

S B

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"An Act relating to the number of superior court judges; and providing for an effective date."

COMMITTEE REPORT

3/22/76

HOUSE

FINANCE

Mr. Speaker:

Date April 29, 1976

The Committee on JUDICIARY has had SB 670

under consideration. A Majority of the members of the Committee

- () recommends it DO PASS
- () recommends it DO NOT PASS
- () recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- recommends it BE REPLACED WITH CS FOR _____ AND THAT
CS FOR _____ DO PASS
- () "and" recommends it BE REFERRED TO THE _____
COMMITTEE
- () reports it back WITHOUT RECOMMENDATION
- () "other"

Members signing the Majority report:

<u>Terry Anderson</u>	<u>Don Hooper</u>	<u>Richardson</u>	DO PASS
_____	_____	_____	
_____	_____	_____	
<u>Speck</u>	" "		

Members NOT concurring in the Majority report:

- _____ recommends:
- _____ recommends:
- _____ recommends:
- _____ recommends:
- _____ recommends:

Terry Anderson Chairman

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. HCS for S.B. 670
 Title: Number of Superior Court Judges
 Requested by: Legislative Finance Date: _____
 Return Date Requested: _____
 Agency: Alaska Court System Program: _____

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Alaska Court System

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES		95.9	95.9	95.9	95.9	95.9
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300 CONTRACTUAL		2.0	2.0	2.0	2.0	2.0
400 COMMODITIES		1.0	1.0	1.0	1.0	1.0
500 EQUIPMENT		37.0				
600 LAND & STRUCTURES		52.0				
700 GRANTS, CLAIMS, ETC.						
TOTAL		187.9	98.9	98.9	98.9	98.9

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FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	3 /	3 /	3 /	3 /	3 /
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

House Comm: Substitute for Senate Bill 670 increases the number of Superior Court judges in the state by two. The Superior Court judge position in Sitka will replace the existing District Court Judge position there. Therefore, the additional cost of this judgeship is the difference between the salary of Superior and District Court judges, or \$7,500/year.

The Superior Court judge position in Fairbanks is a new position and will require the creation of three new permanent positions - judge, secretary, and in-court clerk. The total personnel services cost of these positions is \$88,400/year. These new positions will need (see attached page)

IV. ATTACHMENTS

V. DATE: _____ PREPARED BY: Richard H. Brown

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

FISCAL NOTE

HCS for S.B. 670

furniture, including desks, chairs, typewriters, bookcases, filing cabinets, and other office equipment. The one-time cost of this equipment is \$8,000. Also, an additional \$1,000/year for commodities and \$2,000/year for contractual expenses (phone, postage, equipment rental, etc.) will be needed in support of the 3 new positions.

The additional Superior Court judge will need a new courtroom if he is to be used most effectively. Since the Fairbanks court building is being remodeled at the present time, an additional Superior Court courtroom can be included at a minimum of expense. The major expense items will be the construction of a judge's bench, witness box, in-court clerk area and jury box, plus electrical and ventilation changes and carpeting, all of which would cost approximately \$52,000. In addition to these structural changes or additions, the courtroom must be equipped with spectator seating, jury seating, counsel tables and chairs, and recording equipment. This equipment expense will total \$29,000. The remodeling and equipment expense items are one-time costs and do not increase the ongoing operational cost of the facility.

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For the immediate future the Fairbanks Court can absorb a fourth Superior Court judge without adding a courtroom. Since Fairbanks is responsible for providing judicial coverage to Barrow and other rural locations in the fourth district, one judge is frequently on travel status. Also, vacation schedules and sick leave further reduce the number of days when all four judges would be holding court. When these days do occur, the Federal Court in Fairbanks has agreed to the use of its courtroom for the trying of state cases. In future capital planning for Fairbanks, four superior court courtrooms will be included. But for the present time, the court can manage with the three existing courtrooms.

This following letter was sent to each of the following candidates:

Mr. Geoffrey G. Currall
415 Main St., Room 304
Ketchikan, Alaska 99901

Mr. Stephen R. Cline
950 Cowles St., Rm. 120
Fairbanks, Alaska 99701

Mr. John Bosshard, III
P. O. Box 131
Sitka, Alaska 99835

Mr. George L. Gucker
320 Bawden, Suite 318
Ketchikan, Alaska 99901

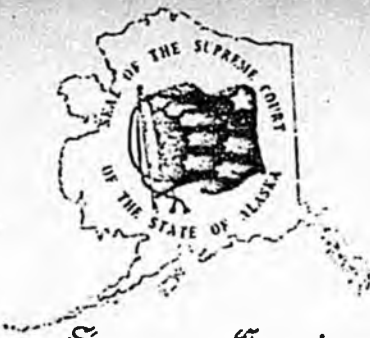
Mr. Peter S. Hallgren
Breast Island
P. O. Box 1203
Sitka, Alaska 99835

Mr. Thomas F. Keever
Suite 210, Nerland Building
532 Third Avenue
Fairbanks, Alaska 99701

Mr. Edward A. Stanla
P. O. Box 161
Ketchikan, Alaska 99901

Mr. Robin L. Taylor
Jernberg & Taylor
111 Stedman
P. O. Box 1769
Ketchikan, Alaska 99901

Mr. Richard Whittaker
P. O. Box 13
Ketchikan, Alaska 99901



Supreme Court

State of Alaska
December 26, 1975

CHIEF JUSTICE
ROBERT BOOCHEVER

JUSTICES
JAY A. RABINOWITZ
ROGER G. CONNOR
ROBERT C. ERWIN
EDMOND W. BURKE

POUCH U
STATE COURT AND OFFICE BUILDING
JUNEAU, ALASKA
99811
907-465-3410

Mr. John Bosshard, III
P. O. Box 131
Sitka, Alaska 99835

Dear Mr. Bosshard:

You doubtlessly have been informed by Mr. Rubinstein that the Supreme Court with the concurrence of the Judicial Council has decided to postpone appointment of a permanent district judge at Sitka. Recently, the Sitka Bar Association has advanced a proposal for a superior court judge in lieu of the district court judge. Since if a permanent district court judge is appointed, it will not be feasible to consider a change for a period of at least several years, we decided to defer such a permanent appointment until the Judicial Council has completed hearings at Sitka and the legislature has had the opportunity of considering the designation of an additional superior court judge for the First Judicial District.

In making this decision, we were very cognizant of the inconvenience that this change causes the applicants. There will be an acting district judge appointed to serve in Sitka until such time as a final decision is made with reference to the designation of a superior court judge and a permanent appointment of either a superior or district court judge is completed. If you are interested in applying for the acting district judgeship, please advise and we will transmit the papers that you have submitted to Judge Thomas B. Stewart, Presiding Judge of the First Judicial District, who has the authority to make the appointment. Also, if it is decided to create the superior court judgeship and if you decide to apply for that position, the papers which you have previously submitted will be kept on file and can be utilized if you so desire.

We have advised the Alaska Bar association to withhold tabulation of the bar poll so that no candidate will be adversely affected in that regard. Again, please accept my sincere apologies for this change in plans and my thanks to you for your interest in applying for the position.

Sincerely yours,

Robert Boochever
Chief Justice

cc: Michael Rubinstein

Introduced: 2/17/76
Referred: Judiciary and
Finance

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS SENATE BILL NO. 670

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the number of superior court
7 judges; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 22.10.120 is amended to read:

10 14 Sec. 22.10.120. NUMBER OF JUDGES. The superior court consists of
11 18 [17] judges, four [THREE] of whom shall be judges in the first judi-
12 cial district, one of whom shall be judge in the second judicial dis-
13 trict, ten of whom shall be judges in the third judicial district, and
14 4 three of whom shall be judges in the fourth judicial district. At the
15 time of submitting the names of nominees to the governor to fill a
16 vacancy on the superior court bench, the judicial council shall also
17 designate the district in which the appointee is to reside and serve.

18 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
19 070(c).

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Rick,

On the Sitka Judge bill
Need some history & documents.
I want to drag the judicial
Council & the Supreme Court
over the coals on their handling
of the whole thing. Need:

1. Dates of advertisement for
both sup & dis court seats
 2. lists of who applied
 3. when was decision made
by both supreme & council
to change approach
 4. When were applicants notified
 5. Jud Council hearing in Sitka
- Get any documents involved



Alaska Court System

State of Alaska

303 "K" STREET

ANCHORAGE, ALASKA
99501

ARTHUR H. SNOWDEN II
ADMINISTRATIVE DIRECTOR

(907) 274-8611

April 27, 1976

The Honorable Terry Gardiner
Chairman, House Judiciary Committee
Pouch V
Juneau, Alaska 99811

Reference: Senate Bill 670 (Relating to the number of
Superior Court Judges)

Dear Representative Gardiner:

Senate Bill 670, which would increase the number of Superior Court judges in the First Judicial District from three to four, is now in your Committee. We have just received an urgent request from the Presiding Judge of the Fourth Judicial District to seek immediate legislative authorization for an additional Superior Court judge for Fairbanks. After analyzing available statistical data on caseloads and trial rates, we believe this request is both reasonable and necessary. We would therefore ask that your Committee consider adopting a committee substitute for Senate Bill 670 that would also increase the number of Superior Court judges in the Fourth District from three to four.

We realize that this request comes rather late in the session. Although we have been aware of the dramatic increases in case filings in the Fairbanks Superior Court in recent years, it has only been during the first few months of this year that the number of trials has increased to the point that it is now clear that the workload in Fairbanks cannot continue to be handled effectively with existing judicial resources.

Our statistical data on caseloads goes back to January of 1972. The data for the years 1972 through 1975 and the projections for 1976 show a marked increase in case filings in the Fairbanks Superior Court. In 1972, 1631 cases were filed. Case filings for 1976 are expected to reach 3,174. This is an increase of 95 percent or nearly double in the space of five years. The 1975 case filings totaled 2,471, for an increase of 52 percent over filings for 1972.

April 27, 1976

Page 2

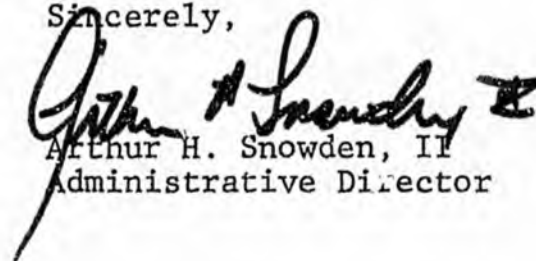
It should be noted in analyzing these figures that the third Superior Court judge in Fairbanks was appointed in late 1970. Thus the heavy increases in case filings reflected by this date must be compared against the lack of any increase in judicial resources during the period covered. In addition, the percentage of cases going to trial, particularly felony cases, is also increasing steadily in the Fairbanks Superior Court. During the first six months of 1975, 14 percent of all felonies in Fairbanks went to trial; during the last six months of 1975, 17 percent went to trial; and by the end of the first six months of this year, 21 percent will have gone to trial. These figures do not even reflect the civil trials that must also be heard.

The disposition rate per judge in the Fairbanks Superior Court has been the highest of all Superior Court locations in the State. The number of case filings per Superior Court judge has also been higher in Fairbanks than in any other location. Further, the filing rate per judge in Fairbanks, with the addition of another Superior Court judge, will still be higher than the average for the Superior Courts statewide.

Clearly a certain amount of the increases in the workload in the Fairbanks Superior Court is attributable to pipeline impact. We do not believe it is realistic, however, to expect these caseloads to drop in any significant numbers even after the pipeline is in place. Civil cases accounted for 65 percent of all cases filed in 1975, and civil case filings increased 62 percent between 1972 and 1975. This rate of increase is expected to reach 124 percent by the end of 1976. Such factors as prepaid legal services, Native Land Claims, environmental disputes, and further resource development are not directly related to existing pipeline construction activity, and will undoubtedly continue to keep the civil caseloads close to or in excess of 1976 levels.

I have attached a copy of Senate Bill 670 with the requested additions noted on the copy, and will appreciate your consideration of the proposed changes. Please let me know if you wish to have additional information.

Sincerely,


Arthur H. Snowden, II
Administrative Director

Analysis of the Need for a Fourth Superior
Court Judge in Fairbanks

Methodology: In previous studies of this nature, we have compared the court to be analyzed with the like type court that showed the highest rate of dispositions per judge per year. Our hypothesis was that if the evaluated court processed cases at the highest rate so far demonstrated throughout the State, then they would need X judges. This approach disintegrates when we evaluate the Fairbanks Superior Court since, as shown in Table 1, this court also has the highest disposition rate district wide throughout the State.

Table 1 - 1975
Dispositions per Judge per Year

Judicial District Including Service Areas	Felony	Civil	Children	Probate	Total
First (3 judges)	20.3	235.3	100.3	42.3	403.3
Second (1 judge)	27.0	58.0	105.0	30.0	222.0
Third (10 judges)	41.0	348.7	38.5	53.4	493.4
Fourth (3 judges)	46.3	385.3	110.0	30.0	583.0
Total (17 judges)	37.5	318.1	65.9	47.5	477.4

Since it doesn't make sense to compare Fairbanks Superior Court to itself, we shall utilize a different approach which shows:

1. trends in case acting at this court;
2. how the court now compares to other courts, and
3. factors which cannot be measured but should be considered.

Case Activity: Table 2 shows case activity for the Fairbanks Superior Court from 1972 through 1976. The 1976 figures were projected from the first two months experience.

Table 2
Fairbanks Superior Court Filings

Type of Case	1972	1973	1974	1975	1976*
Felonies	180	183	208	203	252
Civil	998	1015	1228	1614	2238
Childrens	203	185	253	420	462
Probate	224	237	227	214	210
Other	26	11	21	20	12
Total	1631	1631	1937	2471	3174

*Projected based on filings for January and February

We do not have hard data prior to 1972, but even assuming no growth in prior years, the increase in caseload has been substantial since the addition of the third Superior Court at Fairbanks. Table 3 summarizes this increase.

Table 3
Increase in Filings

Type of Case	Precent Increase 1972 through 1975	Estimated Increase 1975 through 1976
Felonies	13%	40%
Civil	62%	124%
Childrens	107%	128%
Probate	-4%	-6%
Other	-23%	-54%
Total	52%	95%

It is estimated that, by the end of 1976, filings will have almost doubled since 1972. Even if we discount estimated 1976 increases, filings for 1975 were half again as many as in 1972.

In addition, the felony trial rate for this court is increasing significantly as shown by Table 4.

Table 4
Felony Trial Rate

1st 6 months 1975	-14%	16% for all of 1975
2nd 6 months 1975	-17%	
1st 6 months 1976	-21%	

The 1975 Fairbanks trial rate of 16 percent compares with a statewide rate of ten percent and a rate of eight percent for the Anchorage

Superior Court.

Comparison with other Courts (Districts): In order to accommodate for intra-district travel and service area assignments, the remainder of this analysis stratifies data according to judicial district and service area responsibility, if any. Table 5 shows filings per judge for the four districts.

Table 5 - 1975
Filings per Judge per Year

Judicial District Including Service Areas	Felony	Civil	Children	Probate	Total
First (3 judges)	27.0	308.0	96.7	71.7	512.7
Second (1 judge)	33.0	93.0	75.0	56.0	266.0
Third (10 judges)	55.8	514.7	42.7	102.0	729.5
Fourth (3 judges)	67.7	538.0	140.0	71.3	823.7
Total (17 judges)	51.5	457.5	71.3	89.1	580.6

The Fourth Judicial District has the highest rate of filings per judge in every category but Probate. Since Probate matters require far less judge time than do other matters, we will exclude these filings from filing charts.

Table 6 shows what filings (minus probate) per judge would be with the current three and the proposed four judges in the Fourth Judicial District.

Table 6

Filings per Judge per Year
(Minus Probate)

Judicial District Including Service Areas	Three Judges in Fourth	Four Judges in Fourth
First	441.0	441.0
Second	210.0	210.0
Third	627.5	627.5
Fourth	752.4	584.5
Total	491.5	464.1

With four Fourth District judges, filings per judges for the dips below that of the third, but still remains substantially higher than for the other two districts.

One final factor needs to be considered. Each of the districts has a Presiding Judge who spends approximately half his time (probably closer to one-third in the Second) on administrative matters. This one-half a judge represents only five percent of the judges available (10) in the Third District, but 17 percent of the judges available in the First and Fourth districts. Table 7 adjusts the figures in Table 6 to reflect the greater impact of these administrative duties in smaller judge districts.

Table 7

Filings per Judge per Year (Minus Probate and adjusting for administrative duties of Presiding Judge*)

Judicial District Including Service Areas	Three Judges in Fourth	Four Judges in Fourth
First	528.0	528.0
Second	313.4	313.4
Third	660.5	660.5
Fourth	902.9	668.0
Total	550.8	516.6

*one-half time for one judge in all but Second where it is estimated to be one-third of one judge.

The data from this table shows that, were a fourth Superior Court judge added to the Fourth Judicial District, the filings per judges available would be approximately equal for the Third and Fourth districts.

Other Factors: The above data speaks to the addition of a fourth Superior Court judge to the Fourth Judicial District. However, there are two factors which might hedge upon such a recommendation: 1). Much of the filing increase shown in Table 2 is pipeline-related - how much we really don't know. Neither do we know what the effect will be upon the Fairbanks area when the pipeline is completed. Population and activity may stabilize, or it may decline. Caution should be exercised to ensure that we don't establish a permanent judicial structure geared to a temporary project stimulus. 2). Table 7 shows that activity in the Second Judicial District is less than half that in the Third and Fourth, even when we adjust the data to

account for administrative duties of the Presiding Judge. An alternative to a new judge would be to use Judge Sanders in Fairbanks on a scheduled, rather than demand basis. This would allow us to hedge against the considerations discussed in the first factor above.

Conclusions and Recommendations:

1. The Fairbanks Superior Court is experiencing more filings per judge and producing more dispositions per judge than any other Superior Court in the State.
2. Addition of a fourth Superior Court judge to the Fourth Judicial District would still keep filings per judge at a leading level. There is no reason to suspect that dispositions per judge would decrease.
3. The future activity of Fairbanks is uncertain and there is available judge time in the Second Judicial District to help alleviate Fairbanks' current problem.

Recommendation: Conclusions one and two above are hard facts; conclusion three is tentative. I recommend addition of a fourth Superior Court judge in the Fourth Judicial District.

CHILD SUPPORT AGENCY
Caseload and Collections
FY77

<u>FY77 Caseload</u>	<u>AFDC Court System</u>		<u>URES</u> A	<u>TOTAL</u>
Current Caseload	2,500	3,300	1,900	7,700
Less Duplications				
URES A W/Court		(600)	600	-----
AFDC W/Court		(500) 10%		(500)
TURNOVER	1,000	* 425	500	1,925
		50% of 80% of yearly "orders"		
FY77 Caseload	<u>3,500</u>	<u>2,625</u>	<u>3,000</u>	<u>9,125</u>
 <u>FY77 Collections</u>				
Balance 7/1/76		1,700	600	2,300
Cases Processed - FY77	1,700	1,700	1,600	5,000
New Collections not requiring enforcement		* 425		425
		50% of 80% of yearly "orders"		
FY77 Collections	<u>1,700</u>	<u>3,825</u>	<u>2,200</u>	<u>7,725</u>

\$Collected \$15,360,000 (at \$2,000 per case of 1.9 children per case x 7,725).

* The Court System has estimated that 80% of "orders" involving child support would go thru the agency. If 50% of this figure are collections with no enforcement, then one-half would require enforcement services.

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PREPARED BY: *[Signature]*

Original: Legislative Finance
cc: Budget and Management
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V. DATE: _____ PREPARED BY: Walter B. [Signature]

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

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 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

FISCAL NOTE

HCS for S.B. 670

filing cabinets and other office equipment. The one-time cost of this equipment is \$8,000. Also, an additional \$1,000/year for commodities and \$2,000/year of contractual expenses (phone, postage, equipment rental, etc.) will be needed in support of the 3 new positions.

For the immediate future the Fairbanks Court can absorb a fourth Superior Court judge without adding a courtroom. Since Fairbanks is responsible for providing judicial coverage to Barrow and other rural locations in the fourth district, one judge is frequently on travel status. Also, vacation schedules and sick leave further reduce the number of days when all four judges would be holding court. When these days do occur, the Federal Court in Fairbanks has agreed to the use of its courtroom for the trying of state cases. In future capital planning for Fairbanks, four superior court courtrooms will be included. But for the present time, the court can manage with the three existing courtrooms.



Supreme Court

State of Alaska

CHIEF JUSTICE
ROBERT BOOCHEVER

JUSTICES
JAY A. RABINOWITZ
ROGER G. CONNOR
ROBERT C. ERWIN
EDMOND W. BURKE

March 3, 1976

POUCH U
STATE COURT AND OFFICE BUILDING
JUNEAU, ALASKA
99811
907-465-3410

The Hon. Bill Ray, Chairman
Senate Finance Committee
Alaska State Senate ✓
Pouch V
Juneau, Alaska 99811

Re: SB 670

Dear Senator Ray:

I am in receipt of a letter from Senator Ziegler advising me that you were under the impression that I do not favor SB 670 which would create a new superior court position for the First Judicial District. The purpose of the legislation, as you know, is to authorize the appointment of a superior court judge to reside at Sitka in place of the district court judge now authorized.

When Judge Carlson received the appointment to the Third Judicial District and applications were solicited for his replacement, some members of the Sitka bar and municipal government advocated the location of a superior court judge at Sitka in addition to the district court judge residing there. This would, in effect, place the third Southeastern superior court judge at Sitka in the same manner that was attempted when Judge Carlson was initially appointed. There just was not enough work for two judges at Sitka, and there was urgent work for an additional superior court judge at Juneau and assisting in other areas of the state. I therefore did not support the concept of the third superior court judge residing at Sitka in addition to a district court judge resident there.

Subsequently, the suggestion was made to have a superior court judge at Sitka in lieu of the district court judge and as an additional superior court judge for the

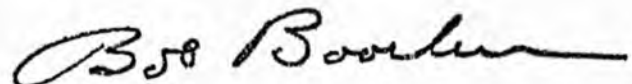
The Hon. Bill Ray
March 3, 1976
Page 2

First Judicial District. The Judicial Council held well attended hearings in Sitka on this matter, and the proposal was strongly endorsed by practically everybody attending the meeting. The Judicial Council endorsed the concept of an additional First Judicial District superior court judge to reside at Sitka with the elimination of the district court position there. This position was also endorsed by the Supreme Court with Justice Erwin dissenting.

I firmly believe that the additional superior court judge for the First Judicial District to reside at Sitka will result in improved judicial service and should either involve little additional expense to the state or possibly even result in a savings. A savings may be possible by elimination of a clerical position at Sitka which was required when two judges were serving the City coupled with the elimination of the travel time of the superior court judges who resided elsewhere and were required to travel to Sitka at regular intervals.

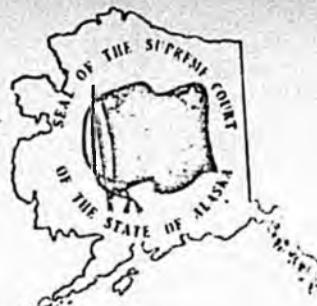
I hope that this letter clarifies my position on the matter, and I regret if there has been any confusion based on the prior history. Thank you for your consideration of the request for an additional superior court judge.

Sincerely yours, .



Robert Boochever
Chief Justice

cc: Senator Robert H. Ziegler, Sr.
Senator Pete Meland
Mr. Arthur H. Snowden, II



Alaska Court System

State of Alaska

303 "K" STREET

ANCHORAGE, ALASKA
99501

ARTHUR H. SNOWDEN II
ADMINISTRATIVE DIRECTOR

(907) 274-8611

February 3, 1976

Honorable Robert H. Ziegler, Sr.
Chairman, Senate Judiciary Committee
Pouch V
Juneau, AK 99811

Re: Sitka Superior Court

Dear Senator Ziegler:

Recently the Alaska Court System requested the introduction of a Bill to increase the number of Superior Court Judges in the First Judicial District from three to four. The purpose of the legislation is to authorize the appointment of a Superior Court Judge to reside in Sitka in place of the District Court Judge now authorized.

As you know, the Supreme Court has asked the Judicial Council not to proceed with the nomination process for filling the present vacancy in the Sitka District Court. Rather than filling this vacancy, the Supreme Court would like to leave unfilled the Sitka District Court judgeship and instead obtain authorization from the Legislature for the appointment of a Superior Court Judge for Sitka to handle both Superior and District Court matters. After reviewing the relative Superior Court and District Court workloads in Sitka, the Supreme Court came to the conclusion that upgrading the position from a District to a Superior Court judgeship would result in much better utilization of judicial manpower not only in Sitka, but throughout the First Judicial District.

The Superior Court workload in Sitka is now three times that of the District Court, based on case filings in Sitka and the present disposition rate in the First District for both Superior and District Courts. Because of this workload, the Court System spent nearly \$4,500 in 1975 to send Superior Court Judges from Juneau and Ketchikan to Sitka. In addition to the travel costs involved, these trips to Sitka took the Juneau and Ketchikan Judges away from necessary duties in those communities. We estimate that a Superior Court Judge residing in Sitka could dispose of all Superior Court and District Court matters and still have time remaining to provide additional services throughout Southeast Alaska, as needed.

Honorable Robert H. Ziegler, Sr. - 2
February 3, 1976

Early in the tenure of Sitka's first Superior Court Judge, it became evident that Juneau's Superior Court caseload was heavy enough to require two Judges much of the time. Because Sitka then had a resident District Court Judge, the Superior Court Judge did not need to be there full time, but was able to handle Sitka's Superior Court matters by traveling there about twice a month. This arrangement resulted in an underutilization of the District Court Judge, and in some inconvenience to Sitka litigants, whose Superior Court matters could only be heard at designated times during the month.

We believe that judicial services to Sitka and the rest of Southeast Alaska can be greatly improved with little extra cost by having a single general jurisdiction Judge permanently assigned to Sitka. Although our efforts toward developing a measure for the need for additional Judges have not yet produced a method that is completely accurate or satisfactory, our rough estimates indicate that if the Superior Court in the First District is going to maintain the same rate of dispositions per year that it achieved in 1974, it now requires 3.8 Superior Court Judges. Throughout the State, the need for inter-district judicial help is overwhelmingly greater for Superior Court matters than for District Court matters. While the Court System has had to utilize one of the Juneau Superior Court Judges fairly extensively to provide necessary service in other locations in the State, it appears from our figures on First District workloads that if the number of Superior Court Judges remains at three, this practice will become less and less feasible as judicial business in the First District increases.

The difference in salary between a Superior Court Judge and a District Court Judge is about \$7,000. With Superior Court travel to Sitka costing \$4,500 per year, the cost of upgrading the position will be only about \$2,500. It is impossible, of course, to place a dollar value upon increased convenience to Sitka residents, but we believe that these benefits will more than outweigh the relatively small added cost.

I would appreciate very much your attention to this matter. If you would like additional information, please let me know.

Very truly yours,



Arthur H. Snowden, II
Administrative Director

AHS/bd



Alaska Judicial Council

303 K STREET
ANCHORAGE, ALASKA
99501

EXECUTIVE DIRECTOR
MICHAEL L. RUBINSTEIN

LAY MEMBERS
KENNETH L. BRADY
LEW M. WILLIAMS, JR.
ROBERT H. MOSS

LAW MEMBERS
MICHAEL A. STEPOVICH
MICHAEL M. HOLMES
JOSEPH L. YOUNG

CHAIRMAN, EX OFFICIO
ROBERT BOOCHEVER
CHIEF JUSTICE
SUPREME COURT

April 19, 1976

Mr. Rick Svobodny
Administrative Assistant
Representative Terry Gardiner
House of Representatives
Pouch V
Juneau, Alaska 99801

Dear Rick:

I have Xeroxed for you the various documents from our files relating to the cancellation of the Sitka District Judgeship and the decision to request the legislative authorization for the new Superior Court position there. Please note I have also enclosed a copy of the minutes of the Public Hearing, following which the decision was finally reached.

I have also enclosed an extra copy of The Twentieth Century Fund report on Presumptive Sentencing, entitled "Fair and Certain Punishment".

Sincerely,

Michael L. Rubenstein

Enclosures



LAY MEMBERS
KENNETH L. BRADY
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LAW MEMBERS
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JOSEPH L. YOUNG

CHAIRMAN, EX OFFICIO
ROBERT BOOCHEVER
CHIEF JUSTICE
SUPREME COURT

Alaska Judicial Council

303 K STREET
ANCHORAGE, ALASKA
99501

EXECUTIVE DIRECTOR
MICHAEL L. RUBINSTEIN

October 23, 1975

Dear Member of the Alaska Bar Association:

A vacancy on the District Court bench in Sitka will be created effective December 15, 1975 by the resignation of Judge Roger DuBrock. Applications from qualified candidates are now being solicited for the position of District Court Judge in the First Judicial District at Sitka.

A District Court Judge must be a citizen of the United States and of the State, at least 21 years of age, a resident of the State for at least one year immediately preceding his appointment, and at the time of appointment be licensed to practice law in the State. The active practice of law is defined in AS 22.05.070. The annual salary of the office is \$41,000. Special retirement benefits are provided in AS 22.25.010 et seq.

Interested persons should submit a resume of educational accomplishments, professional and other employment experiences, community activities and personal interests, the names and addresses of three references, and any other information that would assist the Council in evaluating qualifications. Applications should also include a statement from a physician assessing the physical capability of the applicant to perform the duties of a district court judge.

Applications must be received at the above address no later than the close of the business day, 4:30 p.m. on Monday, November 24, 1975.

Sincerely,

Robert Boochever/mb

Robert Boochever
Chairman, Ex Officio



Alaska Judicial Council

303 K STREET
ANCHORAGE, ALASKA
99501

EXECUTIVE DIRECTOR
MICHAEL L. RUBINSTEIN

LAY MEMBERS
KENNETH L. BRADY
LEW M. WILLIAMS, JR.
ROBERT H. MOSS

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CHAIRMAN, EX OFFICIO
ROBERT BOOCHEVER
CHIEF JUSTICE
SUPREME COURT

December 3, 1975

NEWS RELEASE

Ten applications have been received by the Alaska Judicial Council for the district court judgeship at Sitka a position recently created by the resignation of Judge Roger W. DuBrock, effective December 15, 1975. Applicants are: Thomas F. Keever, Stephen R. Cline, Richard Whittaker, Donald L. Craddick, John Bosshard III, Geoffrey G. Currall, Edward A. Stahla, Peter S. Hallgren, George L. Gucker and Robin L. Taylor.

According to Michael L. Rubinstein, Executive Director, the Alaska Judicial Council will receive comments in writing from any interested persons concerning either the judgeships or the applicants. Correspondence should be addressed to the Alaska Judicial Council, 303 'K' Street, Anchorage 99501.

The Alaska Judicial Council, a judicial nominating commission of three attorneys, three public members, and the Chief Justice of the Supreme Court, will meet on January 9, 1976 in Sitka to interview the district court applicants. The Council will then submit the names of two or more qualified applicants to the Governor, who in turn must exercise his appointment power within 45 days after receiving the nominations.

Sent to:

Anch. Times
Anch. Daily News
Fbx. News-Miner
Ketchikan News

Nome Nugget
Southeast Empire
Kodiak Mirror



Copy

LAY MEMBERS
KENNETH L. BRADY
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ROBERT H. MOSS

LAW MEMBERS
MICHAEL A. STEPOVICH
MICHAEL M. HOLMES
JOSEPH L. YOUNG

CHAIRMAN, EX OFFICIO
ROBERT BOOCHEVER
CHIEF JUSTICE
SUPREME COURT

Alaska Judicial Council

303 K STREET
ANCHORAGE, ALASKA
99501

EXECUTIVE DIRECTOR
MICHAEL L. RUBINSTEIN

MINUTES OF THE PUBLIC HEARING AND JUDICIAL COUNCIL MEETING JANUARY 9, 1976 (SITKA)

The meeting was called to order at 10:00 a.m. by Chief Justice Boochever. Beverly Cutler commenced delivering the summary of her report on Sentences of Five Years or Greater in Length. Ms. Cutler suspended the presentation of her report at 10:30 to allow for the commencement of the public hearing.

The Council first heard the testimony of Mr. Warren Christianson, President of the Sitka Bar Association and past President of the Alaska Bar Association. Mr. Christianson reported that the Sitka Bar Association had met and decided that it would be most advantageous for Sitka, for Southeast Alaska and for Alaska in general if in lieu of a district court judge to replace Judge DuBrock, the Council request statutory authorization for a single superior court judge to reside in Sitka who will conduct a court of general jurisdiction encompassing both district and superior court matters.

Mr. Christianson explained that at the present a superior court judge visited at Sitka for 1-1/2 to 2 days every two weeks, and that this was insufficient. As a result of the intermittent judicial service now being provided, attorneys do not have time to prepare orders for the judge's signature before he leaves Sitka, with the result that justice is often delayed to the prejudice of the people of that city. Mr. Christianson then commenced a discussion of the economics of the Sitka Bar Association's request. He pointed out that by combining two courts under one, one clerical position could be eliminated as well as several items of office equipment. Additionally, he noted that there would be a reduction in money spent for travel and per diem. He stated that a combined superior court/district court judge would be able to keep busier in Sitka than could a single district court judge. Mr. Christianson noted two possibly negative effects of such a decision: (1) It would require new legislation, and (2) It would eliminate the intermediate appeal from district to superior court.

Mr. Stepovich noted at this point that the elimination of this intermediate appeal would cut down on the "percentages" of the individual citizen, especially in criminal cases. In other words, the right to appeal the decision of the district court judge up to the superior court would be lost if the trial is held in the first instance before a superior court judge. Mr. Rubinstein also noted that the right to "automatic" bail pending appeal likewise would be lost. Mr. Young pointed out the possibility of the superior court judge's

sitting as a district judge in misdemeanor cases or civil cases under the jurisdictional limit for the superior court. Chief Justice Boochever noted that there is nothing constitutional about the "double appeal", and he further noted that this situation was now accepted by the citizens of Kodiak. He also noted that the court system had previously undertaken studies concerning the institution of a single-level trial bench which would result in the elimination of a district court.

Chief Justice Boochever inquired of Mr. Christianson as to the number of attorneys in Sitka, and as to whether or not he believed that a well-qualified superior court judge would be kept professionally active and stimulated by the type of litigation generated in that city. Mr. Christianson said that the abilities of the applicants for the previously advertised district court position ought to go a long way in answering Chief Justice Boochever's questions. He pointed out that Anchorage had seven superior court judges to split the caseload in that city, whereas in Sitka one judge would handle the entire calendar. As a result, in Mr. Christianson's opinion the single judge in Sitka would have as interesting a caseload as any one of the seven judges in Anchorage. Mr. Williams expressed the fear that there were only two sorts of applicants who would likely apply for this superior court position: an applicant who wanted to travel, or an applicant who wanted to retire. Mr. Williams felt that this might be a real problem. Mr. Williams then asked Mr. Christianson

whether or not he intended to apply for the position himself were it to be created. Mr. Christianson said that although it was entirely possible, he was unprepared to commit himself at the moment. Chief Justice Boochever commented that Mr. Christianson sounded like a candidate for President of the United States.

The next person to give testimony at the hearing was former district judge Roger DuBrock. Judge DuBrock stated that he had been district judge at Sitka until recently and expressed the opinion that even if the superior and district court positions were combined the calendar would not be sufficiently busy to keep the judge completely active. Mr. Young pointed out that in Anchorage the ratio of judges to lawyers is one to thirty-five or forty, whereas in Sitka, the ratio would be only one to six. Mr. Young felt that there might be insufficient challenge to keep a well-qualified superior court judge professionally interested in working at Sitka. Judge DuBrock agreed with Mr. Young's view and stated that although he very much enjoyed living in Sitka and loved the town itself, at this point in his career he did not think that a superior court judgeship at Sitka would offer a great enough intellectual and professional challenge.

The next speaker was a member of the public who asked why the full Judicial Council was not represented at the public hearing since she noted the absence of Senator Bob Ziegler. This citizen offered a prayer for Divine guidance in the Judicial Council's quest for a suitable judicial candidate and exhorted the Council and the public

in attendance to pray for freedom, and for the United States of America. She said that of the various persons who had offered testimony at the hearing she most liked what Michael A. Stepovich had to say. She said that it was important that a judge should be picked "for the way he feels in his heart toward people".

The next person heard from was Ms. Barbara Lavalee who said she was a citizen interested in the administration of justice. Ms. Lavalee said that she was interested in the rights of the people in general, and not just for those people who commit crimes. Ms. Lavalee said that people who do not commit crimes also have rights. Further, she objected to the tenor of the preceding discussion in that she felt that a judge functioned to serve the public and that she did not think it was particularly relevant to inquire whether or not there were sufficient "interesting crimes" in Sitka to keep him intellectually stimulated. [Applause, cheers from audience.]

The next speaker was Mr. Cecil McClane, a member of the Chamber of Commerce and a supporter of the concept of a single superior/district judge. Mr. McClane said that Sitka's principle need was for "law and order" and that there was too much permissiveness in the judiciary. [Applause, cheers.]

The next speaker was Mr. Pete Hallgren who is now the city attorney at Sitka. Mr. Hallgren said that the statistics for misdemeanor cases in Sitka were somewhat

misleading because of their filing system under which they list OMVI's as "traffic". (In other reporting systems these cases are usually reflected as "misdemeanors" rather than "traffic".) Mr. Hallgren said that one of the principle problems Sitka was having was the absence of a district attorney. As a result the city prosecutor's office handles 90% of all crimes. A district attorney visits Sitka once every two weeks. Mr. Hallgren felt that there would be considerably more judicial and court activity if there were someone to prosecute cases for the State. Mr. Hallgren also said that whoever is appointed as a judge in Sitka would have to be familiar with the people of the town and their particular need.

The next speaker was Mr. Larry Kalvin who stated he was an interested citizen. Mr. Kalvin expressed the opinion that fines were much too small and that sentences were "back in the 1930's" in that they failed to take account of inflation. Mr. Kalvin also expressed the opinion that the prosecutors were too young and inexperienced, and that there was a very poor level of prosecution in general. He said that frequently judges takes the brunt of criticism for actions which more properly, should be attributed to failings on the part of district attorneys. Mr. Kalvin also expressed a concern for what he saw as insufficient sensitivity on the part of the court system to people who are called for jury duty. He cited the example of a person who was closely related to a party but who was nevertheless required to waste the entire day sitting around the courthouse before this determination was made.

Mr. Kalvin suggested that a local "judiciary council" be constituted in Sitka in order to deal with the judicial selection process and to recommend names to the Alaska Judicial Council. Mr. Kalvin thought that much of the bitterness and criticism directed toward the judiciary was a result of ignorance concerning the judicial process. He felt that such a citizens' panel, if properly constituted, could go a long way toward improving the relations between the judiciary and the public. Mr. Brady noted that the Judicial Council had previously taken a strong public position against two judges prior to their last retention elections but this had no apparent effect on the electorate. Mr. Williams stated that the probable reason for this apparent lack of effect was that the Judicial Council's position was not forcefully enough expressed. Mr. Williams noted that the reason for this was doubt as to whether existing legislation conferred the necessary authority on the Alaska Judicial Council. He explained that new legislation passed in the last session had increased the Judicial Council's power, and that the Council would in the future take a very strong and clear position concerning the qualifications of judges.

The next speaker was Ms. Brand Surry who stated that she was a social worker in Sitka and wished to express her approval and pleasure with the performance of Judges Stewart, Carlson and Schulz. She believed that all three of these judges were considerably superior to the judges in the Third Judicial District at Anchorage. Ms. Surry said there was a

problem, however, with provision of judicial services in that there were not enough judges in places like Petersburg and Sitka, and that frequently juvenile cases were prejudiced because a petition could not be filed timely due to the absence of a judge. She gave the example of a juvenile in Sitka who committed an additional serious crime in the intervening period between the preparation and filing of a petition.

The next speaker was Mr. Jerry Born who stated he was a mechanic and an interested citizen. Mr. Born said that his wife and sister had been beat up by a man in the park in Sitka on May 3rd. Mr. Born stated that the person who had beat his wife and sister received a \$50 fine. In contrast, he noted that his boy received a fine for \$75 for minor traffic violations. Mr. Born said that these experiences have left him with a feeling of contempt for the judiciary. [Applause, cheers.]

The next speaker was Mr. Walt Barker who stated that he was a newly elected assemblyman from Sitka. Mr. Barker said that the public is of the belief that judges are too lax and that there is a generally low opinion of the courts in this town. He said that children do not respect the law. Mr. Barker stated that Judge Stewart was in Sitka last year and promised to appoint an "advisory group" on criminal justice but had done nothing so far. Judge DuBrock at this point interjected that Judge Stewart was probably referring to a citizens' advisory panel on juvenile cases.

The next speaker was Mr. Gutierrez, who is the city administrator for Sitka. Mr. Gutierrez said that the people of Sitka want a conservative person as a judge. Mr. Young asked him for a definition of a conservative. Mr. Gutierrez cited the example of the Ketchikan district judge (Judge Keene) and noted: "They don't slouch on the rail in his court." Mr. Young stated that in his opinion the primary qualification of any judge is that he be bright enough to do the job. Mr. Young said that it was necessary to "keep the judge's brain alive".

The next speaker was Dr. Gaylin West, who stated that he was a dentist in Sitka. Dr. West testified that his wife and sister-in-law had been knocked out and kicked in a public park. The man was fined \$50 by the magistrate. Dr. West was concerned with the lightness of the fine and had spoken with the magistrate, with Judge DuBrock and with Judge Stewart.

The next speaker was Mr. Riley Hunter. Mr. Hunter stated that he was with the Division of Corrections in Sitka and also performed juvenile in-take functions. Mr. Hunter expressed concern with the problem of lack of continuity in the handling of juvenile cases. He stated that it was common for a single juvenile case to be heard by as many as seven different judges. He said that as a result of this lack of continuity justice is often greatly delayed and the ultimate sentence is ineffective.

The next speaker was Mr. Don Craddick, an attorney in private practice in Sitka. Mr. Craddick stated that he

was disappointed in that all of the previous discussion of the provision of judicial services to Sitka dealt with whether or not the judge could be stimulated by "legal concepts" and that this seemed to neglect the whole issue of social awareness. Mr. Craddick stated that there was a real challenge to providing important judicial services to a small town such as Sitka in devising innovative sentencing procedures which would serve the community and generally improve the level of life in that town. He stated that this sort of challenge was at least equal to any intellectual challenge presented by the nature of the legal problems confronting the court.

The next speaker was Mrs. Joyce Olsen who expressed concern with the problem of alcohol-related criminal conduct. Mrs. Olsen noted that Judge DuBrock had estimated that 85%-95% of all the charges in Sitka that had come before him as a district judge appeared to be connected with alcohol. Mrs. Olsen noted that there was not yet any approved alcohol treatment facility to replace the drunk tank in Sitka. Mrs. Olsen expressed the opinion that if a judge had free time on his hands as a result of a light caseload he could profitably devote that time to attempting to solve the problems connected with alcohol-related crime.

The next speaker was Mr. Charles Olsen. Mr. Olsen stated that if Indians had the same rights as juveniles they would own the country by now. Mr. Olsen stated that the criminal at the present time had more rights than the honest

man or the victim. Mr. Olsen said that Sitka needed a judge who would "peel off the veneer of legality and come down to the moral issues in every case, which is the Ten Commandments". Mr. Olsen said that they would like to have a judge like Vic Carlson in Sitka.

Chief Justice Boochever adjourned the public hearing.

* * *

Chief Justice Boochever called a meeting of the Judicial Council to order during a luncheon session at Revards Restaurant immediately after the close of the Sitka public hearing. All members of the Council were present. A resolution was unanimously adopted by the Council that authorization be sought from the Legislature for the creation of a superior court judgeship for the First Judicial District at Sitka. It was further resolved that Messrs. Lew Williams and Michael Holmes be authorized to convey the sense of the Judicial Council's resolution to the Legislature.

Chief Justice Boochever suggested that Mr. Rubinstein be requested to prepare an annual report of Judicial Council activities for the Legislature. This direction was unanimously approved.

Mr. Rubinstein initiated a discussion of the Judicial Council's procedures with respect to the November 1976 judicial retention elections. He noted that three areas of

information would be helpful to the judicial evaluation process: (1) the sentencing records of individual superior court judges, (2) how long it took the Supreme Court of Alaska to process an appeal to completion (and the individual records of each supreme court justice with respect to appellate delay, if any) and (3) information concerning the performance of individual superior court judges from the standpoint of justices of the Supreme Court of Alaska.

After discussion of each of the foregoing three items the Judicial Council unanimously resolved as follows:

1) That the supreme court be requested to release to the Judicial Council any and all records in its possession pertaining to the sentencing patterns of each superior court judge.

2) That the supreme court be requested to provide the Judicial Council with information concerning individual supreme court justices with respect to delays, if any, in the handling of appellate matters, and

3) That the Judicial Council request individual conferences with each justice of the supreme court concerning his opinions, if any, of the level of performance of superior court judges.

* * *

Following the luncheon session the meeting was resumed at the Sitka Courthouse for the purpose of hearing

Ms. Cutler's conclusions with respect to her reports on Sentences of Five Years or Greater and Repeat Bail Recidivists. After a discussion of Ms. Cutler's findings it was generally decided that although there was an appearance of racial discrimination with respect to persons who received long sentences, because the data (42 cases in 1973) was insufficient, it was not possible to reach a firm conclusion in this regard. It was resolved that Chief Justice Boochever be requested to write a letter to each superior court judge in the Third Judicial District enclosing a copy of the analysis and conclusions of the sentencing study and noting the "appearance of racial discrimination". Chief Justice Boochever stated that he would write such a letter. It was further resolved that copies of the analysis and conclusions of Ms. Cutler's reports be distributed to each supreme court justice and to each superior court judge. A copy of each full report would be distributed to the Chairmen of the Judiciary Committees of the Alaska Senate and the Alaska House of Representatives.

The Judicial Council scheduled its next meeting for January 21st at 9:00 a.m. in Anchorage, at which time the Council will discuss substantive items of business and proposals for submission to the present legislative session.

mtg. for 18-9



EXECUTIVE DIRECTOR
MICHAEL L. RUBINSTEIN

Alaska Judicial Council

303 K STREET
ANCHORAGE, ALASKA
99501

LAY MEMBERS
KENNETH L. BRADY
LEW W. WILLIAMS, JR.
ROBERT H. MOSS

LAW MEMBERS
MICHAEL A. STEPOVICH
MICHAEL M. HOLMES
JOSEPH L. YOUNG

CHAIRMAN, EX OFFICIO
ROBERT BOOCHEVER
CHIEF JUSTICE
SUPREME COURT

January 22, 1976

Senator Robert Ziegler, Sr.
Alaska State Senate
Pouch V
Juneau, Alaska 99801

Dear Senator Ziegler:

As you may know, the Judicial Council met in Sitka on January 9, 1976 and after a public hearing in that city voted unanimously to seek authorization from the Legislature for the creation of an additional superior court judgeship for the First Judicial District, the judge to reside at Sitka. This action followed and ratified the position previously taken by the Alaska Supreme Court, Justice Erwin dissenting. I should state that the Council's vote was also very much in conformity with the clear weight of opinion expressed by those persons in attendance at the public hearing at Sitka.

The Judicial Council voted unanimously that Mr. Lew Williams, a lay member from Ketchikan, and Mr. Michael Holmes, a law member from Juneau, be authorized to convey to the Legislature the sense of the Alaska Judicial Council's January 9th resolution. If you have any questions concerning this matter, or if there is any aspect of it which you wish clarified or further elaborated, either Mr. Williams, Mr. Holmes or I will be happy to be of assistance.

Very truly yours,

Michael L. Rubinstein/mb
Michael L. Rubinstein

MLR/mb
cc: Council Members

CSPT



LAY MEMBERS
KENNETH L. BRADY
LEW M. WILLIAMS, JR.
ROBERT H. MOSS

LAW MEMBERS
MICHAEL A. STEPOVICH
MICHAEL M. HOLMES
JOSEPH L. YOUNG

CHAIRMAN, EX OFFICIO
ROBERT BOOCHEVER
CHIEF JUSTICE
SUPREME COURT

Alaska Judicial Council

303 K STREET
ANCHORAGE, ALASKA
99501

EXECUTIVE DIRECTOR
MICHAEL L. RUBINSTEIN

January 13, 1976

NEWS RELEASE


The Alaska Judicial Council unanimously voted to seek legislative authorization for the creation of a new superior court judgeship for the First Judicial District at Sitka, Alaska. If the Legislature grants the request the number of superior court judges in the First Judicial District, encompassing Southeast Alaska, will be increased from three to four. The Judicial Council's vote followed a public hearing at Sitka on January 9th attended by representatives of the Sitka Bar Association, the Chamber of Commerce, and numerous citizens at large who urged the creation of the new superior court position.

Sitka is served at present by a traveling superior court judge who visits the city on an average of 1-1/2 to 2 days every other week. According to Warren Christianson, President of the Sitka Bar Association, the present level of judicial services is inadequate to meet the needs of the community.

The new judge would perform the combined functions of both a district and superior court judge. Precedent for a combined superior-district judge was set by the appointment of Roy Madren as a superior court judge for Kodiak and Western Alaska on October 29, 1975.

Under the Alaska Constitution any change in the number of superior court judges must be accomplished by Act of the Legislature. The applicable law was last amended in 1970 when the number of superior court judges for the First Judicial District was increased from two to three. According to Michael L. Rubinstein, Executive Director of the Alaska Judicial Council, if the new judgeship is created by the Legislature the Council will act promptly to seek applicants for the position and will submit the names of two or more qualified nominees to the Governor. The Governor must then fill the judgeship within 45 days after receiving the Judicial Council's nominations.

0574 -



Supreme Court

State of Alaska
December 26, 1975

CHIEF JUSTICE
ROBERT BOOCHEVER

JUSTICES
JAY A. RABINOWITZ
ROGER G. CONNOR
ROBERT C. ERWIN
EDMOND W. BURKE

POUCH U
STATE COURT AND OFFICE BUILDING
JUNEAU, ALASKA
99811
907-465-3410

Mr. John Bosshard, III
P. O. Box 131
Sitka, Alaska 99835

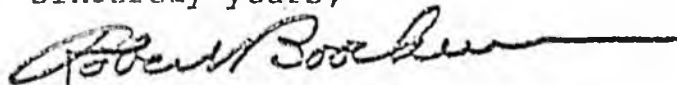
Dear Mr. Bosshard:

You doubtlessly have been informed by Mr. Rubinstein that the Supreme Court with the concurrence of the Judicial Council has decided to postpone appointment of a permanent district judge at Sitka. Recently, the Sitka Bar Association has advanced a proposal for a superior court judge in lieu of the district court judge. Since if a permanent district court judge is appointed, it will not be feasible to consider a change for a period of at least several years, we decided to defer such a permanent appointment until the Judicial Council has completed hearings at Sitka and the legislature has had the opportunity of considering the designation of an additional superior court judge for the First Judicial District.

In making this decision, we were very cognizant of the inconvenience that this change causes the applicants. There will be an acting district judge appointed to serve in Sitka until such time as a final decision is made with reference to the designation of a superior court judge and a permanent appointment of either a superior or district court judge is completed. If you are interested in applying for the acting district judgeship, please advise and we will transmit the papers that you have submitted to Judge Thomas B. Stewart, Presiding Judge of the First Judicial District, who has the authority to make the appointment. Also, if it is decided to create the superior court judgeship and if you decide to apply for that position, the papers which you have previously submitted will be kept on file and can be utilized if you so desire.

We have advised the Alaska Bar association to withhold tabulation of the bar poll so that no candidate will be adversely affected in that regard. Again, please accept my sincere apologies for this change in plans and my thanks to you for your interest in applying for the position.

Sincerely yours,



Robert Boochever
Chief Justice

cc: Michael Rubinstein