

**HOUSE AND SENATE
JOINT JOURNAL SUPPLEMENT**

February 12, 2014

Wednesday

No. 9

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State of the Judiciary Address

by

The Honorable Dana Fabe

Chief Justice

Alaska Supreme Court

Before a Joint Session

of the

Second Session of the

Twenty-Eighth Alaska State Legislature

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February 12, 2014

Juneau, Alaska

The following was submitted for publication:

President Huggins, Speaker Chenault, Senators and Representatives, and guests. The State of the Judiciary presents a welcome opportunity to highlight both the achievements of the Alaska Court System and the challenges it faces, and on behalf of all the court system employees statewide I would like to thank you very much for the opportunity to speak with you today. Before I begin my remarks, I would like to acknowledge my colleagues on the Alaska Supreme Court.

Justice Daniel Winfree of Fairbanks is a lifelong Alaskan appointed by Governor Sarah Palin in 2007 after a long and distinguished career in private practice. He serves as our court's liaison to the National Conference of Bar Examiners, which sets best practices for determining admission to the practice of law.

Justice Craig Stowers was appointed by Governor Sean Parnell in 2009 after a career in private practice and several years on the Anchorage Superior Court bench. He is the dedicated chair of the court system's Security and Emergency Preparedness Committee, which works to protect the safety of court personnel and court users statewide, and he also serves on Alaska's delegation to the Uniform Law Commission, which develops model legislation for states in challenging areas of law.

Justice Peter Maassen was appointed by Governor Parnell in 2012 after an accomplished career in private practice. He serves as chair of both the Supreme Court's Judicial Education Committee and the Supreme Court's Access to Civil Justice Committee.

And, finally, Justice Joel Bolger, the newest member of the court, was appointed by Governor Parnell just over a year ago. Justice Bolger was a highly experienced jurist long before he joined the court, having served as a judge at every level of our judicial system – in Valdez, Kodiak, and Anchorage. Justice Bolger currently serves as co-chair with Attorney General Michael Geraghty of the Criminal Justice Working Group.

I would also like to acknowledge the members of the court's administrative staff who are with us today: Christine Johnson, Administrative Director; Doug Wooliver, Deputy Director; Marilyn May, Clerk of the Appellate Courts; and Lesa Robertson, Assistant to the Director. Nancy Meade, General Counsel, is unable to be with us today because of a family commitment.

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Also with us today is someone I'm very pleased to introduce: Susanne DiPietro, the new Executive Director of the Alaska Judicial Council. The Council plays a vital role in both the judicial selection and retention processes. In the decades since Statehood, the studies the Council has conducted to improve the administration of justice have helped us create and maintain one of the most respected judiciaries in the nation. Ms. DiPietro has been a public sector attorney in Alaska for over 25 years, including long tenures with both the Judicial Council and the court system. I believe you will find her to be extremely responsible and responsive to the public. She brings a wealth of talent and experience to the Council's important work.

In recent years, the State of the Judiciary address has focused on seizing opportunities to make significant changes in the way we do business. My immediate predecessor as chief justice, Walter Carpeneti, urged us to consider "smart justice" principles to address the skyrocketing costs associated with incarceration and our alarming rates of recidivism in criminal cases. The Criminal Justice Working Group and the Legislature continue to explore measures that embody "smart justice." And last year, I urged that we work together to develop local justice initiatives in our remote villages, including coordinating more closely with tribal courts. Today, hints of progress are being seen in this area among the three branches, including our adoption of a new court rule on implementing restorative justice practices such as circle sentencing at the local level. New approaches to justice delivery are being earnestly explored and are gaining traction. To me, this demonstrates something that I've always believed, which is that all of us, as public servants, take our responsibilities to serve justice seriously, and approach them carefully, and that we are willing to embark in new directions when the times and circumstances warrant.

Looking back to the first State of the Judiciary address I was privileged to present to you in 2001 highlights just how rapidly and remarkably we've adapted – together – to changing demands. At that time, I spoke of the need to improve the way we manage case information, to make it more readily accessible to judges, attorneys, agencies, and members of the public. Today, we have a computerized case management system, CourtView, in all court locations statewide. CourtView makes gaining access to court records significantly easier for all concerned.

In 2001, I spoke of a promising new approach to handling criminal cases involving defendants with drug and alcohol addiction – an approach that would emphasize treatment, education, and employment as a way to slow the revolving doors of our jails. Today, we have therapeutic courts in Anchorage, Bethel, Fairbanks, Juneau, Ketchikan, and Palmer that not only reduce our

rates of recidivism, but also help many Alaskans break the cycle of addiction to resume sober, productive lives.

I spoke of the rise in the number of self-represented litigants, and the need to ensure that they navigate the legal system as smoothly as possible. Today, we have the nationally recognized Family Law Self-Help Center. The center assists thousands of Alaskans each year through an extensive website of forms and instructions, regular workshops, and a statewide telephone help-line. Also, I spoke of the importance of exploring alternative dispute resolution in child custody cases, to avoid the damage to family relationships that can occur in the more traditional adversarial process. Today, we have the Child Custody and Visitation Mediation Program available for free in many communities. This mediation program has helped over a thousand Alaskan parents and children survive family break-up in a less stressful, more peaceful manner. Strong court mediation programs have been established for child protection, small claims, and adult guardianship and conservatorship cases as well.

The Early Resolution Program, founded just three years ago with the help of volunteer mediators and attorneys, has now helped over 650 families in three of our highest volume courts – Anchorage, Palmer, and Juneau. Approximately 80 percent of these families have avoided protracted legal proceedings by working with volunteer attorneys and court mediators to resolve their child custody, child support, and property disputes usually within weeks after their cases are filed. I recently presided over two Early Resolution Program court calendars and can say from personal experience that it is a highly effective and beneficial approach. Of the 12 cases on my two dockets, 8 fully settled and the parties left the courtroom with final divorce decrees and, where applicable, child support orders. Two reached agreement on most issues and were expected to settle soon. Not only were most families able to move on with their lives more quickly, with less strife and disruption, but the court was able to close these cases after just a few hours of volunteer attorney and court time.

Each of these programs – CourtView, the Family Law Self-Help Center, Therapeutic Courts, the Child Custody and Visitation Mediation Program, and the Early Resolution Program – represents a remarkable step forward that could not have happened without the innovation, dedication, and hard work of many talented people – both court staff and community volunteers. And none of these programs would have succeeded in becoming such vital components of our justice system without your steady support. Making fundamental changes in the way we do things is always an exercise in patience, courage, and faith – for all of us. But the results have been nothing short of profound for many, many people in this state, and we can all be proud of the difference our contributions have made.

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Our work together has brought real advances in justice delivery, but it has also proven something else that is just as important. It has shown that our conversations matter, that we do in fact function best when we communicate closely with each other and apply ourselves cooperatively to the tasks at hand. Alaskans are best served when we come to the table to share ideas and concerns with as much information and as many perspectives as possible. I'm grateful to you for always keeping a seat open for us, through events like today's address, your attendance at this morning's informal breakfast with judges and court staff, and your participation in our new Judicial Ride-Along program. The program provides an opportunity for legislators to meet with judges and see first-hand the role that trial courts play in the justice system and the influence they have on the daily lives of our citizens.

It is in this spirit of engagement and exchange that I would like to address two themes that, to me, form the foundation of the progress we've made together: stewardship and service. The dictionary defines "stewardship" as "the careful and responsible management of something entrusted to one's care." "Service" is defined as being of "help, use or benefit" to others. The calls to stewardship and service are familiar to each of us, because all of us are stewards of the public's trust, and all of us are public servants. Today, I would like to share with you a few steps the court system is taking toward fulfilling the responsibility we have been given as both stewards of and servants to our society's promise of justice.

Stewardship. Good stewardship means being mindful in all of our administrative decision-making of the likely impacts on funding, facilities, and personnel. It means identifying and implementing viable alternatives for justice delivery using existing resources, before pursuing new ones. And it means "working smart" and doing more with less so that we can continue to operate in the manner the Constitution requires of us, even in the face of budget constraints. Several current initiatives in courts statewide illustrate our progress.

First, we have adopted an "all hands on deck" approach to judicial needs. When judicial calendars become tight from caseload demands and higher trial rates, we have been able to enlist retired judges to serve in a temporary, "*pro tem*," capacity. To give just a few examples, Senior Superior Court Judges Larry Card and Niesje Steinkruger have helped cover busy dockets in Anchorage and Nome, respectively. Senior District Court Judges Natalie Finn and Ray Funk have spent significant time covering calendars in Bethel and Dillingham. And my long-time colleague Senior Justice Warren Matthews, who served on the Supreme Court for 32 years before retiring five years ago, has filled in not only in appellate matters but also for trial court and magistrate judges in Anchorage and Juneau.

Judicial workloads vary, based not only on the number of cases filed in given jurisdictions, but on the number of cases that go to trial. So judges are often called upon to travel and cover for each other to avoid case backlogs, both within their own judicial district and across all districts. Juneau has one of the highest caseloads per judge in the state, and judges from Sitka, Ketchikan, and even Anchorage have traveled there to help ensure that the cases are handled in a timely manner. The only limitation on our ability to maximize judicial coverage in Juneau is the lack of available courtroom space in the Dimond Courthouse. When Juneau judges are in town, there is no room for visiting judges, and when they're away, their courtrooms are never empty. Thanks in large part to dedicated judges, both active and retired, we have been able to provide consistent judicial coverage in a flexible and cost-saving manner without the need for new judicial positions. Given current fiscal times, this is an achievement we can all appreciate.

Another announcement I'm pleased to make concerns a legislative appropriation that we will be returning to the state treasury. For fiscal year 2014, we received a one-time appropriation of \$40,000 to support a "24/7 Sobriety Program," a pilot project in Fairbanks that requires twice-daily alcohol testing for defendants released on bail who are ordered not to drink. The funds were intended to cover the start-up phase, but Superior Court Judge Doug Blankenship was able to find a vendor willing to cover start-up costs without public monies. Because of the cost-conscious approach of this judge and the vendor, \$40,000 will be returned to the general fund for you to apply to another public need.

On a related note, our work to implement electronic filing, also known as "E-filing," continues. Federal courts have allowed E-filing for many years, and many other state courts now require that court documents be filed electronically. These courts report increased efficiencies from the streamlined manner in which electronic documents can be accessed, shared, and stored, as well as better availability of court records to justice agencies and members of the public. We will begin testing E-filing in domestic violence cases in Anchorage, Kenai, and Kotzebue by the end of the fiscal year. In addition, we have received a one-time \$50,000 grant to create an electronic charging form. This form will be used initially by the Municipality of Anchorage, which files over 20 percent of criminal cases statewide, and it will eventually also be used by the state prosecutors. Anchorage Superior Court Judge William Morse chairs the court's E-filing Committee, and I'm confident that the coming year will bring great strides forward under his leadership.

All three examples – maximizing existing judicial coverage, guarding the dollars you have appropriated to us, and implementing more streamlined and

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economical access to court documents – illustrate how attention to detail and close cooperation among all concerned can allow us to preserve funds while still preserving our commitment to effective justice delivery. Our obligation to fulfill the promise of equal justice is fundamental and cannot be compromised. But functioning as economically as possible does not undermine this obligation; in fact, it strengthens and protects it. In these days of budget constraints, the ability to stretch limited resources helps guarantee that we continue to function well despite fiscal challenges.

And our efforts to stretch public funds are not limited to court resources. Many state agencies support the functioning of our justice system, and all draw from the same public treasury. So good stewardship requires that we support other agencies in their efforts to deliver better services. As you may know, we recently launched a project in Fairbanks that gives law enforcement officers electronic access to bail orders entered by the Fairbanks court. Suddenly, for the first time, an officer in the field can determine immediately whether an individual is out on bail, and, if so, whether the person is complying with the conditions of release. If not, the officer can make an immediate arrest. The project is already making a difference in Fairbanks. Within the first two months after the project started, there was a 60 percent increase in the number of arrests for bail violations compared to the prior year.

Given the effectiveness of this project, and the strong endorsement of the law enforcement community, our ultimate goal is to make bail information available electronically all across the state – on the street, instantly, at all hours. The resulting enhancement of public safety will be tremendous for the community in general, and in particular for victims of domestic violence and other crimes. By working together, we can help law enforcement officers make the best use of their limited resources to keep our communities safe.

Also, for years we have facilitated on-site arraignments within jails and juvenile detention centers, authorized telephonic hearings where appropriate, and expanded the use of videoconferencing when the personal presence of a party or witness is not essential to a fair disposition of the issues at hand. These steps have meant fewer prisoner transports to courthouses at public expense and lower travel costs for private parties faced with the onerous task of litigating in a state as large and remote as ours.

These are just some examples of the many ways in which we work with other justice agencies to ensure the wisest use of public dollars. And our efforts to conserve resources are by no means one-way. Other state agencies and organizations help us to operate more cost-effectively, too. For example, the

Child Support Services Division has facilitated the success of the court's Early Resolution Program by providing case workers on-site during the program's regular settlement calendars. By making child support information and calculations available immediately, while the parents, attorneys, mediators, and the judge are present together for the first time, the agency has helped parties come to terms with their respective obligations without the delay and cost of further proceedings. Alaska Legal Services Corporation coordinates the volunteer attorneys who devote countless hours to the Early Resolution Program, helping us ensure that expensive judicial resources are reserved for only those cases that truly require them. No doubt Alaska Legal Services, Child Support Services, and the attorney volunteers for the Early Resolution Program do the work they do because they see the positive effect it has on troubled families. But the dedicated work of these agencies and individuals also has a very positive impact on our ability to stretch our resources and to serve all the people of Alaska well.

When the court and others in the justice community work together to function as efficiently as possible, we secure the promise of justice for both present and future generations. This, to me, is the core of good stewardship. And with good stewardship we can assure that we continue to serve the public to the best of our ability.

Service. Remembering the call to service is essential to the operation of a well-functioning justice system, and we are working on promising new developments in this area as well. Coming to court is a scary proposition for almost everyone. For parties, much is at stake, outcomes are uncertain, and the anxiety can be overwhelming. For victims, witnesses, jurors, and concerned friends and family, the court process can be intimidating, difficult to comprehend, and disruptive to their lives. With the rise in self-representation, attorneys no longer play as large a role in calming fears and describing what to expect and how to prepare. Many people enter our doors without even a basic understanding of the adversarial process. This can lead to distress for parties and delays in the courtroom. Against this backdrop, the court system has much work to do to make the legal process more understandable and less stressful to all concerned.

Good models for addressing the mental strain and emotional turmoil court users face can be found in the medical community. Some doctors' offices and medical providers make a practice of contacting patients in advance of a medical procedure to see if they have any questions or concerns, and to make sure they are adequately prepared. I'm convinced we could use similar outreach approaches within the court system to quiet the nerves of those facing the daunting legal process and to ensure that parties arrive with the

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materials they need to proceed. There are several concrete steps we can take toward this end.

First, we can give greater assistance to litigants themselves. The Family Law Self-Help Center has shown that court staff and volunteers can render cost-effective support services by giving information about court procedures without providing legal advice or advocacy. Self-represented litigants who receive this type of information and support in advance of court proceedings arrive more prepared, more at ease, and more focused on what is relevant. As a consequence, their proceedings tend to go smoothly and achieve results, to everyone's benefit. Basic information about what to bring to court and what will happen in court is powerful, and the public is eager for it. So we are now exploring models for contacting self-represented litigants in advance of their court dates – through phone, email or text messages – to remind them of when and where to go, and what to bring, and to give them the opportunity to ask basic questions about court procedure.

In addition, we can minimize the inconvenience and disruption court proceedings place on a citizen's daily life. Traditionally, going to court has been a Monday through Friday, 8:00 a.m. to 4:30 p.m. proposition. Court hours and business hours have typically overlapped, requiring citizens who use the court to take time off work to handle even the most routine court matters. Acknowledging the difficulty this creates for many, I asked the presiding judges in the two largest judicial districts to explore expansion of court hours in some of our courthouses, and they were successful. Recently, we expanded the court hours available to handle certain routine matters to evenings and weekends in Anchorage and Saturdays in Fairbanks, and the response from these communities has been overwhelmingly positive. Parties in these locations now have the option of scheduling a name change or traffic matter or an uncontested dissolution proceeding at a time that doesn't conflict with their jobs. Affording litigants a greater opportunity to schedule cases according to their own needs reduces the inconvenience of coming to court and provides a better service to the public. Palmer was the pioneer in this type of effort, when it started a "community court" calendar that offers expanded hours three evenings a week and on Saturdays. We are indebted to the court staff who have worked hard to make these changes happen, and I am especially grateful to Third District Presiding Judge Sen Tan and Area Court Administrator Carol McAllen, and Fourth District Presiding Judge Michael MacDonald and Area Court Administrator Ron Woods for implementing these changes through flexible scheduling of magistrate judges, with no additional resources.

Second, we can improve the juror experience. I recently convened a new Jury Service Project, which I invited Fourth District Presiding Judge Michael MacDonald to co-chair with me. The aim is to reduce the burden of jury service, especially in communities with small pools of jurors and high rates of trial. We are refining our standards for the numbers of jurors to call for specific types of cases, to avoid the costs and hardship that arise when a larger number is called than necessary. We are considering an expansion of the number of communities from which potential jurors can be drawn, to make a wider pool available and to spread the obligation more broadly and fairly. And we're developing new jury orientation materials, including a statewide juror video, to make participation less confusing. Finally, we are hoping to make better use of technology to keep jurors informed, both before and during their service. By using simple text, phone, or email reminder messages – just as the airlines do – we could advise prospective jurors in a timely way of dates and times to report for service, of schedule changes, or of unanticipated delays. Jury service is the cornerstone of our system of justice, and we must do all we can to assure that Alaskans view it as a privilege of citizenship, and not a burden to be avoided. The framers of our Constitution established trial by jury, and it is a vital part of our heritage.

Third, we can provide more comprehensive and meaningful services to parents and children involved in domestic relations cases. We have learned through the court's successful mediation initiatives, especially the Early Resolution Program, that outcomes turn out best when we invest early in parents' capacity and willingness to solve their own problems. They are the ones who know their families, and they are the ones who know their children. In most cases, the best service we can give is to help parents chart their own course out of the storm.

It has been many years since we systematically examined the way we handle child custody cases, and a lot has changed. Far more parents are attempting to represent themselves – in over 80 percent of child custody cases resolved this past year, one or both parties appeared without an attorney to assist them. We have also seen a dramatic increase – 50 percent over the last five years – in the number of motions to modify previously entered orders on child custody and support. So later this month, I am bringing together a wide range of professionals who work with family cases for a "Child Custody Summit." I am asking these individuals to evaluate what we are currently doing and to assess what more we might do to make child custody proceedings less complex, more collaborative, less adversarial, and more affordable. A child custody battle can be a shattering event for a family, and the adversarial system wasn't designed to handle the sensitive and deeply personal issues arising out of family relationships. I am confident that we can significantly

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reform the child custody process to better serve the needs of parents and children, and that we can do so with existing resources.

Fourth, we can improve services in our rural single-judge court locations, where unique circumstances pose significant challenges. Rural courts serve isolated communities where many residents have limited English proficiency, the institutional presence of justice-related agencies is sparse, and local services and resources for treatment, supervision, and oversight vary widely. Distances between residents and the nearest courthouse can be hundreds of miles, and many proceedings are held telephonically, with the judge and parties seeing each other rarely, if ever. The feelings of isolation, alienation, and detachment must be great as people face an important event in their lives without a real sense of direct participation. As I stressed in my remarks last year, if there is any place where adequate justice delivery demands our keen attention and creativity, it is rural Alaska.

This past fall, I invited tribal court judges to join state court judges so that we could learn together from a national expert about new techniques for handling cases involving self-represented litigants. Eleven tribal judges representing nine tribal courts attended the joint training, which was co-sponsored by the Supreme Court's Fairness, Diversity, and Equality Committee. Break-out sessions during the training gave state and tribal judges invaluable opportunities to share perspectives and approaches, and led to stronger relationships that have carried over. Increased collaboration between state and tribal judges is already occurring. For example, Judge Kimberly Sweet of the Kenaitze Tribe in Kenai, who attended the joint training, has approached the Kenai Court about possibly collaborating on cases involving children as well as on a therapeutic DUI court. I'm hopeful that other judges are having similar conversations about tribal therapeutic courts, tribal diversion programs, and ways to better supervise probationers in their home communities. These conversations may lead to solutions that will make the fabric of rural justice stronger over time.

The Fairness, Diversity, and Equality Committee has also convened a subcommittee of state and tribal judges to look at the different ways communities across the state handle Minor Consuming Alcohol cases. The subcommittee will bring together judges and other professionals for a conference to discuss best practices for approaching minor consuming cases. One result of the conference may be that more of these cases are referred to tribal courts under the authorizing statute,¹ which permits state judges to refer minor consuming cases to "community diversion panels" such as tribal courts

¹ AS 04.16.050(b)(1).

and other local entities. But this statutory provision appears to be rarely used. By helping to ensure that village youth who drink alcohol are held accountable in their own communities, state and tribal judges could serve the intent of the legislation, while also providing an avenue for important state-tribal cooperation and coordination.

Toward this end, we are also exploring the potential for more local referrals in appropriate cases under Civil Rule 100, which allows civil cases to be referred to tribal courts or other local entities at the parties' request. And the Supreme Court recently adopted a new court rule that allows local communities to play a role in assessing the impacts of criminal behavior and to help shape the consequences through circle sentencing and other restorative justice programs.

But there is still so much that needs to be done. By the end of the year, I plan to gather our rural judges and court personnel together for a Rural Case Management Workshop, which we hope will help identify best practices for improving our rural judicial services statewide. Yet despite our best hopes, we are mindful that the challenges we face have existed since the days of the Territory and have persisted through the first half-century of Statehood. It is a long road, and we are facing a steep, steady climb. But it is a journey we must take – and take together – if we are going to bring our services in rural Alaska to the level our rural residents demand and deserve.

Finally, we are striving to serve Alaskans by resolving their disputes more promptly. Together we have made the swift resolution of child protection cases a top priority. Once a Child in Need of Aid appeal has been fully briefed and argued by the parties, and submitted to the Supreme Court for decision, the court is issuing a written decision within just a few months. But with the rising number of Child in Need of Aid appeals – more than double in the last year – we began to observe that the agency attorneys for the parents, the guardians ad litem, and the State Office of Children's Services were asking for longer extensions to file their briefs. This threatened to create unacceptable postponements and a potential backlog in these critical cases. And that would be an intolerable result. Many abused or neglected children in these cases are waiting to be adopted. A delay of a few extra months may go by quickly for an adult, but this period of time can be an eternity for a child waiting for a permanent home. The Supreme Court has informed the attorneys that we will be enforcing existing court rules, which require expedited briefs in these child protection appeals and which limit the availability of briefing extensions.

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And there is a related crisis emerging in the ability of the parties to meet their briefing obligations in criminal appeals. As our felony jury trial rates climb, more appeals of resulting convictions are filed. During the first six months of this fiscal year alone, the number of appeals of criminal convictions has jumped by 33 percent over the same period the previous year. Chief Judge David Mannheimer of the Court of Appeals reports that it is now taking the attorneys close to two years to file the briefs in a criminal appeal rather than the 80 days specified under the appellate rules. Even with routine extensions for both sides, briefing should be complete within about five months. Our Constitution guarantees to criminal defendants a right of appeal – and to all victims of crime the right to a timely disposition of the case.² There can be no finality to a criminal conviction until the appeal is decided. Defendants, victims, and their families are now left waiting years for their cases to be finally resolved. You recognized the need for closure for victims when you passed legislation requiring that they be informed of any pending motion for continuance that could cause a substantial delay. And you defined "substantial delay" in a criminal appeal as six months or longer.³ Waiting for two years before even the briefs of the parties are completed in a criminal appeal is untenable. It may even compromise public safety because the prosecution's ability to retry the case in the event of a reversible error at trial can be impaired by such extensive delay: Witnesses may not recall details of an event that occurred many years earlier – or they may not be available at all. Just as it is the court's responsibility to enforce its existing rules to ensure expedited resolution of Child in Need of Aid appeals, the court is responsible to enforce the rules that protect the constitutional rights of defendants and victims to timely resolution of their criminal appeals.

We recognize that with the rising number of appeals in both child protection and criminal cases, the enforcement of existing appellate rules will affect the state agencies that handle the bulk of these appeals – the Public Defender Agency, the Office of Public Advocacy, and the State Attorney General's Office. While these agencies are making diligent efforts to discharge their duties, it appears that they don't have the capacity to keep up with this striking increase in appeals, and they will no doubt continue to be stretched by the rising trial rates and resulting heavy appellate caseloads. And there is no end in sight. We want to work cooperatively with these agencies to help them meet reasonable briefing deadlines. In fact, the Court of Appeals has adopted a phased approach to reduce the excessive delay in briefing criminal appeals. But appellate delay has the potential to harm the interests of everyone in the justice system – abused and neglected children, victims and their families,

² ALASKA CONST. ART. I, § 24.

³ AS 12.61.015(a)(5).

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defendants, and the law enforcement and child protection agencies that investigate these cases. It is the court's responsibility to serve our communities by ensuring that our justice system functions effectively. It appears that at a minimum, some form of temporary relief to these agencies will be necessary to break this appellate logjam.

With our commitment to stewardship and service, we can continue to perform our mission of deciding cases fairly, expeditiously, and at the lowest possible cost. But as always, we couldn't do it without you. Collaboration and innovation will remain essential as we respond to the demands our responsibility for justice places upon us, and we must continue to seize opportunities to learn from each other and share mutual concerns. We are grateful to those of you who have participated in our Judicial Ride-Along program this past year, which allowed many of you to accompany judges across the state as they performed their daily tasks. And we are grateful, as always, to those of you who have brought your particular concerns to our attention.

Progress never seems to come fast enough as we seek to serve the public good. But it is important to remember that many of the challenges we face have been with us for generations – long before our time. And these issues will continue to challenge those who work in the halls of government for generations after we are gone. In the end, the quality of our stewardship won't be judged by whether we solve every problem facing our justice system that history has placed on our plate. Our efforts to be good stewards will be judged instead by whether we did all we could with what we had when it was our turn to make a difference.

Thank you very much for the opportunity to speak with you today.

Please report corrections to the Chief Clerk's office.