets.
Hudson v. Brandner	3AN-03-6138 CI	Personal Injury	\$25,000.00		1/5/2006 Bench Trial	No	\$12,500 minus atty fees			On appeal. Received 7/12/06
Lamb v. Anderson	4FA-03-02594 CI	Personal Injury	\$1000 (settlement)	\$333.00	04/05/06	No				
Ayubuk v. Gary Austin	3AN-01-09443 CI	Personal Injury	\$8,500	None	05/08/05	No	\$3,250 minus atty fees	Not yet determined	Possible	Pending trial court motion practice.
Donna Walker v. Ella Lind	3AN-03-4407 CI	Personal Injury	\$100,000	None	10/09/06	No	\$30,000 minus atty fees			Plaintiff plans on trying to execute against defendant's Exxon Valdez claim.
F.S. Air Service v. Casoola	3AN-02-8489 CI	Misrepresentation/Breach of Contract	\$300,000	None	02/27/02	No	\$150,000 minus atty fees	7	Completed	Defendant in Florida; pending criminal charges; restitution is not likely.

Table V
Superior Courts
Summary of Filings by Case Type
FY 03 - FY 05



<u>Filing Type</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>	<u>FY 03 to FY 05 Change</u>	<u>FY 04 to FY 05 Change</u>
Felony	4,056	4,887	5,546	N/A	N/A
Probate	3,790	3,936	3,690	-3%	-6%
Domestic Relations	4,658	4,694	4,767	2%	2%
Civil	3,240	3,310	3,168	-2%	-4%
Children's Matters	2,840	2,539	2,190	-2%	10%
Total	18,584	19,366	19,961	N/A	N/A

N/A - Comparison to prior years is not possible because Anchorage and Fairbanks changed their method of counting felony and misdemeanor cases. Anchorage changed in FY04 and Fairbanks changed in FY05.

2. Secure additional funding for Alaska Legal Services from other sources.

a. Establish an Alaska Legal Services Foundation (ALSF) and an endowment fund.

b. Encourage attorneys to explain to their clients the need for funding equal access to justice and to work with their clients in including Alaska Legal Services or the ALSF in their charitable estate planning. Promote the idea of non-attorneys (as well as attorneys) making gifts to Alaska Legal Services or ALSF.

c. In addition to the traditional legislative appropriation, explore the "designated program receipts" approach to state funding (such as by means of a filing fee surcharge, as in Hawaii and some other states), so as not to violate the "dedicated fund" prohibition of art. IX, sec. 7, of the Alaska Constitution. Work with the Department of Law, the Department of Revenue, and the Court System in exploring this approach.

d. Work with Alaska's Congressional delegation to remove the federal statutory prohibition preventing the collection of attorney fees from the losing party in litigation, at least in Alaska where Civil Rule 82 provides for such fee awards.

3. Increase rural staff so local Alaska Legal Services offices can provide assistance and representation to rural Alaskans. Reopen rural Alaska Legal Services offices with attorneys on staff, focusing first on those communities with a superior court.

4. Coordinate with other service providers, particularly in rural areas where there already may be a network of providers or staff willing and able to establish an alliance with Alaska Legal Services. For example:

a. Adult Basic Education (ABE): this organization has an office in Nome and staff throughout a number of villages that, among other things, provides people with assistance in completing government and court forms. The ABE village staff has access to a telephone, fax, and computers, and the agency has already expressed an interest and willingness to coordinate services with Alaska Legal Services.

b. Alaska Network on Domestic Violence and Sexual Assault: Alaska Legal Services should work with the statewide DV network and its Legal Advocacy Project (LAP) in the "mentoring" program, to provide training to private attorneys and to develop a desk manual, including simplified forms. Alaska Legal Services and the LAP should also continue to coordinate efforts to secure additional funding for attorneys to provide legal representation for victims of domestic violence/sexual assault and to increase the pool of existing pro bono attorneys for these cases.

ALSC State (CRA/CED/SSI) & Federal (LSC) funding, 1985-2005

