

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

January 30, 2023
1:00 p.m.

MEMBERS PRESENT

Representative Sarah Vance, Chair
Representative Jamie Allard, Vice Chair
Representative Ben Carpenter
Representative Craig Johnson
Representative David Eastman
Representative Andrew Gray
Representative Cliff Groh

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

PRESENTATION(S): REPORT ON ALASKA COURT SYSTEM OPERATIONS

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

NANCY MEADE, General Counsel
Office of the Administrative Director
Alaska Court System
Anchorage, Alaska

POSITION STATEMENT: Presented a Report on the Alaska Court System Operations.

ACTION NARRATIVE

[1:00:10 PM](#)

CHAIR SARAH VANCE called the House Judiciary Standing Committee meeting to order at 1:00 p.m. Representatives Carpenter, Eastman, Gray, Groh, Allard, and Vance were present at the call to order. Representative C. Johnson arrived as the meeting was in progress.

PRESENTATION(S) : REPORT ON ALASKA COURT SYSTEM OPERATIONS

[1:01:01 PM](#)

CHAIR VANCE announced that the only order of business would be a report on the Alaska Court System operations.

[1:01:51 PM](#)

NANCY MEADE, General Counsel, Office of the Administrative Director, Alaska Court System (ACS), presented a report on ACS operations. She stated that Alaska has a unified court system organized through one administrative office. There are four judicial districts: Southeast, based in Juneau; North, based in Kotzebue; Southcentral, based in Anchorage; and Bethel to Fairbanks, with the presiding judge sitting in Bethel. She named the two levels of trial courts: district and superior. Alaska's district courts comprise 20 judges located in 7 areas; the Alaska Superior Court comprises 45 judges in 15 locations. She relayed that the Alaska Superior Court is the court of general jurisdiction. A criminal case can be appealed directly through a court of appeals, which has four judges on it. She said the Alaska Supreme Court takes "appeals of right." Sometimes a court of appeals criminal case appeal can be petitioned to the Alaska Supreme Court. Ms. Meade said there are 38 magistrate judges, who serve in the larger courts and are often the only judicial officer in the small rural courts. Mostly, they handle smaller cases.

[1:06:46 PM](#)

MS. MEADE said as a whole the Alaska Court System uses approximately 1.5 percent of the state budget, with 772 positions. She noted that all the money collected by the Alaska Court System, for example through filing fees and fines, gets turned over to the state general fund (GF) for the legislature to appropriate as it sees fit. There is an indigency provision so that no one unable to pay a fee is turned away.

[1:08:23 PM](#)

MS. MEADE, in response to Chair Vance regarding there being 84,475 district court cases filed in fiscal year 2022 (FY 22) [as shown on a handout, titled "Superior and District Courts Combined," included in the committee packet], said that total is "not abnormal." She listed the statistics shown for district

court filings [in the colored circle pie chart at the bottom-right of the handout] as: 59 percent minor offenses; 5 percent small claims; 9 percent civil protective orders; 6 percent general civil; and 21 percent misdemeanors. She listed the statistics of superior court filings, 215 total in FY 22, [the colored pie chart at the bottom-left of the handout] as: 30 percent felonies; 10 percent Child In Need of Aid (CINA); 3 percent delinquency; 16 percent domestic relations; 10 percent general civil; and 31 percent probate.

[1:14:41 PM](#)

MS. MEADE, in response to a question from Representative Groh regarding turnover and lack of institutional knowledge, said the court system has cut its staff over the years to save money, and that can influence efficacy; however, she has not heard of case processing having slowed as a result of a staff cut. She noted there have been instances of not being able to hold a hearing because a court clerk is not available.

[1:17:33 PM](#)

MS. MEADE, in response to Chair Vance, said she has not been able to compare Alaska's court statistics with that of other state court systems because they are too dissimilar.

[1:19:04 PM](#)

MS. MEADE, in response to Representative Allard, clarified that there is a criminal case backlog, and there are always many pending cases. The Alaska Court System aims for "clear and straight," wherein the number of filings in a particular area are equal to the number of dispositions, or closed cases, in that area. Over the years that has been close, but the court was not able to achieve that during the COVID-19 pandemic. In response to a follow-up question, she clarified that the backlog in criminal cases resulted because cases were not closing in a typical manner. The backlog is approximately 17,000 cases, which she said is unacceptable. Before the pandemic, the backlog was in the range of 10,000. She clarified that the number of pending criminal cases has increased, but it is not due to a lack of staffing; the pandemic stalled "certain things from happening." She noted the felony jury trial rate has consistently been no higher than 2.5 percent; the misdemeanor trial rate is only about 1 percent. She offered further information regarding the possible effect of dismissals, plea bargaining, a lack of jury trials, and not having trial dates

calendared during the pandemic. To a further inquiry, she spoke about work done on Fridays currently, as compared to during the pandemic. She said she could not determine the rate at which the court would catch up, because there are so many facets involved, but everybody is trying "to move it along."

[1:27:43 PM](#)

MS. MEADE, in response to a request from Representative Carpenter for a pie chart with the same categories as the filings chart but showing how long it is taking to dispose of cases, said she does not think the Alaska Court System has data on that. Further, she surmised it would not be that helpful considering the varying degree of complexity or simplicity of any particular case. She added that although cases get disposed in a month and others in a year, the cases that get [the most press] are "those 12 felony cases that took 5 years to get to disposition." She offered to get the information Representative Carpenter sought. In response to a follow-up question, she said there were about 10,000 cases pending in 2018. She confirmed there is definitely a delay in criminal and misdemeanor cases. A lot of that is caused by understaffing which leads to cases not being ready for trial. She said there are work groups trying to figure out how to fix the backlog.

REPRESENTATIVE CARPENTER specified he is looking for data rather than anecdotal information.

[1:35:03 PM](#)

CHAIR VANCE asked that any further detailed data be made available to the committee. She noted she had learned that more than 50 percent of the state's attorneys have fewer than five years of experience; therefore, it takes longer to go through cases.

[1:36:43 PM](#)

MS. MEADE, in response to Representative Eastman, reviewed that on January 1, 2023, the Alaska Court System had 7,200 open felony cases and 10,500 open misdemeanors, for a total of 17,700 open cases. In response to another question, she stated that "the speedy trial rule" is not merely a guideline, and it is for 120 days and routinely waived by the defendant. She said she does not know how many of the 17,700 cases were filed within the last month, but the vast majority would be "older than four months old." To a follow-up question, she said the court system

does not have data to answer how many of those 17,700 cases involve "someone in pretrial custody." In response to a question as to how many of the cases did not waive the speedy trial rule, she stated, "If Rule 45 - which is our 120-day rule - has run without the defendant waiving it, the case must be dismissed, so virtually none." In response to being pressed to explain "virtually," she said last year that number was one.

[1:39:23 PM](#)

MS. MEADE, in response to a question from Representative Gray seeking the average number of cases filed and disposed weekly, said that data is available in terms of annually. She noted that the Alaska Court System has a robust web site to access when she is not available to answer questions.

[1:40:54 PM](#)

MS. MEADE continued with her presentation. She reviewed the levels of felonies and misdemeanors. She pointed out that the Alaska Court System, unlike State of Alaska agencies, does not have regulations, which are substantive law, but there is a requirement under the Constitution of the State of Alaska to adopt rules of practice and procedure. There are seven rules created by committees made up of subject matter experts. She also noted that the Alaska Court System has a "Self-Help Center" where an increasing number of folks go to handle their own cases.

[1:47:23 PM](#)

MS. MEADE, in response to Representative Carpenter, regarding whether the recent changes to Rules 6 and 6.1 followed the committee process, said the Alaska Supreme Court passed a Supreme Court order passing the rule, and it recently amended the rule with respect to grand juries, effective December 1, 2022. She said that change did not initially go through the Criminal Rules Committee but is going through it now. She offered further details to explain the rapidity of the Alaska Supreme Court passing of the order. In response to a follow-up question, she related that this procedure is found under Administrative Rule 44, "Rule Making," in which there is an exception.

[1:50:07 PM](#)

MS. MEADE, in response to Chair Vance, listed the various resources the Alaska Court System makes available to the public, including Twitter and Facebook, and including information on small claims, guardianship, housing, and eviction diversion, among others.

[1:53:08 PM](#)

MS. MEADE drew attention to another handout in the committee packet, titled "Alaska Court System Summary of Existing Therapeutic Courts." The chart shows where the courts are: Anchorage, Palmer, Kenai, Juneau, Sitka, and Fairbanks, Alaska. Anchorage has six types of therapeutic courts. She explained these are an alternative approach to getting through a criminal case with treatment; the defendant must "opt in," and then a plea agreement is reached. The sentence is deferred; if the person drops out, then the sentence is imposed. She offered further details regarding the process, which takes at least 18 months. People who go through therapeutic court experiences recidivate or reoffend at a much lower rate than people who do not go through the program. She said it is an intense process with a team approach. In response to Chair Vance, said she would supply the committee with information regarding the recidivism rate at a later date. That said, she said she has heard that about 60 percent of people who do not go to therapeutic courts reoffend. In response to a follow-up question regarding capacity and there being no capacity number for Sitka on the chart, noted that the therapeutic court in Sitka began less than one year ago, so capacity has not yet been set. She noted that to the surprise of many, therapeutic courts have been undersubscribed. Currently Anchorage Wellness and Anchorage Veteran Court are oversubscribed by a bit, while all the others are below capacity. She explained that a lot of defendants do not want to go through the program; they would rather do four months in jail than to "spend 18 months under the thumb of a probation officer and judge breathing down their throat." The defendant needs to want to do and be ready for this treatment. She gave examples of motivational factors for entering the therapeutic court. In response to Chair Vance, she speculated there may be a cost benefit study available, but she said it is a difficult number to pin down.

[2:01:14 PM](#)

MS. MEADE, in response to Representative Eastman, clarified there is no waiting list regarding the therapeutic courts. She

said although a couple of them are over capacity, "we are handling it."

[2:01:52 PM](#)

MS. MEADE, in response to Chair Vance, discussed the background regarding Fridays; in 2016 the courts cut back hours [closing at noon on Fridays]. The savings to the state was about \$2 million, and that was because all of the court's employees took a 4 percent pay cut. A half hour was added to the schedule Monday through Thursdays; therefore, employees were paid for 36 hours. The court had proposed this plan as a cost-saving measure. Judges worked Fridays, she noted. She said legislators wanted the courts to open up again on Fridays and, thus, supplied an estimated \$1 million to transition employees back up to 37.5 hours.

[2:05:24 PM](#)

MS. MEADE, in response to Representative Allard's remarks about a savings of \$2 million versus people "lingering" in the system, said some things are being done faster on Fridays. She indicated that a budget committee addressing the issue would welcome Representative Allard's excitement for [the increase back to a 37.5-hour work week].

[2:07:47 PM](#)

MS. MEADE, in response to a request by Representative C. Johnson for a copy of a sentencing "cheat sheet," said that is not publicized. She explained that it is something she creates, and which could be "wrong." She suggested Legislative Legal and Research Services could create something similar for the legislature.

[2:09:00 PM](#)

CHAIR VANCE indicated she could accommodate Representative C. Johnson's request for that information. She thanked Ms. Meade for the presentation.

[2:10:07 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:10 p.m.