

**SENATE AND HOUSE
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Wednesday

No. 13

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**State of the Judiciary Address
by
The Honorable Susan M. Carney
Chief Justice
Alaska Supreme Court

Before a Joint Session
of the
Second Session of the
Thirty-Fourth Alaska State Legislature**

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February 11, 2026

Juneau, Alaska

The following was submitted for publication:

Good morning, President Stevens and Speaker Edgmon. It is good to see you again. And good morning to all the members of the 34th Legislature. Thank you all for the invitation to speak to you about our branch of government and to update you on the current state of Alaska's judiciary.

Before I move into my speech, I want to take a moment to thank the hundreds of Alaskans who work hard for the court system every day. They range from front counter clerks in large communities like Anchorage to single person magistrate courts in places like Yakutat to judges all over the state. Without them and their dedication, we would not be able to continue to serve Alaskans.

Let me first introduce my fellow justices and other important members of today's audience before I move into the rest of my talk this morning. First is Justice Dario Borghesan. He came to Alaska from New England, as I did, to be an Alaska Supreme Court law clerk - also as I did. And he clerked in Fairbanks, again as I did, but he fled our extreme weather for Anchorage. Among his many duties, he leads our very active Access to Justice Committee, along with Justice Jennifer Henderson.

Justice Henderson also came to Alaska as a supreme court law clerk. After that year in Anchorage, she returned to southern California where she had grown up. But she quickly realized she had become an Alaskan and returned to Anchorage after a year away. She leads the Access to Justice Committee with Justice Borghesan. She has also been very busy in the last year, working with court staff, committees, and judges throughout our state to move the oldest cases through the justice system, and to prevent them lingering in the future.

Next to Justice Henderson is Justice Jude Pate. Many of you have probably seen him as you go about your busy days here because he is the justice who lives in Juneau. He moved here when he was

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appointed to the supreme court, after 30 years in Sitka, where he held a variety of positions as an attorney before he was appointed to the superior court bench there.

The fifth member of the supreme court is Justice Aimee Oravec, the other Fairbanks justice with me. You may recall that she had been on this court less than 2 weeks when we spoke last year. She is now a veteran with one year plus 2 weeks on the job. Like the rest of us, in addition to hearing appeals, Justice Oravec has a number of duties. Among them is leading the Civil Rules Committee.

There are also several vital members of the court system's staff with us this morning. Stacey Marz is our administrative director. She and her staff are the ones that keep all of our 38 court locations open to the public. She is in the forefront nationally of efforts to increase access to justice, because of our many court locations, most of which are not on the road system, and her innovative ideas about how to bridge those distances.

Of course, you know Nancy Meade. She has been the court system's representative in Juneau for 15 years. She enjoys being here during session and providing you the court system's perspective on issues that may affect us. Nancy is always available to share information or talk about anything related to the court system.

And next to her is Noah Klein - who is also familiar to you. He is our associate general counsel and is our administrative office's year-round presence here. Noah works closely with Nancy and is available to discuss the court system's budget or any other issues, throughout the year.

Finally, Susanne DiPietro does not work for the Alaska Court System. She is the Executive Director of the Alaska Judicial Council. The Council is a constitutional creation, entrusted with ensuring that Alaska state judges are selected based solely on their merit. Alaska state judges are not appointed for life. They must retire at age 70, and between their appointment and retirement, their performance is evaluated periodically by the voters in retention elections and by the

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Judicial Council. Because I am the Chief Justice, I sit as ex officio chair of the Council. And in the each of meetings the Council has held since we were last here in Juneau, I have been deeply impressed at the work these volunteer Council members devote to their task.

Last but definitely not least, my husband, Pete Braveman. He is able to travel with me because he retired from decades of serving Alaskan children and families.

By the way, I regret that we were unable to host the traditional breakfast for legislators that we normally hold on the morning of this speech. I understand that the hotel where we have held the breakfast only opened at the end of last week, which left us suddenly without a venue for the annual event. My colleagues and I enjoy the breakfast and the opportunity it gives us to meet and talk informally with you. We were disappointed, but I promise that we'll do our best to resurrect the tradition next year.

Now to the state of Alaska's judiciary.

To begin, I want to thank the media for once again providing my first topic to talk to you about. I say this partially in jest. But I also am serious.

I will not pretend that it is comfortable to have the press focus on a few extremely sad but unusual cases. But it is valuable. And it is what a free press is supposed to do.

The cases that the media has focused on remind us that the court system must remain committed to our mission to justly resolve cases with integrity and speed. And even though I know that cases with extreme delays are outliers when compared to typical criminal case resolution times, it is still heartbreaking for me to imagine the anguish felt by victims and defendants involved in some of our oldest cases.

Before I dive into our current efforts to avoid extreme delays and resolve our oldest cases, let me briefly recap some of our past criminal justice discussion. During the pandemic we held very few criminal jury trials, even though we were prepared to do so in the most pressing

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cases if the attorneys had requested trial. Without the pressure of upcoming trials, lawyers at the criminal justice agencies had less incentive to resolve the vast majority - 97% - of criminal cases that never go to trial. Coupled with personnel shortages at both the criminal justice agencies and the court system, the pandemic caused a backlog of criminal cases. Between January 2020 and January 2022, the number of pending criminal cases jumped from around 14,000 to almost 20,000. Such a severe jump in pending criminal cases in such a short time was unprecedented.

Two chief justices before me described to you our efforts to eliminate this backlog. Chief Justice Winfree told you that we would clear the backlog. Chief Justice Maassen described using trailing calendars, orders limiting continuances, and he lauded the criminal justice agencies' commitment to get cases cleared. And you, the legislature, helped alleviate agency attorney shortages by providing raises to lawyers employed in the executive and legislative branches.

The justice system has eliminated the pandemic backlog. There are now fewer than 11,000 open criminal cases. We have reached and are improving upon the January 2020, pre-pandemic level of total pending criminal cases.

We have addressed the backlog. But I told you last year and I reiterate today that our work is not done. It is no secret that we have outlier cases that have taken longer than we would like. These are the cases pending far longer than the median times to disposition.

As a reminder, median times to disposition increase with case complexity. So for class C felonies, the largest category of felonies, the median time to disposition is less than six months. For unclassified felonies, the most serious sex crime and murder cases, that median is a little over three years from case filing to the final resolution. The difference comes not only from the seriousness of the charges, but also from the complex nature of the evidence involved - everything from audio and video recordings to DNA evidence. But we are still working to shorten the time as much as possible.

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Shortly after I spoke to you last year, we took an important step in this work. We issued an order - Supreme Court Order 2038 - to prioritize resolution of the oldest criminal cases. Our order focused on resolving the outlier cases, those that were filed before January 1, 2023 and thus more than two years old, as quickly as we could. The order limited the number of continuances either side could receive, and it limited the length of any continuance.

Our order addressed continuance requests because judges do not decide to delay cases. Delays happen when an attorney, whether defense or prosecution, asks for more time to prepare for a hearing or to prepare a document, and the judge grants the lawyer's request for more time. Our order requires any request for a continuance in these oldest cases must be made on the record, either in writing or in a hearing. And the order requires that a judge must make the decision whether to grant or deny a continuance on the record.

As the year went on, and courts became used to these requirements, momentum built. Some cases resolved because of our order, and the trial courts that have carried that momentum forward. I applaud them for their work. In the 4th Judicial District, the presiding judge just issued an order setting the cases that were filed before 2024 as the priority - because they have cleared just about all of the pre-2023 cases. Although I live in Fairbanks, in that district, I don't claim any credit for this - for the hard work that the judges and the parties in these cases have put in. But I have to tell you that when I dropped into the Martin Luther King Day free legal clinic to thank the volunteers, one lawyer told me his request for a continuance had recently been denied. He told me that the judge said, "No, because I do not want to deal with Sue Carney coming down to my office tomorrow!"

I am in a different position than most previous chief justices when it comes to working with the judges. In my previous job, I worked with many of our current judges as coworkers, opponents in court, and I even appeared in front of some of them. The relationships I have and the fact that I spent so many years doing trials give me a little more leeway to talk to them and to encourage them to continue to decrease the time it takes to resolve cases. But I am wearing out my welcome - they are no longer happy to see me.

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We are seeing results from these efforts. On January 1, 2023 we had 1,677 pending felonies that were more than two years old. That was almost one out of every four pending felonies. That number has steadily dropped each year since, and this year, on January 1, 2026 we had fewer than 750 pending felonies that were more than two years old. This is wonderful progress, but we are not satisfied. Hopefully that number will continue to drop and we continue to reduce the number of criminal cases with excessive delays.

To continue this momentum resolving our oldest cases, and to limit future outliers, my colleagues and I just circulated a new continuance policy to all of our judges. Like our supreme court order, the policy limits the number and length of continuances. And it includes examples to help judges determine whether a party has good cause to request one. For example, a medical emergency will likely always be good cause for a continuance, but negotiations with opposing counsel will almost never meet the standard. We hope that the policy provides clear guidance to trial judges. And we anticipate that the presiding judges in each of the judicial districts will incorporate it into a presiding judge order applying the policy to the particular circumstances of that area.

Despite our best efforts, the court system alone cannot resolve criminal cases more quickly and reduce future delays. Others have a critical role in the criminal justice system. Many agencies and individuals are involved, from victims and witnesses to defendants, their lawyers, and prosecutors. Sustained efforts from the entire system are essential.

I recognize the difficulties facing the criminal justice agencies. Yes, they have finally been able to fill many of their vacancies. But you have heard them describe how many of these recently hired lawyers are brand new - not only to Alaska, but to being a lawyer. This limits the types of cases they are able to handle. Extreme delays are almost always in the most difficult cases types, the unclassified or class A felonies, and these newest lawyers are rarely equipped to handle these cases.

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Recognizing their challenges, we will continue to work with the prosecution and defense agencies so that we all can continue to cut down the time it takes to move cases through the criminal justice system. Judges and lawyers have extremely stressful and demanding jobs, and I applaud them all for the hard work they are doing and the hard work ahead.

So far, I have focused my remarks on criminal cases, and those cases are incredibly important because they impact public safety and are often high-profile. But criminal cases last year accounted for about 29% of the cases filed in the superior courts. That was just about tied with probate cases for the biggest slice of the pie in terms of case filings. Probate is a broad subject area, and you probably recognize that it includes estate issues such as validating and contesting wills and trusts, but the biggest subset of probate is involuntary hospitalizations and commitments for those in mental health crises. These difficult cases are often brought as emergency matters that involve peoples' fundamental rights, like freedom and autonomy. Last year, the courts handled almost 2500 of these commitment cases, which I suspect is far more than you might have thought. Probate cases also include guardianships and conservatorships, when someone needs to be appointed to help a vulnerable person with decision-making or everyday tasks. With our aging population, this is a growing case type, and one that demands a great deal of the court's time, in part because these cases typically last for years and years, as long as the protected person continues to need the help.

And of course, courts also handle domestic relations cases, or family-related disputes, as you know. These accounted for about 17% of the case filings last year, but any judge would probably agree that they take much more than 17% of a judge's time to handle. These can be very challenging, particularly if child custody is involved, because it's almost always one of the most important and consequential things the parties have ever had to go through. Emotions often run high, and the judge needs to be constantly aware of changing intra-personal dynamics in order to make sure the decisions are fair and well-understood by all the parties. And over 70 percent of these family law cases have one or both parties representing themselves without an

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attorney. This means that the judge needs to explain the legal rules and requirements and the decisions that the court makes carefully and thoroughly to minimize any misunderstandings. So these family disputes are a major part of a superior court's everyday workload.

The last case type I'll mention, because it also is a major part of a superior court judge's caseload, are the child in need of aid cases. These are just under 10% of case filings, but that means there were over 1900 of them filed last year. Of course, every single one of those 1900 cases is tragic for the children and the families involved. In each of these cases, the state has stepped in to protect a child from neglect or abuse, and the families, like in other court cases, are going through one of the hardest things they've ever dealt with. Emotions in these cases too, are often elevated, there may be very strong but competing beliefs on all sides, and it goes without saying that the stakes for the children and parents are incredibly high.

I have described these various case types the courts handle – and these are just a few of them – to make clearer that, though criminal cases receive most of the attention, the other types of cases are also terribly important to those involved in them. Most people coming into a courthouse are having their worst days, and are going through very challenging and often life-changing circumstances. We strive to provide not only fair and reasonable decisions, but also to recognize the difficulties that people are having, and to explain and help Alaskans who are in these tough circumstances feel heard and understood. Our internal training and messaging to judges and staff alike is to always provide procedural fairness, so that people can walk out of our courtrooms and at least feel that the court heard and understood them, even if they disagree with the decision.

And now, I also want to share with you a couple of events that gave us cause to celebrate this year.

First, I want to celebrate the rededication of the Utqiagvik courthouse as the Sadie Brower Neakok Courthouse. Sadie Neakok was a trail blazer. She was a magistrate in Barrow before and after Alaska became a state. She regularly held court at her kitchen table and did it

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in Inupiaq when the person appearing before her could not understand English. And when she became a state court magistrate, she and magistrate Nora Guinn from Bethel insisted that they be able to hold court proceedings in the language that their community members spoke and understood.

I used to spend many hours in the courthouse which is now the Sadie Brower Neakok Courthouse representing Alaskans from all over the North Slope. And I was thrilled to be able to join many local leaders, including Representative Frier, the Neakok family, and many young people from Utqiaġvik at the dedication. Thank you to the community of Utqiaġvik, and to everyone who participated, for hosting such a special event and allowing the court system to continue our dialogue with Alaskans.

And we received a second cause for celebration this summer. At the Conference of Chief Justices one of our civics outreach programs received the prestigious Sandra Day O'Connor Award for the Advancement of Civics Education from the National Center for State Courts. The program was originally focused on persuading students from all backgrounds to go to law school and eventually become judges. Here in Alaska, it has evolved into one where court staff and judges, members of the Bar Association, and others gather with high school students for two days of workshops, classes, and mentorships aimed at enhancing their understanding of civics and the justice system. At the same time it encourages our youth to think about careers that are involved with the justice system in any way: certainly lawyers and judges, but also police officers, social workers, even bookkeepers or accountants to help courts keep track of fines or bail money.

The award committee was most impressed by how collaborative our program is. We work with the Alaska Native Justice Center, which handles much of the logistical part of holding the program in both Anchorage and closer to here at Mt. Edgecumbe; high schools; law schools; and tribes. And we know that the program is reaching kids who would not otherwise even think of a career in the law or justice system.

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Magistrate Judge Pam Hess, who sits in Nome, participated in the program while she was in high school. And she then went to law school at Gonzaga - one of the law schools that supports the program - and became a lawyer and now a judge. Judge Hess reports that she had never thought of being a lawyer before she participated in the Color of Justice program. I guess mock trial, games like Constitutional Cranium, and general civics education can go a long way towards encouraging Alaska's youth to consider active participation in the justice system. I hope that the program continues to produce engaged citizens who may someday be part of the very conversation we are having today, serving as legislators or even Chief Justice.

In addition to civics education, the court system has a long history of collaborating with tribes throughout Alaska in other ways. Our court procedural rules have long recognized that tribal courts issue binding orders and Civil Rule 5.4 lays out how those orders can be registered and recognized by state courts, and ultimately enforced.

Many of our child in need of aid cases involve Native children, which means that the federal Indian Child Welfare Act controls portions of those cases and dictates how and when certain decisions about those children are made. We have long had an open relationship with the Alaska Native Justice Center that helps ensure that our judges receive ongoing and current information about that law's impacts on Alaska Native families, and helps give judges and others involved with child welfare cases a complete picture of the real-life effects that these cases have on our communities.

And as I mentioned last year, two of our therapeutic courts - here in Southeast and in Kenai - run as dual jurisdiction courts with the local tribal court.

Now that I have reported to you about our efforts and our successes, I must ask for your help for things that we want to be able to do. Our first and frankly, most unusual, request is for a new judge in Palmer. You have heard or will hear more about the details of this request. The Palmer courthouse serves the entire Mat-Su, the fastest growing region in the state. Unlike the rest of Alaska, Mat-Su's population is

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projected to continue to grow significantly over the coming decades. And the superior court judges in that courthouse have a workload that reflects that growth. They are the busiest in the state and have been the busiest for each of the last five years.

To ease their burden, we have cobbled together coverage for the most time-sensitive cases in Palmer by bringing in judges from Anchorage and Valdez as well as retired pro tem judges - mostly for criminal and child in need of aid cases. That, however, leaves other kinds of cases - divorces, custody, business matters - waiting. We do not want to clear out the oldest criminal cases only to have a similarly problematic group of old civil cases that create a crisis. To avoid this, we hope you will seriously consider this request for an additional Palmer superior court judge.

We are renovating and reconfiguring existing space in the Palmer courthouse, and leasing basement space from the executive branch to accommodate the new judge request. We are doing as much as we can to meet the needs with our existing resources.

On the capital side our most urgent request of you is continued funding for deferred maintenance. We know that deferred maintenance of public facilities is a concern across the state. But we have to provide safe and healthy spaces for the public and for our staff. And we too have a running list of projects that are necessary to keep our facilities habitable and extend their useful lives as government buildings. Take, for example, the Snowden Administrative building, which houses the majority of our central administrative staff. The building used to be the Anchorage Times building many years ago. And the building has a crumbling failing facade, barely keeping out the elements and the occasional vermin.

On the facade, where people passing by can see it up close, is a great big metal map of Alaska. Well, I'm sorry to tell you that Kodiak is no longer part of Alaska. Fortunately, our largest island did not land on anyone when it fell.

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In all seriousness, we are doing all we can to keep our aging facilities operational and to prevent large scale failures. But our buildings are aging and some of the maintenance needs are becoming more urgent. We appreciate the funding we have received in the past and your consideration of current request.

Once again, I want to thank you for your invitation and attention.

I assure you that the court system remains committed to ensuring that all Alaskans, wherever they live, have access to our justice system. And we are grateful for your continued support of our mission.

Thank you.

Please report corrections to the Senate Secretary's office.