

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

February 24, 2025

1:30 p.m.

MEMBERS PRESENT

Senator Matt Claman, Chair
Senator Jesse Kiehl, Vice Chair
Senator Robert Myers

MEMBERS ABSENT

Senator Gary Stevens
Senator Löki Tobin

COMMITTEE CALENDAR

OVERVIEW: ALASKA COURT SYSTEM

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

NANCY MEADE, General Counsel
Administrative Offices
Alaska Court System
Anchorage, Alaska

POSITION STATEMENT: Delivered an overview of the Alaska Court System.

ACTION NARRATIVE

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CHAIR CLAMAN called the Senate Judiciary Standing Committee meeting to order at 1:30 p.m. Present at the call to order were Senators Myers, Kiehl, and Chair Claman.

OVERVIEW: ALASKA COURT SYSTEM

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CHAIR CLAMAN announced an overview of the Alaska Court System presented by Nancy Meade. He asked that Ms. Meade cover three topics:

- An update and information on trial delays.
- A review of presiding judge orders on continuances, which is part of the trial delay discussion.
- Information on capital budget requests from the Alaska Court System.

CHAIR CLAMAN invited Ms. Meade to put herself on the record and begin her presentation.

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NANCY MEADE, General Counsel, Administrative Offices, Alaska Court System (ACS), Anchorage, Alaska, commenced the overview, focusing on the pretrial population and the length of time criminal cases take to reach resolution, known as "time to disposition" (TTD).

MS. MEADE explained that the pretrial population has two different definitions. The Department of Corrections maintains data on this group of individuals. The Department of Corrections (DOC) defines the "pretrial" population as the number of people in correctional institutions who have not been sentenced, which it terms as "unsentenced." Whereas the courts define "pretrial" as cases that have not been disposed. She said the distinction is that the "unsentenced" includes:

- individuals awaiting disposition, and
- individuals who have had a trial or entered a plea, are adjudged guilty, and are awaiting their sentencing.

MS. MEADE explained that felony sentencings do not always occur simultaneous with a verdict because DOC must prepare a presentence report for the court to use during sentencing. Therefore, if a jury finds somebody guilty of a felony, there can be a delay between that moment and the time that the court actually sentences the person. This process can take three months or longer, which creates delays between conviction and sentencing. She expressed her intention to set that population aside; the court system has little influence over it. Instead, the discussion will focus on cases where the time between case

initiation and sentencing, or trial, extends longer than people would like.

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MS. MEADE said that using DOC data, the court has observed the pretrial population increasing in recent years. Within the last eight or nine years, there has been significant focus on this issue, beginning with Senate Bill 91 in 2016, which sought to change how the pretrial population was managed. At that time, the pretrial population was about 1,300 individuals. By the time Senate Bill 91 was repealed in 2019, the number had grown slightly to about 1,500. Following the repeal, the number rose more sharply, fluctuating over time.

MS. MEADE stated the number of individuals arrested and held in correctional institutions peaked in 2022, which was partly attributable to delays in trials and case dispositions during the pandemic. The number has since declined to 2,000 people in pretrial status in prison, which is about 50 percent of the incarcerated population. She emphasized that if the concern is with the pretrial population, the absolute numbers show a rise, with a peak in 2022, followed by a modest decline since then.

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CHAIR CLAMAN asked how the figures for 2016, 2019, and 2022 compared as percentages of the total prison population in those years.

MS. MEADE replied that she did not have all those figures; however, in late 2020, the split was about 50-50. She estimated the pretrial population was just more than 55 percent by 2022.

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MS. MEADE said those are the numbers under discussion. She said the key question is how to adjust the number of individuals incarcerated pretrial. She explained that the pretrial population is a function of several factors:

Arrests with Charges Filed

The number of people arrested with charges filed. She said there is probably little that can be done about this directly. The goal should not be fewer charges filed, but a lower crime rate overall.

BAIL

Another factor influencing the pretrial population is the bail decisions courts must make. When someone is arrested, they must

appear before a judicial officer within 24 hours. Initial bail is set in felonies and other cases, with subsequent bail set at the first felony appearance. Bail decisions can be changed, and courts are routinely asked to review bail, most often when defendants cannot meet conditions for release. Defendants can request a bail review hearing if they cannot pay or if new information emerges.

MS. MEADE said according to AS 12.30.001, bail decisions generally fall into three categories:

- **Release on Recognizance:** Defendants return to the community without bail and do not add to the pretrial population.
- **Bail with Conditions:** Courts may set conditions, including dollar amounts. Defendants that cannot meet these conditions will likely spend time in jail or a correctional institution.
- **Pretrial Enforcement Division Supervision:** Created under Senate Bill 91, effective in 2018, and never repealed, this arm of DOC supervises defendants released into the community pretrial. These individuals do not take up jail beds, do not count in the pretrial population, and are monitored by pretrial enforcement officers. These officers follow the court's orders in terms of administering tests, enforcing substance restrictions, and may impose ankle monitors or GPS tracking. She emphasized this tool has been very useful for avoiding unnecessary increases in the pretrial population.

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SENATOR MYERS referred to defendants who fail to adhere to their bail conditions of release, specifically substance use. He asked whether defendants refuse that condition at the outset, or whether they involve violations of release conditions after the fact and are re-jailed.

MS. MEADE replied that it is usually the latter. Defendants generally believe at the outset that they can adhere to the conditions, particularly with pretrial officers supervising and testing them. However, many violations of release conditions are filed because defendants are caught using substances, which can result in a longer jail time than they otherwise would have served.

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SENATOR MYERS asked if that generally results in an additional charge being added to the original charges.

MS. MEADE replied yes, exactly.

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MS. MEADE explained that some individuals remain in the pretrial population because they are unable to meet the monetary or other conditions set by the judge, or because they incur new charges for violating conditions of release. These individuals may remain incarcerated longer, causing strain on DOC by occupying jail space.

MS. MEADE stated that there are also defendants whose cases take a long time to resolve, for one reason or another, and are not held in prison pretrial. She said while the pretrial population is linked to the time it takes cases to reach disposition, delays also affect cases outside of that group. She emphasized that lengthy case timelines have been a concern for decades. She recalled that when she joined the court system in 2004, her first assignment was to work on forms and orders designed to expedite case processing. Those efforts may have had some effect, but she said cases now take longer to resolve than they did 20 years ago, and no one is satisfied with that.

MS. MEADE reviewed what the court system is doing, and could do, to reduce delays. She acknowledged concerns raised about a backlog but stated that the situation is not as dire as some media reports suggest. While some cases have indeed taken seven, eight, or even nine years to resolve, which is not justifiable, the court measures backlog in several ways. One is by tracking the number of pending cases. As of January 1, 2024, she reported, there were over 15,700 pending cases.

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CHAIR CLAMAN asked whether that figure includes both misdemeanors and felonies.

MS. MEADE replied that it does and offered to provide a breakdown if desired.

CHAIR CLAMAN requested the breakdown.

MS. MEADE provided a breakdown, highlighting the drop in the number of pending cases in one year:

- **As of January 1, 2024**
Approximately 15,700 total cases were pending.
6,440 were felony cases.

9,313 were misdemeanor cases.

- **As of January 1, 2025**

Approximately 10,300 total cases were pending.

4,900 were felony cases.

6,000 were misdemeanor cases.

MS. MEADE characterized this as a substantial drop and noted that the 2025 figures are lower than the number of pending cases in 2019, before the pandemic. She cautioned against using the term "backlog," emphasizing that the court will always carry pending cases and the current figures are consistent with pre-COVID levels.

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MS. MEADE mentioned another point, the median times to disposition are fairly good: less than six months for Class A misdemeanors and less than four months for Class B misdemeanors. Felonies take longer: about six months for Class C, 10 months for Class B, and 13 months for Class A. She explained that more serious charges naturally involve more evidence and higher stakes, extending the timeline.

MS. MEADE noted that unclassified felonies, which include first-degree sexual assault and first-degree murder, take the longest to resolve. The median time to disposition in such cases is three years. She observed that these cases attract attention and were some of the cases highlighted in the media recently.

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SENATOR MYERS acknowledged that the medians make sense, and up until the most serious categories, the timelines sound fairly reasonable. He asked, however, whether the cases highlighted in the media are true outliers or whether a significant number of cases extended well beyond the median. He expressed interest in seeing more data on the distribution of case timelines.

MS. MEADE replied that the unclassified felonies driving the three-year median involve 283 cases. She said those cases include the outliers most often highlighted in the news. She acknowledged that there is no excuse for those delays and emphasized that no one wants that outcome. She stated, however, the median provides the most accurate reflection of the typical experience. She said she would look into whether the court system can present data that shows the distribution more clearly.

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CHAIR CLAMAN referenced the statement about the number of pending pretrial cases in 2025 that were consistent with pre-COVID levels. He asked whether pre-2019 figures were similar or whether the number of pretrial cases had been increasing over time.

MS. MEADE replied that current figures are slightly higher than the 2018 levels.

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MS. MEADE said the last piece of data that provides context is clearance rates, which measures the number of cases filed against the number closed. The goal is to exceed 100 percent. For example, if 99 cases are filed and 101 are closed, the system is reducing the backlog of pending cases.

MS. MEADE reported that in 2024 the felony clearance rate was 106 percent, which she described as excellent since it shows progress in reducing pending cases. For misdemeanors, the clearance rate over the last two years was 102 percent and 101 percent. She said these figures are better than even, which is the goal, and emphasized the court system's intent to continue improving clearance rates.

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MS. MEADE explained how the courts will achieve good clearance rates and move cases faster. The court system relies on a number of policies, orders, and rules. Over the past year, a new committee, chaired by a Supreme Court justice, was formed to manage time standards. Its stated goal is to decrease the time between case initiation and disposition. The committee enlisted technical assistance from the National Center for State Courts, whose staff visited Alaska courts, examined case files, observed hearings, reviewed dockets, and made recommendations. At the annual Judicial Training Conference in October, those experts and others spent a full day with Alaskan judges, focusing on best practices for case management, including how to minimize repetitive hearings, handle scheduling, and reduce delays. She said this renewed focus is one reason for recent improvements.

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MS. MEADE said the courts have also maintained a long-standing policy that if the parties are ready for trial, the court will provide a judge. To fulfill this, the system often calls back retired judges to serve pro tempore. These judges can take on

lengthy cases, such as sexual assault trials, allowing sitting judges to manage other proceedings. She said the courts adhere to this policy 98 percent of the time. The rare exception occurs when courtrooms are unavailable, as has sometimes happened in Palmer.

MS. MEADE explained that the courts also use trailing calendars. A criminal judge may set three to five trials for the same Monday morning, knowing that most cases will resolve by plea before trial. The imminence of a trial date drives parties toward settlement. If more than one case remains, a pro tempore judge is called in. She said trailing calendars help ensure parties are prepared and that cases move more quickly.

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SENATOR MYERS referenced a statement that delays in case processing have existed for decades and worsened in recent years, partly due to Senate Bill 91 and the pandemic. He asked whether those delays have led to an increase in cases being resolved through plea bargains.

MS. MEADE replied not exactly. She explained that the majority of felony cases have always resolved through plea bargains. There are three ways cases are resolved:

Outright Dismissal

The prosecutor initiates almost all outright dismissals. She said prosecutors often dismiss if they conclude they cannot prove guilt beyond a reasonable doubt for each of the elements of the crime. About 40 percent of felony filings are dismissed, and roughly 90 percent of those are by the prosecutor. Over half of misdemeanors filed last year were dismissed, nearly all by prosecutors.

Plea Bargains

Plea bargains account for about 58 percent of felony resolutions. She emphasized this figure has been consistent over time and not the result of recent delays. She said the trend has been toward more dismissals by prosecutors than more plea bargains.

Resolve through Trial

About two and a half percent of felony cases and less than one percent of misdemeanor cases go to trial.

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CHAIR CLAMAN asked whether the use of trailing calendars began in response to recommendations from the National Center for State Courts.

MS. MEADE replied not exactly. She recalled first seeing the practice referenced in a Supreme Court order in 2019. She said this has been a practice for a number of years, though adherence has varied. The approach can occasionally disrupt proceedings and there are logistical questions, such as whether to call a judge at home at 8:00 a.m. on a Monday morning or delay until Tuesday. She said it is a bit difficult to make trailing calendars happen smoothly, but the direction is to make it work despite those challenges. She emphasized that the courts are encouraged to use trailing calendars more than they ever did in the past, but the practice itself is not new.

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SENATOR MYERS asked whether, with the delays in the system, the number of "time-served" plea bargains has increased.

MS. MEADE replied that she has no data on that point and suggested the Department of Law may have that information. She said, anecdotally, time served can influence whether a case goes to trial. If a defendant is unlikely to face additional punishment beyond the time already served, the incentive to proceed with a full trial diminishes.

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SENATOR KIEHL commented that the legislature, concerned with the rising cost of electronic monitoring, instructed DOC to notify the courts when someone had been on monitoring longer than the maximum possible sentence for the crime charged. He said his understanding is that some of those cases are now resolving, rather than keeping people on monitoring past their longest conceivable sentence. He asked whether those dispositions were driven more by prosecutors deciding "that's enough" or by defendants deciding they had been on monitoring too long and might as well enter a plea.

MS. MEADE replied that the court system does not track why people accept a plea, when in the process they do so, or what sentence they ultimately receive. While individual sentencing orders exist, the terms are not entered into a searchable data field that could be mined to produce meaningful data.

SENATOR KIEHL observed that distinguishing dismissals from pleas might provide some insight into who was driving the outcomes.

MS. MEADE responded that the court system does have dismissal data. However, it does not track at which point, in the life of a case, a dismissal occurs. She explained that while the data can identify whether a case was dismissed, it cannot say whether it happened at the beginning, a year in, or two years later.

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CHAIR CLAMAN expressed his belief that the [Alaska Criminal Justice Data Analysis] Commission had some information on this topic, but the pandemic complicated the trends. He said without the pandemic, when more people were held pretrial and cases resolved more regularly, clearer patterns would have emerged. Instead, pandemic dynamics muddied the data.

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MS. MEADE explained that the primary reason cases become "delayed" or add to the time to disposition, is not because courts postpone them on their own. Delays almost always occur when one of the parties request more time, usually with the agreement of the other party, and the court grants the continuance.

MS. MEADE outlined several common reasons for continuances and why it is such a difficult problem to solve:

New Attorneys: Turnover and retention challenges at both the Public Defender Agency and the Department of Law have led to younger, less experienced attorneys taking on complex felony cases. A new attorney may be assigned to a case on the eve of a trial and need months, sometimes up to two years, to prepare. Conflicts of interest can also trigger transfers to the Office of Public Advocacy or to private attorneys, which resets preparation timelines. For years the turnover rates were high, but this is improving.

Treatment Programs: Defendants sometimes seek continuances to complete treatment programs that may influence how the court views their case.

Motions: Motions, such as to suppress evidence, are often filed shortly before trial, requiring evidentiary hearings and additional time.

New Charges: Defendants may incur violations of release conditions or prosecutors may add charges related to the original conduct, creating new discovery requirements.

Discovery Burdens: Discovery has become significantly more complex over the past decade, largely due to electronic evidence. Phone and computer data dumps can involve terabytes of information that investigators, prosecutors, and defense attorneys must process. This has made discovery a monumental and time-consuming task nationwide that is difficult to streamline. She said this is a hard one to fix.

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CHAIR CLAMAN raised the issue of delays caused by the assignment of a new attorney. He sought confirmation that such delays are primarily defense requests. He explained that if a defendant is ready for trial but the prosecutor handling the case leaves their position, the defense can demand a speedy trial. In that circumstance, the prosecution might obtain a short extension, but the court could not reasonably grant a year to prepare without infringing on the defendant's right to a speedy trial.

MS. MEADE affirmed his assessment. She said when a prosecutor leaves a case, the court may take a stricter approach to granting continuances because of the speedy trial rule, which a defendant may choose not to waive. She noted, however, that attorneys often extend professional courtesy to one another, with one side agreeing to continuances when requested by the other. She acknowledged that while prosecutors typically agree to defense requests for more time, defense attorneys do not always agree to prosecutors' requests, for the very reasons the Chair outlined.

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CHAIR CLAMAN observed that late last year into early this year, the municipality faced a severe shortage of prosecutors. Defense attorneys refused continuances, and prosecutors lacked staff to proceed to trial the next day. As a result, cases were dismissed at a statistically significant rate. He said this was an example of prosecutors requesting continuances but the defense refusing. He expressed his belief that generally continuances are requested by the defense.

MS. MEADE agreed, clarifying that in those municipal cases it was the prosecution dismissing cases, not the court ruling Criminal Rule 45 had expired. She explained that judges face difficult choices when new attorneys appear and request time, citing lack of discovery or new motions. While some argue the court should deny continuances, forcing an unprepared defense attorney to trial creates a strong appeal point for ineffective

assistance of counsel. Appeals add years of delay, requiring additional attorneys to review records and brief the case, and often result in remand to the trial court. She emphasized that this outcome is unsatisfactory for victims, defendants, and the system.

MS. MEADE stated that although denying continuances outright is rarely a viable solution, the court is working to reduce them. She pointed to presiding judge orders included in the committee's packet as evidence that courts are signaling to parties that continuance requests will be scrutinized carefully and must be well justified.

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SENATOR MYERS sought clarification about the difference between "off record continuances" and "on record continuance."

MS. MEADE explained that an off-record continuance was a practice that began during COVID when counsel could call a judge's chambers and request more time, often for an extension of several months. If there was no objection, the request was granted with less probing or justification for the reason. She noted this practice was intended to minimize in-person contact during the pandemic but is no longer permitted in Anchorage, which was the main location where it occurred.

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MS. MEADE drew attention to the "Amended PJ Order #773," issued in 2019. She said this felony pretrial order illustrates the court's goal of reducing case disposition times after superior court arraignment, minimizing the number of hearings, and setting realistic trial schedules. Among other provisions, it established deadlines for when discovery shall be provided to the defense. She emphasized that the pretrial order, though aspirational, allows for extensions for good cause, such as an unfinished evidentiary analysis due to a backlog at the Scientific Crime Detection Laboratory.

MS. MEADE said the pretrial order set trial timelines with the expectation that:

- A Class B or C felony involving crimes against a person would go to trial within 12 months.
- A non-person Class B felony would go to trial within 10 months.

- A non-person Class C felony would go to trial within 9 months.

MS. MEADE reiterated that these standards were set in 2019, then the pandemic hit, so they were not adhered to very long, limiting their implementation.

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MS. MEADE drew attention to PJ Order #1006. She said this order appears to be working well in practice. PJ Order #1006 reflects the Anchorage Superior Court intention to follow the 2019 pretrial order regarding trial timeframes for Class B and Class C felony offenses. It also sets a maximum 60-day limit for the preindictment hearing (PIH) phase.

MS. MEADE explained that a PIH applies in felony cases after arrest, whether by warrant or not. At the arraignment, under Criminal Rule 5, the defendant shall have a preliminary examination within 20 days if out of custody or within 10 days if in custody. This is a time period that is routinely extended during the initial 10 to 20 days while the prosecution and defense review their files and negotiate potential plea deals. She said this preindictment period is what the court is focused on shortening.

MS. MEADE stated that PJ Order #1006 limits the PIH stage to a maximum of 60 days, requires discovery to be provided within 30 days, and sets a 90-day deadline for filing pretrial motions. These provisions are designed to move Class B and C felony cases more quickly to trial or resolution. She said judges have reported that the order has been very effective and that parties are working to adhere to it.

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CHAIR CLAMAN asked about Criminal Rule 5.1, Preliminary Examination, and how it relates to preindictment hearings (PIHs). He noted that Alaska differs from other states because the preliminary examination is not an alternative to going to a grand jury. For example, in California, the prosecution may take a case to either a preliminary examination or a grand jury once it reaches a certain point. In Alaska, however, a preliminary examination does not replace the defendant's right to be heard by a grand jury. He recalled that when he was practicing in criminal courts 25 years ago, preliminary examinations never occurred. If a defendant requested one, the prosecution would instead take the case to a grand jury because no agreement had been reached, and because the preliminary examination allowed prosecutors to hold a defendant in jail temporarily while

waiting for a grand jury. He reiterated that preliminary hearings did not happen. He asked whether courts today are actually conducting preliminary examinations under Criminal Rule 5.1, or if the practice remains that they rarely occur and simply go to grand jury if they cannot get a continuance in the preindictment stage.

MS. MEADE replied that at least in Anchorage, preliminary examinations are rarely, if ever, held for the reason the Chair described. Prosecutors generally prefer grand jury indictments because there is no defense counsel present, proceedings are secret, and they are very successful at getting indictments. By contrast, a preliminary examination requires presenting witnesses and more. She confirmed that if time in the PIH phase is not extended, the case will go to grand jury and hopefully get an indictment.

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CHAIR CLAMAN asked a follow up question specific to the PIH schedule. PJ Order #1006 creates a maximum timeline for Class B and C felonies in the PIH stage. He asked whether the court has imposed limits on Class A and unclassified felonies at the preindictment stage.

MS. MEADE replied not through any presiding judge orders.

CHAIR CLAMAN asked whether she knew why not.

MS. MEADE replied that those cases are individually unique and need a lot more discretion on the part of the judge. She said those cases are more complicated, with more witnesses, scheduling problems, and getting witnesses to show up, requiring judges to offer more leeway. She said the number of cases in each of these categories decreases as they become more severe, so the bulk of cases involve Class B and C felonies compared to Class A and unclassified felonies.

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MS. MEADE said she misspoke and directed attention to presiding judge order ending in 2405 titled "Order Re: Anchorage Preindictment Hearing Calendar." She explained that Class A and unclassified felonies can remain in the PIH phase for no longer than 180 days. Class B and C felonies are limited to 60 days, and she emphasized that the period does not restart if a new public defender or new Office of Public Advocacy attorney is substituted, which is a change from prior practice.

MS. MEADE stated the order also provides strict guidance to judges and attorneys on what constitutes good cause for an extension. The order specifies that good cause will not include a lack of plea bargain offer, outstanding discovery, ongoing negotiations, applications to another court, new charges, or other pending cases. The order reflects a strong intention to move cases forward.

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SENATOR KIEHL sought clarification about discovery before an indictment.

MS. MEADE replied that once a defendant has been arraigned, certain information can be exchanged. She explained that under the felony pretrial order, the prosecution is required to provide discovery no later than 30 days after arraignment. She expressed uncertainty about the exact types of discovery exchanged at that stage, surmising it includes police reports or other materials. She emphasized that discovery is exchanged before indictment.

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CHAIR CLAMAN referenced PJ Order #1006, dated February 24, 2024, and the order ending in 2405, dated February 8, 2024. He wondered, with respect to Class B and C felonies, whether they are essentially the same.

MS. MEADE replied that both orders concern felonies and were implemented May 1. She expressed her belief that they complement each other.

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At ease.

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CHAIR CLAMAN reconvened the meeting and agreed that the orders complement each other and do not change any requirements.

MS. MEADE addressed the presiding judge order on "off record continuances," explaining that off record continuances of PIH are no longer permitted in any court case. She emphasized that nobody in the system likes delays, not victims, not defendants, not attorneys, and not judges. She said everyone wants to close cases, and the courts are doing what they can to move matters along.

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SENATOR KIEHL asked where the legislature should focus its efforts next in determining how to direct state resources to reduce the number of pending cases.

MS. MEADE stated that the court system is not requesting additional staff this year. She said in the coming years, perhaps sooner than expected, they may request additional superior court judges to handle matters, particularly in Palmer. She noted courtrooms are needed in Palmer as well. She said that depending on case complexity and filing levels, additional resources may be needed elsewhere. She said, at present, judgeships are adequate, and she emphasized that cases are not delayed because of a lack of judges.

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SENATOR KIEHL clarified that he sought her input beyond what resources the court system has or anticipates needing, even if not included in this year's budget request. He asked, looking more broadly than the Alaska Court System, where the legislature should focus its efforts this year.

MS. MEADE replied that she was grateful not to be in the position of making that determination. She stated that if the overall justice system were funded at a higher level, and both public defenders and prosecutors had much smaller caseloads, they might not resign as quickly from being overwhelmed. With lighter caseloads, they could devote more time to each case, face fewer scheduling conflicts, and review their files earlier in the process. She summarized that if there were twice as many public defenders and twice as many prosecutors, cases would go faster. She said that this is probably all she could offer on the matter.

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SENATOR KIEHL expressed uncertainty that twice as many public defenders and prosecutors would happen; however, he said there are steps the legislature could take to help reduce turnover. He said that could be something the legislature does this year.

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SENATOR MYERS noted that recent news reports have focused on the impact of delays on victims, which he agreed is a serious problem. He added that delays also affect defendants and create troubling incentives for both the defense and the prosecution. He emphasized that while helping victims is a completely and totally laudable reason to address the issue, its broader significance lies in how the courts mete out justice overall. If

delays last longer than the potential sentence, a defendant might plead guilty simply to end the process, even if innocent. Conversely, a prosecutor might dismiss a case if the time already served equals or exceeds the likely sentence. He said either scenario amounts to a miscarriage of justice. He stressed that no one wants repeated continuances or trials continually delayed, and that addressing this problem should be the legislature's top priority.

SENATOR MYERS cautioned that this is one of the few areas where no entity outside of government can resolve the caseload backlog. He said that as elected officials, legislators have a duty to focus on this, emphasizing that nobody else can.

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CHAIR CLAMAN offered observations from his own legal career, noting that in federal criminal court, continuances were far more difficult to obtain than in state court. He said that in federal court, if a party could demonstrate that an expert witness was critical to the trial and needed months to prepare, the judge might grant that time. However, if the request was based on needing to review discovery or interview a few witnesses, the court might only allow a week.

CHAIR CLAMAN expressed his belief that federal courts could be strict because both prosecution and defense had more resources available, especially on the defense side. He stated that federal cases tend to involve more serious offenses and consequences, which is reflected in the idiom, "Let's not make a federal case out of it." By contrast, in state court, cases considered complex, such as one he prosecuted involving large quantities of marijuana production, were expected to move forward more quickly, often prompting the parties to reach plea agreements. He said that while state courts do not have the same level of resources, sometimes that lack of flexibility pressures parties to resolve cases. He said this observation does not fully solve the dilemma, but believes court management is an important factor, as is, resources.

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CHAIR CLAMAN said the written pretrial orders are an important part of how work is conducted in the courts. He noted that he had emailed earlier asking about other districts and received the impression that they largely follow Anchorage's direction. He sought confirmation that this was accurate.

MS. MEADE replied yes.

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CHAIR CLAMAN said one of his questions, given the high level of public interest, is why the pretrial orders, some in place since 2019, have not yet been incorporated into the Criminal Rules. He said he largely views the orders as good ideas, and their incorporation might provide a uniform application and greater clarity and transparency for the public about rules that apply statewide. He asked what it would take for the court to examine incorporating the pretrial orders into the Criminal Rules, and what would that process look like from the court's perspective.

MS. MEADE replied that the court is currently considering changes to Rule 45 based on the presiding judge orders discussed. She explained that a draft exists in prose form and was circulated to judges for input a few months ago. She added that the Committee on Time Standards plans to finalize it into Rule language this month or in March and present it to the Supreme Court. She characterized this as a good idea that is already underway.

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CHAIR CLAMAN asked when the court expects to finalize the Court Rule change. He wanted to know if the court would have it ready within the next 15 months.

MS. MEADE replied that it would likely be sooner. She said though she is not the Court Rules attorney, the matter is on that attorney's desk. She anticipated that within a year, or perhaps even less, a modified rule would come out of the Supreme Court.

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CHAIR CLAMAN sought confirmation that the court intends to incorporate the various pretrial orders, under review in this meeting, into a Court Rule amendment. He clarified that while not everything in the current orders would necessarily be included, the rule would cover the critical elements, providing the public with assurance that the court had addressed those concerns.

MS. MEADE replied that she thought that was fair. She noted that presiding judges may still choose to set shorter timelines in their own districts. Once a Court Rule is adopted it will provide clear guidance for judges and attorneys on expectations and procedures.

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CHAIR CLAMAN introduced the next item, capital budget topics.

MS. MEADE stated that the number one capital budget priority is renovation and expansion of the Palmer Courthouse. The plan calls for adding three new courtrooms, each with a judge's chamber, space for an assistant, and a law clerk. She said the court system is seeking \$22 million for the project, noting that \$7.2 million was received last year.

MS. MEADE explained that the need is evident. Palmer judges are the busiest in the system. The courthouse has the highest caseload per superior court judge in the state, with 663 filings per judge, over 200 more than the statewide average. She stressed that the judges are "busy, busy, busy" and could use relief through additional courtrooms and judges.

[2:40:20 PM](#)

SENATOR MYERS asked about the possibility of moving some trials to Anchorage, noting it is only about a 45-minute drive.

MS. MEADE replied that trials can sometimes be moved, but venue rules apply because parties have the right to be tried by a jury of their peers in their community. She said cases are occasionally reassigned, such as when the Valdez Superior Court judge or an Anchorage judge travels to Palmer. However, Anchorage judges also carry full calendars, so this option is limited.

MS. MEADE said the court system does not have any judges with excess capacity; however, pro tempore judges are regularly assigned to Palmer. One has served for three months, not to replace an absent judge, but to help take cases. She noted that the Palmer Courthouse has four superior court judges, three district court judges, and three magistrates, but only eight courtrooms and four jury deliberation rooms. This caps the number of simultaneous jury trials at four and limits other proceedings to eight at once.

MS. MEADE said that because a judge is not constantly on the bench, there is a lot of shuffling and inefficiency. That is why the court system seeks three additional courtrooms, to provide the capacity needed and reduce those inefficiencies.

[2:42:24 PM](#)

CHAIR CLAMAN asked whether, if the capital improvement is approved and the three additional courtrooms are built, the

request would then be for one additional judge in Palmer rather than three.

MS. MEADE replied that it will depend on timing. If the money is secured and construction is completed in FY27 or FY28, the court system would request at least one additional judge. If case filings continue to increase, they might need to request two Palmer superior court judges at once or more. She said the decision will depend on actual data not yet available.

[2:43:13 PM](#)

SENATOR KIEHL said he reviewed the Office of Management and Budget (OMB) website and saw limited funding for court security projects. He asked whether the court system's full list of security project requests had been forwarded to the legislature.

MS. MEADE replied that the court system submits budget requests to OMB in late fall for inclusion in the governor's operating and capital budgets. Not all of those requests made it into the published documents for legislative consideration. She said the court system believes its requests should reach the legislature, but the administration apparently disagrees.

[2:44:11 PM](#)

SENATOR KIEHL asked that she send the court system's capital budget request, including scope, timing, and price tags, to him.

[2:44:25 PM](#)

CHAIR CLAMAN requested that she also send those documents to the Judiciary Committee too.

[2:44:30 PM](#)

SENATOR KIEHL commented that it is a longstanding tradition that the governor passes the court system operating budget request along to the legislature as a courtesy. He asked whether that was done or if it was also modified.

MS. MEADE replied that it was modified downward.

[2:44:53 PM](#)

SENATOR KIEHL asked to review the court system's budget request that the administration forwarded, rather than those prepared internally by the courts.

MS. MEADE replied that she would gather those documents and that associate counsel, from the Administrative Offices, would deliver the information directly to his office.

[2:45:18 PM](#)

CHAIR CLAMAN requested those documents be sent to the Judiciary Committee as well.

CHAIR CLAMAN asked whether any of the superior court or district court judges in the Juneau Dimond Courthouse share courtrooms or if each judge has their own.

MS. MEADE replied that judges have their own courtroom in almost every courthouse, if not every single courthouse. She said this allows judges the flexibility needed for scheduling and planning.

[2:46:02 PM](#)

CHAIR CLAMAN asked specifically about Juneau, confirming that if he went into courtroom 3, the same judge would preside there except in rare cases.

MS. MEADE replied yes.

CHAIR CLAMAN sought confirmation that the same is true in Anchorage. He asked if he went into an Anchorage courtroom, in either courthouse, the same judge would typically preside there 99 percent of the time.

MS. MEADE replied yes.

CHAIR CLAMAN asked whether Palmer is the only courthouse in the state where judges must share courtrooms.

MS. MEADE replied yes and no. She said, to her knowledge, the judges in Palmer generally have assigned courtrooms, except for magistrate judges, who must locate an empty courtroom or coordinate with another judge who will be away.

[2:47:05 PM](#)

SENATOR MYERS asked whether there is a cost difference between employing full-time judges and using pro tempore judges. He also asked whether there are staffing needs that make one option more expensive than the other.

MS. MEADE replied that superior court judges receive health and retirement benefits, which makes them more expensive. By contrast, pro tempore judges are retired and do not receive those same health benefits. A superior court judge also has an assistant and a law clerk, whereas retired judges rarely receive

law clerk support and typically rely only on limited assistance for some administrative matters. She said pro tempore judges are cheaper and paid a capped daily rate established by Administrative Rules, which is less than what a full-time judge earns.

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SENATOR MYERS asked about the role of a law clerk, noting his interest in whether the absence of a clerk could affect the quality of proceedings. He referenced earlier comments about continuances and appeals, and asked whether a defendant could argue that a judge lacking a law clerk meant the trial was not properly conducted or adequately resourced.

MS. MEADE replied that she did not believe so. She explained that a law clerk is typically a recent law school graduate who assists a judge with legal research and writing. When a judge serves in a pro tempore capacity, the law clerk has already completed most of the motion work requiring legal research. If there is more legal research and writing to be done, the pro tempore judge agrees to do it, him or herself. If a novel legal issue arises, the presiding judge may temporarily assign a law clerk for assistance. She emphasized that a lack of a law clerk does not mean a judge is ill-prepared. She clarified that the court always provides an in-court clerk to handle administrative duties, such as managing paperwork, ensuring the record is maintained, and operating the phone system.

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MS. MEADE continued the discussion regarding Palmer, noting that the area's population has increased by 50 percent since 2006, which was the last time an additional judge was assigned there. Projections indicate continued growth in that region. She reported that case disposition times for criminal and child-in-need-of-aid matters in Palmer are in line with the rest of the state. However, family law cases are significantly delayed because criminal matters take priority, often forcing custody cases to be postponed. She said this is not satisfactory for anyone involved but illustrates how busy the Palmer judges are. Domestic relations cases take nearly 50 percent longer to resolve in Palmer than in other courts.

MS. MEADE said other capital budget requests include:

- \$2.15 million for court security projects. She noted that the governor's capital budget requested \$1 million.

- \$3.525 million for deferred maintenance in state-owned facilities that the court system operates. She noted that no deferred maintenance funding was received last year.

MS. MEADE said the court system capital budget does not include:

- Funding for a courthouse in Sitka; although Sitka needs a new courthouse, the location previously under consideration is no longer available.
- Funding for the Bethel Justice Center; this remains an ongoing project under joint exploration with the executive branch, and alternative funding sources are being pursued outside the current capital budget request.

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There being no further business to come before the committee, Chair Claman adjourned the Senate Judiciary Standing Committee meeting at 2:52 p.m.