

Original sponsors: Miller, Frank
and Gruenberg

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE JOINT RESOLUTION NO. 60 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 Urging expedient and positive action by
6 the United States Congress on S. 1983 or
7 other legislation adding a second bank-
8 ruptcy judgeship for Alaska.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 WHEREAS the District of Alaska currently has only one authorized
11 bankruptcy judge, whose official duty station is Anchorage; and

12 WHEREAS the total number of bankruptcy cases filed in the District of
13 Alaska has increased 332 percent between 1983 and 1987; and

14 WHEREAS, for the 12 - month period ending June 30, 1987, the District
15 of Alaska recorded 204 Chapter 11 filings, placing it well above the na-
16 tional average of 80 filings per bankruptcy judge; and

17 WHEREAS the current District of Alaska bankruptcy judge handled 773
18 adversarial proceedings in the same 12 - month period, which is 2.5 times
19 the circuit average of 311 proceedings per authorized judgeship; and

20 WHEREAS the high percentage of adversary proceedings and the high
21 percentage of Chapter 11 filings result in a case load that requires the
22 Alaska bankruptcy judge to expend a greater amount of time per case than a
23 judge in a district with a more balanced case load; and

24 WHEREAS the Alaska District bankruptcy judge currently holds court for
25 approximately four days a month in Fairbanks, Nome, Juneau, and Ketchikan,
26 requiring the expenditure of more than 30 hours a month in nonproductive
27 travel time; and

28 WHEREAS unpredictable flying weather in Alaska often results in addi-
29 tional lost time for the bankruptcy judge and staff due to flight delays or

1 cancellations; and

2 WHEREAS growing case loads in Cordova, Kodiak, Valdez, and Sitka have
3 prompted recommendations by the Administrative Office of the United States
4 Courts to recommend that these communities be added to the list of court
5 sites; and

6 WHEREAS the current case load of the bankruptcy judge precludes addi-
7 tion of communities as court sites; and

8 WHEREAS the District of Alaska Bankruptcy Court will be moving in July
9 1988, to the remodeled Anchorage Federal Court Building, a building that
10 includes facilities for a second bankruptcy judge, secretary, and law
11 clerk, and a second courtroom; and

12 WHEREAS the Ninth Circuit Court of Appeals currently recognizes the
13 excessive work load in the District of Alaska Bankruptcy Court by sending
14 an extra judge and support staff to Alaska for approximately one week every
15 month to help handle the conflict case load; and

16 WHEREAS roughly 25 percent of the cost for a second District of Alaska
17 bankruptcy judge and support staff is currently being expended through the
18 cost of this traveling judge and staff; and

19 WHEREAS Alaska's senators have introduced legislation to establish a
20 second bankruptcy judge;

21 BE IT RESOLVED that the Alaska State Legislature urges the United
22 States Congress to take expedient and positive action on S. 1983 or other
23 legislation creating a second bankruptcy judgeship for the District of
24 Alaska.

25 COPIES of this resolution shall be sent to the Honorable Howell T.
26 Heflin, Chairman of the Subcommittee on Courts and Administrative Prac-
27 tices, a subcommittee of the U.S. Senate Committee on the Judiciary; the
28 Honorable Charles E. Grassley, Ranking Minority Member of the Subcommittee
29 on Courts and Administrative Practices, a subcommittee of the U.S. Senate

1 Committee on the Judiciary; the Honorable Joseph R. Biden, Jr., Chairman of
2 the Senate Committee on the Judiciary; the Honorable Strom Thurmond, Rank-
3 ing Minority Member of the Senate Committee on the Judiciary; the Honorable
4 Robert W. Kastenmeier, Chairman of the Subcommittee on Courts, Civil Lib-
5 erties, and the Administration of Justice, a subcommittee of the U.S. House
6 of Representatives Committee on the Judiciary; the Honorable Carlos J.
7 Moorhead, Ranking Minority Member of the Subcommittee on Courts, Civil
8 Liberties, and the Administration of Justice, a subcommittee of the U.S.
9 House of Representatives Committee on the Judiciary; the Honorable Peter W.
10 Rodino, Jr., Chairman of the House Committee on the Judiciary; the Honor-
11 able Hamilton Fish, Jr., Ranking Minority Member of the House Committee on
12 the Judiciary; and to the Honorable Ted Stevens and the Honorable Frank
13 Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative,
14 members of the Alaska delegation in Congress.