

JUDGES



# Alaska State Legislature

## House of Representatives

### Committee on Judiciary

Official Business

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### MEMORANDUM

TO: HOUSE JUDICIARY COMMITTEE  
FROM: ROCKY PLOTNICK  
DATE: SEPTEMBER 13, 1979  
SUBJECT: JUDGES

During the interim I have done three things regarding judges.

I have written a summary of the Judicial Conference in Sitka last June. A copy is enclosed.

I have copied a page from a report that Judith Pinero wrote for the House Finance Committee on the Court System. It gives a breakdown of judicial responsibilities.

I talked to Art Snowden, Administrative Director of the Alaska Court System. He says he will send a copy of the judges evaluation of the Judicial Conference. Also, there will be a follow-up of continuing education for judges in October. I plan to check it out.

I need to know what to pursue in terms of judges. What kind of information do you want?



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#### MEMORANDUM

TO: House Judiciary Committee Members  
FROM: Rochelle Plotnick *Rochelle Plotnick*  
DATE: August 2, 1979  
RE: Alaska Judicial Conference

On June 11, 1979 approximately 50 of Alaska's judges gathered for a conference. The underlying theme of the conference was "Bias in the Judicial System". Statistics from a study done by the Alaska Judicial Council suggested there was discrimination in sentencing by some judges. The purpose of the conference was to provide ethnic sensitivity training for the judges. For two days the judges listened to various speakers. Questions were asked after each presentation. Though some judges were defensive, most attended the conference with hope of gaining by the experience. There was a willingness to listen and learn. The conference was sponsored by the Alaska Court System, the Alaska Human Rights Commission and the Community Relations Service of the United States Department of Justice.

The first participant was Judge Charles Z. Smith, Professor of Law, University of Washington. A black man, Judge Smith has served as a Juvenile Court judge, judge of the Municipal Court of Seattle, and judge of the Superior Court of Washington for King County. He began by recounting the history of racism in

the United States, stressing the fact that a great deal of discrimination still exists. For example, 56% of the schools in the South are integrated while 16% are integrated in the North. He said racism is a nationwide problem and not limited to one part of the country. Smith contends that we must admit to ourselves our prejudices.

Dr. Lindbergh Sata followed. Sata, of Japanese descent, is Chairman of the Department of Psychiatry at Saint Louis University School of Medicine. He has held several teaching positions as Professor of Psychiatry in Washington and Maryland. Prior to the conference Sata had traveled throughout Alaska conducting interviews with various people. Whites told him of a positive way of life in Alaska, but when he interviewed Alaska Natives their reports were not as favorable. They said the white man had made life terribly complicated for them. An Alaska Native was quoted as saying, "I don't understand the white man's law". A Native in Bethel said whites reside there, but do not live with the Natives there. Sata talked about white man's laws, for the white man, used on Alaska Natives. He mentioned two types of economic systems in Alaska: monetary and subsistence. He said the white man's system is monetary while many Alaska Natives prefer subsistence. White man's laws reflect his monetary system, while the Alaska Native's values are set aside. For example, if an Alaskan Native is "voluntarily unemployed" so that he can lead a subsistence way of life, it might be a strike against him in the courtroom. Sata said that those involved in the criminal justice system were described as either "good" or

"lousy". "Good" meant a willingness to understand and interact with Alaska Natives. His final point was regarding a theory on alcohol among Alaska Natives. Asians, which anthropologists believe Alaska Natives are distantly related to, lack an enzyme in the blood that aids in the breakdown of alcohol. While a white person has six drinks and the alcohol count in the blood is 150, six drinks for Sata, using himself as an example, would register 2000. Sata suggested this be studied more carefully and taken into account when alcohol related problems are addressed.

The final speaker on the first day of the conference was Dr. Paul Takagi, Professor of Education at the University of California, Berkely, with a specialty in criminology. A Japanese-American, Takagi began his presentation by showing a video tape about racism in American institutions. The basic message of the tape was that racism exists in all major institutions; schools, courts, prisons, churches, unions, employment, housing and lending institutions. Not any one institution can be pinpointed as racist. They all affect each other. For example, schools affect the kind of people who are successful in college, who are successful in law school, who are successful bar members, who are successful judges, etc. Takagi then turned to some national statistics regarding crime and unemployment. He felt that as unemployment rises, imprisonment rises too. If a person is employed he or she is less likely to go to jail than if not working. Because of the racial discrimination in the nation's institutions, the blacks, Alaska Natives, and other minorities are the first to be unemployed.

Therefore, according to Tokagi, their imprisonment rate increases.

Day two of the conference began with Gilbert Pompa, Director of the Community Relations Service of the U.S. Department of Justice. He is an attorney with experience in the private sector and as a district attorney in Texas. Pompa placed blame on district attorneys as a whole for the imbalances in the criminal justice field. Pompa is a Mexican-American.

Robert Lamb, the Northwest Regional Director of the Community Relations Service followed Pompa with two additional points. He said that in white neighborhoods the police "protect", but in minority neighborhoods the police "patrol". His second point was an observation he had made during twenty years experience as a policeman. He has never heard of a black kleptomaniac. While white persons charged with theft or shoplifting are sometimes released with the excuse that they are kleptomaniacs, blacks are not. These two points backed up Lamb's statement that bias exists in the criminal justice system. Lamb is black.

The next item on the agenda was a panel discussion on "Alaska's Minorities - Perceptions of Grievances and Problems".

Rosita Worl, an Alaskan Tlingit, pointed out the cultural differences in Alaska. Worl is an Assistant Professor of Anthropology, University of Alaska. She said cultural differences must be recognized by the Alaskan Justice System.

Worl used herself as an example. As she spoke, she stood with her hands on her hips. She described Tlingits as great orators with a tendency to lecture. Her hands on her hips were there to hold a Tlingit blanket. It could appear arrogant to a white person. In Tlingit culture it would be a sign of respect.

Thelma Buchholdt described Filipinos as people who talk very fast when excited. Born in the Phillipines, Buchholdt has become a U.S. citizen and is currently a member of the Alaska Legislature. Even now she sometimes has a hard time translating English into Filipino and suggested a person in the courtroom is probably intimidated and having a very difficult time understanding. When a person fails to respond it could be because of a lack of understanding rather than disrespect, and too embarrassed to admit he does not understand.

Ron Scollon, an Assistant Professor of Linguistics at the University of Alaska, discussed ethnic differences within the mechanics of conversation. He said that different ethnic groups have different speaking and pausing paces. Some use silence to show respect. Scollon explained that while an Alaska Native might think unfavorable of a white person who talks fast and leaves little time for pauses, that white person might be thinking the Alaska Native is dumb because he does not respond quickly or is silent. Scollon is white.

Robert Kemp, Assistant Director with the Alaska State Commission for Human Rights, said he was examining pre-sentencing reports

to determine whether or not they influence the racial disparities that showed up in the Judicial Council's sentencing study. Kemp is black.

Jane Yamashiro, a researcher at the University of Alaska and Japanese-American, suggested that the judges interact with different ethnic groups in their own environments. She said that at a P.T.A. meeting she discovered the parents of Japanese-American children wanted the same for their children as any other parents; a good education.

The second panel was focused on "Indicators of Bias in the Criminal Justice System".

Bill Nix, Commissioner of the State Department of Public Safety, said that he would make every effort to see that his department handled all matters in a fair and just manner. If there was any bias in his department he wanted to correct it. Nix is white.

Bill Green, Superintendent for Ridgeview Correctional Center for Women, told the judges that out of 16 felon convictions at Ridgeview, all were either of a minority group or closely associated with one (a white woman living with a black man, for example). He said the average correctional officer is not a member of a minority group and the correctional system is geared for the middleclass. Green said we all have some biases, but that the first step is to admit them to ourselves and learn to

overcome them. Green is black.

Kim Moeller, Director of the North Slope Borough Department of Public Safety, said he had been involved in a case where an Eskimo man was accused of a serious crime by an Alaska State Trooper. Because the Eskimo was intimidated by the trooper he said he had committed the crime. Moeller did some investigation and concluded there was no possible way the Eskimo could have been guilty. He contacted Fairbanks, where the Eskimo was in jail, and charges were dropped. Moeller is white.

Nora Guinn, the first Alaska Native to serve as a judge, backed up Kim Moeller by explaining that when Eskimos say "yes" they mean "no".

The final participant on the panel was Chuck Robinson, a former prosecutor and public defender, currently a private attorney from the Kenai Peninsula. He reported a case where a black man was given a harsher sentence for a smaller amount of drugs than a white man with a larger amount. He was sure similar cases exist. Robinson, a black, also felt some judges discriminate in their sentencing more than others.

ALASKA COURT SYSTEM  
JUDICIAL RESPONSIBILITIES\*

SUPREME COURT--5 justices

- Final Appellate Jurisdiction
- Civil Appeals & Cross Appeals
- Criminal Appeals & Juvenile Appeals
- Petitions for Review/Original Applications

TRIAL COURTS--63 court locations statewide

SUPERIOR COURT--20 judges

- Trial Court of General Jurisdiction
- Original Jurisdiction in all Civil and Criminal Matters
- Appeals from Final Judgments of the District Court
- Exclusive Jurisdiction: Domestic Relations, Children's Proceedings, Probate, Guardianship and Civil Commitments

DISTRICT COURT--17 judges & 54 magistrates

- State Misdemeanor Violations & Local Ordinance Violations
- Recovery of Money or Damages of Property not exceeding \$10.0
- Motor Vehicle Tort Cases not exceeding \$15.0

\*The Supreme Court has administrative responsibilities which include the management of the entire state judicial system, the promulgation of rules governing practice and procedure in civil and criminal cases in all courts, the promulgation of administrative rules and the supervision of admissions and disciplinary matters of the Alaska Bar.

*Raeby Plotnick*

THE  
**CONSTITUTION**  
of the  
**STATE OF**  
**ALASKA**



THE  
**CONSTITUTION**  
of the  
**STATE OF**  
**ALASKA**

**ADOPTED BY THE CONSTITUTIONAL CONVENTION  
FEBRUARY 5, 1956**

**RATIFIED BY THE PEOPLE OF ALASKA  
APRIL 24, 1956**

**BECAME OPERATIVE WITH THE FORMAL  
PROCLAMATION OF STATEHOOD  
JANUARY 3, 1959**

**AMENDED AT VARIOUS TIMES SINCE  
PROCLAMATION OF STATEHOOD**

**Agreed upon by the  
DELEGATES OF THE PEOPLE OF ALASKA  
University of Alaska**

**February 5, 1958**

**EFFECTIVE UPON STATEHOOD  
January 3, 1959**

**As Amended  
1976**

**Reproduced**

**by the**

**LIEUTENANT GOVERNOR**

**1963, 1967, 1969, 1971, 1972, 1975, 1978**

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ALASKA CONSTITUTIONAL AMENDMENTS SUMMARY

## **PREAMBLE**

*We the people of Alaska, grateful to God and to those who founded our nation and pioneered this great land, in order to secure and transmit to succeeding generations our heritage of political, civil, and religious liberty within the Union of States, do ordain and establish this constitution for the State of Alaska.*

# The Constitution of the State of Alaska

## ARTICLE I

### DECLARATION OF RIGHTS

#### Inherent Rights

SECTION 1. This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the State.

#### Source of Government

SECTION 2. All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the people as a whole.

#### Civil Rights

SECTION 3. No person is to be denied the enjoyment of any civil or political right because of race, color, creed, sex, or national origin. The legislature shall implement this section.

(The amendment to this section was approved by the voters of the state August 22, 1972 and became effective October 14, 1972. It added the word "sex" to this section.)

#### Freedom of Religion

SECTION 4. No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof.

#### Freedom of Speech

SECTION 5. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.

**Assembly;  
Petition**

**SECTION 6.** The right of the people peaceably to assemble, and to petition the government shall never be abridged.

**Due Process**

**SECTION 7.** No person shall be deprived of life, liberty, or property, without due process of law. The right of all persons to fair and just treatment in the course of the legislative and executive investigations shall not be infringed.

**Grand Jury**

**SECTION 8.** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the armed forces in time of war or public danger. Indictment may be waived by the accused. In that case the prosecution shall be by information. The grand jury shall consist of at least twelve citizens, a majority of whom concurring may return an indictment. The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended.

**Jeopardy  
and Self-  
Incrimination**

**SECTION 9.** No person shall be put in jeopardy twice for the same offense. No person shall be compelled in any criminal proceeding to be a witness against himself.

**Treason**

**SECTION 10.** Treason against the State consists only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

**Rights of  
Accused**

**SECTION 11.** In all criminal prosecutions, the accused shall have the right to a speedy and public trial, by an impartial jury of twelve; except that the legislature may provide for a jury of not more than twelve nor less than six in courts not of record. The accused is entitled to be informed of the nature and cause of the accusation; to be released

on bail, except for capital offenses when the proof is evident or the presumption great; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

**Excessive  
Punishment**

SECTION 12. Excessive bail shall not be required, nor excessive fines imposed nor cruel and unusual punishments inflicted. Penal administration shall be based on the principle of reformation and upon the need for protecting the public.

**Habeas Corpus**

SECTION 13. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or actual or imminent invasion, the public safety requires it.

**Searches and  
Seizures**

SECTION 14. The right of the people to be secure in their persons, houses and other property, papers, and effects, against unreasonable searches and seizures, shall not be violated. No warrants shall issue, but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**Prohibited  
State Action**

SECTION 15. No bill of attainder or ex post facto law shall be passed. No law impairing the obligation of contracts, and no law making any irrevocable grant of special privileges or immunities shall be passed. No conviction shall work corruption of blood or forfeiture of estate.

**Civil Suits;  
Trial by Jury**

SECTION 16. In civil cases where the amount in controversy exceeds two hundred fifty dollars, the right of trial by a jury of twelve is preserved to the same extent as it existed at common law. The legislature may make provision for a verdict by not less than three-fourths of the jury and, in courts not of record, may provide for a jury of not less than six or more than twelve.

**Imprisonment  
for Debt**

**SECTION 17.** There shall be no imprisonment for debt. This section does not prohibit civil arrest of absconding debtors.

**Eminent  
Domain**

**SECTION 18.** Private property shall not be taken or damaged for public use without just compensation.

**Right to  
Bear Arms**

**SECTION 19.** A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

**Quartering  
Soldiers**

**SECTION 20.** No member of the armed forces shall in time of peace be quartered in any house without the consent of the owner or occupant, or in time of war except as prescribed by law. The military shall be in strict subordination to the civil power.

**Construction**

**SECTION 21.** The enumeration of rights in this constitution shall not impair or deny others retained by the people.

**Right of  
Privacy**

**SECTION 22.** The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section.

(The addition of this section, as an amendment to Article I, was approved by the voters of this state August 22, 1972 and became effective October 14, 1972.)

## **ARTICLE II**

### **THE LEGISLATURE**

**Legislative  
Power;  
Membership**

**SECTION 1.** The legislative power of the State is vested in a legislature consisting of a senate with a membership of twenty and a house of representatives with a membership of forty.

**Members;  
Qualifications**

**SECTION 2.** A member of the legislature shall be a qualified voter who has been a resident of Alaska for at least three years and of the district

from which elected for at least one year, immediately preceding his filing for office. A senator shall be at least twenty-five years of age and a representative at least twenty-one years of age.

**Election  
and Terms**

**SECTION 3.** Legislators shall be elected at general elections. Their terms begin on the fourth Monday of the January following election unless otherwise provided by law. The term of representatives shall be two years, and the term of senators, four years. One-half of the senators shall be elected every two years.

(Exercising its authority under this section, the legislature has provided that terms begin on the second Monday in January, except in years immediately following a gubernatorial election when they begin on the third Monday in January; see AS 24.05.080.)

**Vacancies**

**SECTION 4.** A vacancy in the legislature shall be filled for the unexpired term as provided by law. If no provision is made, the governor shall fill the vacancy by appointment.

**Disqualifications**

**SECTION 5.** No legislator may hold any other office or position of profit under the United States or the State. During the term for which elected and for one year thereafter, no legislator may be nominated, elected, or appointed to any other office or position of profit which has been created, or the salary or emoluments of which have been increased, while he was a member. This section shall not prevent any person from seeking or holding the office of governor, secretary of state, or member of Congress. This section shall not apply to employment by or election to a constitutional convention.

(The Sixth Legislature's Senate Joint Resolution No. 2 "changing the name of the secretary of state to lieutenant governor" in sixteen sections of the Alaska Constitution, approved by the voters August 25, 1970, inadvertently omitted express amendment of this section.)

**Immunities**

**SECTION 6.** Legislators may not be held to answer before any other tribunal for any statement made in the exercise of their legislative duties while the legislature is in session. Members attending, go-

ing to, or returning from legislative sessions are not subject to civil process and are privileged from arrest except for felony or breach of the peace.

**Salary and Expenses**

**SECTION 7.** Legislators shall receive annual salaries. They may receive a per diem allowance for expenses while in session and are entitled to travel expenses going to and from sessions. Presiding officers may receive additional compensation.

**Regular Sessions**

**SECTION 8.** The legislature shall convene each year on the fourth Monday in January, but the month and day may be changed by law.

*(Exercising its authority under this section, the legislature has provided that it shall convene on the second Monday in January, except in years immediately following a gubernatorial election when it shall convene on the third Monday in January; see AS 24.05.090.)*

**Special Sessions**

**SECTION 9.** Special sessions may be called by the governor or by vote of two-thirds of the legislators. The vote may be conducted by the legislative council or as prescribed by law. At special sessions called by the governor, legislation shall be limited to subjects designated in his proclamation calling the session, to subjects presented by him, and the reconsideration of bills vetoed by him after adjournment of the last regular session. Special sessions are limited to thirty days.

*(The amendment of this section was approved by the voters of the state November 2, 1976 and became effective December 23, 1976. This amendment deleted "or" preceding "to subjects" in the third sentence and added "and the reconsideration of bills vetoed by him after adjournment of the last regular session.")*

**Adjournment**

**SECTION 10.** Neither house may adjourn or recess for longer than three days unless the other concurs. If the two houses cannot agree on the time of adjournment and either house certifies the disagreement to the governor, he may adjourn the legislature.

**Interim Committees**

**SECTION 11.** There shall be a legislative council, and the legislature may establish other interim committees. The council and other interim committees may meet between legislative sessions.

They may perform duties and employ personnel as provided by the legislature. Their members may receive an allowance for expenses while performing their duties.

**Rules**

SECTION 12. The houses of each legislature shall adopt uniform rules of procedure. Each house may choose its officers and employees. Each is the judge of the election and qualifications of its members and may expel a member with the concurrence of two-thirds of its members. Each shall keep a journal of its proceedings. A majority of the membership of each house constitutes a quorum to do business, but a smaller number may adjourn from day to day and may compel attendance of absent members. The legislature shall regulate lobbying.

**Form of Bills**

SECTION 13. Every bill shall be confined to one subject unless it is an appropriation bill or one codifying, revising, or rearranging existing laws. Bills for appropriations shall be confined to appropriations. The subject of each bill shall be expressed in the title. The enacting clause shall be: "Be it enacted by the Legislature of the State of Alaska."

**Passage of Bills**

SECTION 14. The legislature shall establish the procedure for enactment of bills into law. No bill may become law unless it has passed three readings in each house on three separate days, except that any bill may be advanced from second to third reading on the same day by concurrence of three-fourths of the house considering it. No bill may become law without an affirmative vote of a majority of the membership of each house. The yeas and nays on final passage shall be entered in the journal.

**Veto**

SECTION 15. The governor may veto bills passed by the legislature. He may, by veto, strike or reduce items in appropriation bills. He shall return

any vetoed bill, with a statement of his objections, to the house of origin.

**Action Upon  
Veto**

**SECTION 16.** Upon receipt of a veto message during a regular session of the legislature, the legislature shall meet immediately in joint session and reconsider passage of the vetoed bill or item. Bills to raise revenue and appropriation bills or items, although vetoed, become law by affirmative vote of three-fourths of the membership of the legislature. Other vetoed bills become law by affirmative vote of two-thirds of the membership of the legislature. Bills vetoed after adjournment of the first regular session of the legislature shall be reconsidered by the legislature sitting as one body no later than the fifth day of the next regular or special session of that legislature. Bills vetoed after adjournment of the second regular session shall be reconsidered by the legislature sitting as one body no later than the fifth day of a special session of that legislature, if one is called. The vote on reconsideration of a vetoed bill shall be entered on the journals of both houses.

(The amendment of this section was approved by the voters of the state November 2, 1976 and became effective December 23, 1976. This amendment inserted "during a regular session of the legislature" in the first sentence and added the present fourth and fifth sentences.)

**Bills Not  
Signed**

**SECTION 17.** A bill becomes law if, while the legislature is in session, the governor neither signs nor vetoes it within fifteen days, Sundays excepted, after its delivery to him. If the legislature is not in session and the governor neither signs nor vetoes a bill within twenty days, Sundays excepted, after its delivery to him, the bill becomes law.

**Effective  
Date**

**SECTION 18.** Laws passed by the legislature become effective ninety days after enactment. The legislature may, by concurrence of two-thirds of the membership of each house, provide for another effective date.

**Local or  
Special Acts**

**SECTION 19.** The legislature shall pass no local or special act if a general act can be made applicable. Whether a general act can be made applicable shall be subject to judicial determination. Local acts necessitating appropriations by a political subdivision may not become effective unless approved by a majority of the qualified voters voting thereon in the subdivision affected.

**Impeachment**

**SECTION 20.** All civil officers of the State are subject to impeachment by the legislature. Impeachment shall originate in the senate and must be approved by a two-thirds vote of its members. The motion for impeachment shall list fully the basis for the proceeding. Trial on impeachment shall be conducted by the house of representatives. A supreme court justice designated by the court shall preside at the trial. Concurrence of two-thirds of the members of the house is required for a judgment of impeachment. The judgment may not extend beyond removal from office, but shall not prevent proceedings in the courts on the same or related charges.

**Suits Against  
the State**

**SECTION 21.** The legislature shall establish procedures for suits against the State.

**ARTICLE III**

**THE EXECUTIVE**

**Executive  
Power**

**SECTION 1.** The executive power of the State is vested in the governor.

**Governor:  
Qualifications**

**SECTION 2.** The governor shall be at least thirty years of age and a qualified voter of the State. He shall have been a resident of Alaska at least seven years immediately preceding his filing for office, and he shall have been a citizen of the United States for at least seven years.

**Election**

SECTION 3. The governor shall be chosen by the qualified voters of the State at a general election. The candidate receiving the greatest number of votes shall be governor.

**Term of Office**

SECTION 4. The term of office of the governor is four years, beginning at noon on the First Monday in December following his election and ending at noon on the first Monday in December four years later.

**Limit on Tenure**

SECTION 5. No person who has been elected governor for two full successive terms shall be again eligible to hold that office until one full term has intervened.

**Dual Office Holding**

SECTION 6. The governor shall not hold any other office or position of profit under the United States, the State, or its political subdivisions.

**Lieutenant Governor: Duties**

SECTION 7. There shall be a lieutenant governor. He shall have the same qualifications as the governor and serve for the same term. He shall perform such duties as may be prescribed by law and as may be delegated to him by the governor.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

**Election**

SECTION 8. The lieutenant governor shall be nominated in the manner provided by law for nominating candidates for other elective offices. In the general election the votes cast for a candidate for governor shall be considered as cast also for the candidate for lieutenant governor running jointly with him. The candidate whose name appears on the ballot jointly with that of the successful candidate for governor shall be elected lieutenant governor.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

**Acting Governor**

SECTION 9. In case of the temporary absence

of the governor from office, the lieutenant governor shall serve as acting governor.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

**Succession:  
Failure to  
Qualify**

SECTION 10. If the governor-elect dies, resigns, or is disqualified, the lieutenant governor elected with him shall succeed to the office of governor for the full term. If the governor-elect fails to assume office for any other reason, the lieutenant governor elected with him shall serve as acting governor, and shall succeed to the office if the governor-elect does not assume his office within six months of the beginning of the term.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

**Vacancy**

SECTION 11. In case of a vacancy in the office of governor for any reason, the lieutenant governor shall succeed to the office for the remainder of the term.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

**Absence**

SECTION 12. Whenever, for a period of six months, a governor has been continuously absent from office or has been unable to discharge the duties of his office by reason of mental or physical disability, the office shall be deemed vacant. The procedure for determining absence and disability shall be prescribed by law.

**Further  
Succession**

SECTION 13. Provisions shall be made by law for succession to the office of governor and for an acting governor in the event that the lieutenant governor is unable to succeed to the office or act as governor. No election of a lieutenant governor shall be held except at the time of electing a governor.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

**Title and Authority**

**SECTION 14.** When the lieutenant governor succeeds to the office of governor, he shall have the title, powers, duties and emoluments of that office.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

**Compensation**

**SECTION 15.** The compensation of the governor and the lieutenant governor shall be prescribed by law and shall not be diminished during their term of office, unless by general law applying to all salaried officers of the State.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

**Governor: Authority**

**SECTION 16.** The governor shall be responsible for the faithful execution of the laws. He may, by appropriate court action or proceeding brought in the name of the State, enforce compliance with any constitutional or legislative mandate, or restrain violation of any constitutional or legislative power, duty, or right by any officer, department, or agency of the State or any of its political subdivisions. This authority shall not be construed to authorize any action or proceeding against the legislature.

**Convening Legislature**

**SECTION 17.** Whenever the governor considers it in the public interest, he may convene the legislature, either house, or the two houses in joint session.

**Message to Legislature**

**SECTION 18.** The governor shall, at the beginning of each session, and may at other times, give the legislature information concerning the affairs of the State and recommend the measures he considers necessary.

**Military Authority**

**SECTION 19.** The governor is commander-in-chief of the armed forces of the State. He may call out these forces to execute the laws, suppress or prevent insurrection or lawless violence, or repel

invasion. The governor, as provided by law, shall appoint all general and flag officers of the armed forces of the State, subject to confirmation by a majority of the members of the legislature in joint session. He shall appoint and commission all other officers.

**Martial  
Law**

SECTION 20. The governor may proclaim martial law when the public safety requires it in case of rebellion or actual or imminent invasion. Martial law shall not continue for longer than twenty days without the approval of a majority of the members of the legislature in joint session.

**Executive  
Clemency**

SECTION 21. Subject to procedure prescribed by law, the governor may grant pardons, commutations, and reprieves, and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law.

**Executive  
Branch**

SECTION 22. All executive and administrative offices, departments, and agencies of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments, so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may be established by law and need not be allocated within a principal department.

**Reorganization**

SECTION 23. The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members

in joint session, these orders become effective at a date thereafter to be designated by the governor.

**Supervision**

SECTION 24. Each principal department shall be under the supervision of the governor.

**Department  
Heads**

SECTION 25. The head of each principal department shall be a single executive unless otherwise provided by law. He shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and shall serve at the pleasure of the governor, except as otherwise provided in this article with respect to the lieutenant governor. The heads of all principal departments shall be citizens of the United States.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

**Boards and  
Commissions**

SECTION 26. When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law. They shall be citizens of the United States. The board or commission may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the governor.

**Recess  
Appointments**

SECTION 27. The governor may make appointments to fill vacancies occurring during a recess of the legislature, in offices requiring confirmation by the legislature. The duration of such appointments shall be prescribed by law.

**ARTICLE IV**

**THE JUDICIARY**

**Judicial  
Power and  
Jurisdiction**

SECTION 1. The judicial power of the State is vested in a supreme court, a superior court and the courts established by the legislature. The jurisdic-

tion of courts shall be prescribed by law. The courts shall constitute a unified judicial system for operation and administration. Judicial districts shall be established by law.

**Supreme Court**

SECTION 2. (a) The supreme court shall be the highest court of the State, with final appellate jurisdiction. It shall consist of three justices, one of whom is chief justice. The number of justices may be increased by law upon the request of the supreme court.

(b) The chief justice shall be selected from among the justices of the supreme court by a majority vote of the justices. His term of office as chief justice is three years. A justice may serve more than one term as chief justice but he may not serve consecutive terms in that office.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. Subsection (b) was added.)

**Superior Court**

SECTION 3. The superior court shall be the trial court of general jurisdiction and shall consist of five judges. The number of judges may be changed by law.

**Qualifications of Justices and Judges**

SECTION 4. Supreme court justices and superior court judges shall be citizens of the United States and of the State, licensed to practice law in the State, and possessing any additional qualifications prescribed by law. Judges of other courts shall be selected in a manner, for terms, and with qualifications prescribed by law.

**Nomination and Appointment**

SECTION 5. The governor shall fill any vacancy in an office of supreme court justice or superior court judge by appointing one of two or more persons nominated by the judicial council.

**Approval or Rejection**

SECTION 6. Each supreme court justice and superior court judge shall, in the manner provided by law, be subject to approval or rejection on a nonpartisan ballot at the first general election held

more than three years after his appointment. Thereafter, each supreme court justice shall be subject to approval or rejection in a like manner every tenth year, and each superior court judge, every sixth year.

**Vacancy**

SECTION 7. The office of any supreme court justice or superior court judge becomes vacant ninety days after the election at which he is rejected by a majority of those voting on the question, or for which he fails to file his declaration of candidacy to succeed himself.

**Judicial Council**

SECTION 8. The judicial council shall consist of seven members. Three attorney members shall be appointed for six-year terms by the governing body of the organized state bar. Three non-attorney members shall be appointed for six-year terms by the governor subject to confirmation by a majority of the members of the legislature in joint session. Vacancies shall be filled for the unexpired term in like manner. Appointments shall be made with due consideration to area representation and without regard to political affiliation. The chief justice of the supreme court shall be ex officio the seventh member and chairman of the judicial council. No member of the judicial council, except the chief justice, may hold any other office or position of profit under the United States or the State. The judicial council shall act by concurrence of four or more members and according to rules which it adopts.

**Additional Duties**

SECTION 9. The judicial council shall conduct studies for improvement of the administration of justice, and make reports and recommendations to the supreme court and to the legislature at intervals of not more than two years. The judicial council shall perform other duties assigned by law.

**Commission on Judicial Qualifications**

SECTION 10. The commission on judicial qualifications shall consist of nine members, as follows: one justice of the supreme court, elected by the

justices of the supreme court; three judges of the superior court, elected by the judges of the superior court; one judge of the district court, elected by the judges of the district court; two members who have practiced law in this state for ten years, appointed by the governing body of the organized bar; and two persons who are not judges, retired judges, or members of the state bar, appointed by the governor and subject to confirmation by a majority of the members of the legislature in joint session. In addition to being subject to impeachment under Section 12 of this article, a justice or judge may be disqualified from acting as such and may be suspended, removed from office, retired, or censured by the supreme court upon the recommendation of the commission. The powers and duties of the commission and the bases for judicial disqualification shall be established by law.

(The amendment to this section was approved by the voters of the state August 27, 1968 and became effective October 11, 1968. The former Section 10, Article IV, pertaining to incapacity of judges, was repealed.)

**Retirement**

SECTION 11. Justices and judges shall be retired at the age of seventy except as provided in this article. The basis and amount of retirement pay shall be prescribed by law. Retired judges shall render no further service on the bench except for special assignments as provided by court rule.

**Impeachment**

SECTION 12. Impeachment of any justice or judge for malfeasance or misfeasance in the performance of his official duties shall be according to procedure prescribed for civil officers.

**Compensation**

SECTION 13. Justices, judges, and members of the judicial council and the commission on judicial qualifications shall receive compensation as prescribed by law. Compensation of justices and judges shall not be diminished during their terms of office, unless by general law applying to all salaried

**officers of the State.**

(The amendment to this section was approved by the voters of the state August 27, 1968 and became effective October 11, 1968. The words "and the commission on judicial qualifications" were incorporated in this section.)

**Restrictions**

**SECTION 14.** Supreme court justices and superior court judges while holding office may not practice law, hold office in a political party, or hold any other office or position of profit under the United States, and the State, or its political subdivisions. Any supreme court justice or superior court judge filing for another elective public office forfeits his judicial position.

**Rule-making  
Power**

**SECTION 15.** The supreme court shall make and promulgate rules governing the administration of all courts. It shall make and promulgate rules governing practice and procedure in civil and criminal cases in all courts. These rules may be changed by the legislature by two-thirds vote of the members elected to each house.

**Court  
Administration**

**SECTION 16.** The chief justice of the supreme court shall be the administrative head of all courts. He may assign judges from one court or division thereof to another for temporary service. The chief justice shall, with the approval of the supreme court, appoint an administrative director to serve at the pleasure of the supreme court and to supervise the administrative operations of the judicial system.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The amendment substituted "the pleasure of the supreme court" for "his pleasure" in the last sentence.)

**ARTICLE V**

**SUFFRAGE AND ELECTIONS**

**Qualified  
Voters**

**SECTION 1.** Every citizen of the United States who is at least eighteen years of age, who meets registration residency requirements which may be

prescribed by law, and who is qualified to vote under this article, may vote in any state or local election. A voter shall have been, immediately preceding the election, a thirty-day resident of the election district in which he seeks to vote, except that for purposes of voting for President and Vice President of the United States other residency requirements may be prescribed by law. Additional voting qualifications may be prescribed by law for bond issue elections of political subdivisions.

(The first amendment to this section was approved by the voters August 23, 1966 and became effective October 9, 1966. It substituted "A voter" for "He" at the beginning of a former third sentence which was deleted by a 1970 amendment. The second amendment, approved August 25, 1970 and effective October 10, 1970, changed the voting age from 19 to 18 years. The third amendment, approved August 25, 1970 and effective October 10, 1970, deleted the sentence "A voter shall be able to read or speak the English language as prescribed by law, unless prevented by physical disability." The fourth amendment, approved August 22, 1972 and effective October 14, 1972, inserted "residency" in the first sentence and deleted the requirement of one year's residence in Alaska which appeared in the second sentence.)

#### Disqualification

SECTION 2. No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed.

#### Methods of Voting: Election Contests

SECTION 3. Methods of voting, including absentee voting, shall be prescribed by law. Secrecy of voting shall be preserved. The procedure for determining election contests, with right of appeal to the courts, shall be prescribed by law.

#### Voting Precincts: Registration

SECTION 4. The legislature may provide a system of permanent registration of voters, and may establish voting precincts within election districts.

#### General Elections

SECTION 5. General elections shall be held on the second Tuesday in October of every even-numbered year, but the month and day may be changed by law.

(Exercising its authority under this section, the legislature has provided that the date of the general election is the Tuesday after the first Monday in November in every even-numbered year; See AS 15.15.020.)

## ARTICLE VI

### LEGISLATIVE APPORTIONMENT

#### Election Districts

SECTION 1. Members of the house of representatives shall be elected by the qualified voters of the respective election districts. Until reapportionment, election districts and the number of representatives to be elected from each district shall be as set forth in Section 1 of Article XIV.

#### Senate Districts

SECTION 2. Members of the senate shall be elected by the qualified voters of the respective senate districts. Senate districts shall be as set forth in Section 2 of Article XIV, subject to changes authorized in this article.

#### Reapportionment of House

SECTION 3. The governor shall reapportion the house of representatives immediately following the official reporting of each decennial census of the United States. Reapportionment shall be based upon civilian population within each election district as reported by the census.

#### Method

SECTION 4. Reapportionment shall be by the methods of equal proportions, except that each election district having the major fraction of the quotient obtained by dividing total civilian population by forty shall have one representative.

#### Combining Districts

SECTION 5. Should the total civilian population within any election district fall below one-half of the quotient, the district shall be attached to an election district within its senate district, and the reapportionment for the new district shall be determined as provided in Section 4 of this article.

#### Redistricting

SECTION 6. The governor may further redistrict by changing the size and area of election districts, subject to the limitations of this article. Each new district so created shall be formed of contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area.

Each shall contain a population at least equal to the quotient obtained by dividing the total civilian population by forty. Consideration may be given to local government boundaries. Drainage and other geographic features shall be used in describing boundaries wherever possible.

**Modification  
of Senate  
Districts**

SECTION 7. The senate districts, described in Section 2 of Article XIV, may be modified to reflect changes in election districts. A district, although modified, shall retain its total number of senators and its approximate perimeter.

**Reapportionment  
Board**

SECTION 8. The governor shall appoint a reapportionment board to act in an advisory capacity to him. It shall consist of five members, none of whom may be public employees or officials. At least one member each shall be appointed from the Southeastern, Southcentral, Central and Northwestern Senate Districts. Appointments shall be made without regard to political affiliation. Board members shall be compensated.

**Organization**

SECTION 9. The board shall elect one of its members chairman and may employ temporary assistants. Concurrence of three members is required for a ruling or determination, but a lesser number may conduct hearings or otherwise act for the board.

**Reapportionment  
Plan and  
Proclamation**

SECTION 10. Within ninety days following the official reporting of each decennial census, the board shall submit to the governor a plan for reapportionment and redistricting as provided in this article. Within ninety days after receipt of the plan, the governor shall issue a proclamation of reapportionment and redistricting. An accompanying statement shall explain any change from the plan of the board. The reapportionment and redistricting shall be effective for the election of members of the legislature until after the official reporting of the next decennial census.

**Enforcement**

**SECTION 11.** Any qualified voter may apply to the superior court to compel the governor, by mandamus or otherwise, to perform his reapportionment duties or to correct any error in redistricting or reapportionment. Application to compel the governor to perform his reapportionment duties must be filed within thirty days of the expiration of either of the two ninety-day periods specified in this article. Application to compel correction of any error in redistricting or reapportionment must be filed within thirty days following the proclamation. Original jurisdiction in these matters is hereby vested in the superior court. On appeal, the cause shall be reviewed by the supreme court upon the law and the facts.

**ARTICLE VII**

**HEALTH, EDUCATION, AND WELFARE**

**Public  
Education**

**SECTION 1.** The legislature shall by general law establish and maintain a system of public schools open to all children of the State, and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.

**State  
University**

**SECTION 2.** The University of Alaska is hereby established as the state university and constituted a body corporate. It shall have title to all real and personal property now or hereafter set aside for or conveyed to it. Its property shall be administered and disposed of according to law.

**Board of  
Regents**

**SECTION 3.** The University of Alaska shall be governed by a board of regents. The regents shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The board shall, in accordance

with law, formulate policy and appoint the president of the university. He shall be the executive officer of the board.

Public Health

SECTION 4. The legislature shall provide for the promotion and protection of public health.

Public Welfare

SECTION 5. The legislature shall provide for public welfare.

## ARTICLE VIII

### NATURAL RESOURCES

Statement of Policy

SECTION 1. It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

General Authority

SECTION 2. The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

Common Use

SECTION 3. Wherever occurring in the natural state, fish, wildlife, and waters are reserved to the people for common use.

Sustained Yield

SECTION 4. Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

Facilities and Improvements

SECTION 5. The legislature may provide for facilities, improvements, and services to assure greater utilization, development, reclamation, and settlement of lands, and to assure fuller utilization and development of the fisheries, wildlife, and waters.

State Public Domain

SECTION 6. Lands and interests therein, including submerged and tidal lands, possessed or

acquired by the State, and not used or intended exclusively for governmental purposes, constitute the state public domain. The legislature shall provide for the selection of lands granted to the State by the United States, and for the administration of the state public domain.

**Special  
Purpose  
Sites**

SECTION 7. The legislature may provide for the acquisition of sites, objects, and areas of natural beauty or of historic, cultural, recreational, or scientific value. It may reserve them from the public domain and provide for their administration and preservation for the use, enjoyment, and welfare of the people.

**Leases**

SECTION 8. The legislature may provide for the leasing of, and the issuance of permits for exploration of, any part of the public domain or interest therein, subject to reasonable concurrent uses. Leases and permits shall provide, among other conditions, for payment by the party at fault for damage or injury arising from noncompliance with terms governing concurrent use, and for forfeiture in the event of breach of conditions.

**Sales and  
Grants**

SECTION 9. Subject to the provisions of this section, the legislature may provide for the sale or grant of state lands, or interests therein, and establish sales procedures. All sales or grants shall contain such reservations to the State of all resources as may be required by Congress or the State and shall provide for access to these resources. Reservation of access shall not unnecessarily impair the owners' use, prevent the control of trespass, or preclude compensation for damages.

**Public Notice**

SECTION 10. No disposals or leases of state lands, or interests therein, shall be made without prior public notice and other safeguards of the public interest as may be prescribed by law.

**Mineral  
Rights**

SECTION 11. Discovery and appropriation shall be the basis for establishing a right in those miner-

als reserved to the State which, upon the date of ratification of this constitution by the people of Alaska, were subject to location under the federal mining laws. Prior discovery, location, and filing, as prescribed by law, shall establish a prior right to these minerals and also a prior right to permits, leases, and transferable licenses for their extraction. Continuation of these rights shall depend upon the performance of annual labor, or the payment of fees, rents, or royalties, or upon other requirements as may be prescribed by law. Surface uses of land by a mineral claimant shall be limited to those necessary for the extraction or basic processing of the mineral deposits, or for both. Discovery and appropriation shall initiate a right, subject to further requirements of law, to patent of mineral lands if authorized by the State and not prohibited by Congress. The provisions of this section shall apply to all other minerals reserved to the State which by law are declared subject to appropriation.

#### **Mineral Leases and Permits**

SECTION 12. The legislature shall provide for the issuance, types and terms of leases for coal, oil, gas, oil shale, sodium, phosphate, potash, sulfur, pumice, and other minerals as may be prescribed by law. Leases and permits giving the exclusive right of exploration for these minerals for specific periods and areas, subject to reasonable concurrent exploration as to different classes of minerals, may be authorized by law. Like leases and permits giving the exclusive right of prospecting by geophysical, geochemical, and similar methods for all minerals may also be authorized by law.

#### **Water Rights**

SECTION 13. All surface and subsurface waters reserved to the people for common use, except mineral and medicinal waters, are subject to appropriation. Priority of appropriation shall give prior

right. Except for public water supply, an appropriation of water shall be limited to stated purposes and subject to preferences among beneficial uses, concurrent or otherwise, as prescribed by law, and to the general reservation of fish and wildlife.

**Access to  
Navigable  
Waters**

**SECTION 14.** Free access to the navigable or public waters of the State, as defined by the legislature, shall not be denied any citizen of the United States or resident of the State, except that the legislature may by general law regulate and limit such access for other beneficial uses or public purposes.

**No Exclusive  
Right of  
Fishery**

**SECTION 15.** No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State. This section does not restrict the power of the State to limit entry into any fishery for purposes of resource conservation, to prevent economic distress among fishermen and those dependent upon them for a livelihood and to promote the efficient development of aquaculture in the State.

(The amendment to this section was approved by the voters of the state August 22, 1972 and became effective October 14, 1972. This amendment added the second sentence.)

**Protection  
of Rights**

**SECTION 16.** No person shall be involuntarily divested of his right to the use of waters, his interests in lands, or improvements affecting either, except for a superior beneficial use or public purpose and then only with just compensation and by operation of law.

**Uniform  
Application**

**SECTION 17.** Laws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to the subject matter and purpose to be served by the law or regulation.

**Private  
Ways of  
Necessity**

**SECTION 18.** Proceeding in eminent domain may be undertaken for private ways of necessity to permit essential access for extraction or utilization

of resources. Just compensation shall be made for property taken or for resultant damages to other property rights.

## ARTICLE IX

### FINANCE AND TAXATION

#### Taxing Power

SECTION 1. The power of taxation shall never be surrendered. This power shall not be suspended or contracted away, except as provided in this article.

#### Non-discrimination

SECTION 2. The lands and other property belonging to citizens of the United States residing without the State shall never be taxed at a higher rate than the lands and other property belonging to the residents of the State.

#### Assessment Standards

SECTION 3. Standards for appraisal of all property assessed by the State or its political subdivisions shall be prescribed by law.

#### Exemptions

SECTION 4. The real and personal property of the State or its political subdivisions shall be exempt from taxation under conditions and exceptions which may be provided by law. All, or any portion of, property used exclusively for nonprofit religious, charitable, cemetery, or educational purposes, as defined by law, shall be exempt from taxation. Other exemptions of like or different kind may be granted by general law. All valid existing exemptions shall be retained until otherwise provided by law.

#### Interests in Government Property

SECTION 5. Private leaseholds, contracts, or interests in land or property owned or held by the United States, the State, or its political subdivisions, shall be taxable to the extent of the interests.

#### Public Purpose

SECTION 6. No tax shall be levied, or appropriation of public money made, or public property

transferred, nor shall the public credit be used, except for a public purpose.

**Dedicated  
Funds**

**SECTION 7.** The proceeds of any state tax or license shall not be dedicated to any special purpose, except as provided in section 15 of this article or when required by the federal government for state participation in federal programs. This provision shall not prohibit the continuance of any dedication for special purposes existing upon the date of ratification of this section by the people of Alaska.

(The amendment to this section was approved by the voters of the state November 2, 1976 and became effective February 21, 1977. This amendment inserted "as provided in section 15 of this article or" in the first sentence.)

**State Debt**

**SECTION 8.** No state debt shall be contracted unless authorized by law for capital improvements and ratified by a majority of the qualified voters of the State who vote on the question. The State may, as provided by law and without ratification, contract debt for the purpose of repelling invasion, suppressing insurrection, defending the State in war, meeting natural disasters, or redeeming indebtedness outstanding at the time this constitution becomes effective.

**Local Debts**

**SECTION 9.** No debt shall be contracted by any political subdivision of the State, unless authorized for capital improvements by its governing body and ratified by a majority vote of those qualified to vote and voting on the question.

**Interim  
Borrowing**

**SECTION 10.** The State and its political subdivisions may borrow money to meet appropriations for any fiscal year in anticipation of the collection of the revenues for that year, but all debt so contracted shall be paid before the end of the next fiscal year.

**Exceptions**

**SECTION 11.** The restrictions on contracting debt do not apply to debt incurred through the issuance of revenue bonds by a public enterprise or

public corporation of the State or a political subdivision, when the only security is the revenues of the enterprise of corporation. The restrictions do not apply to indebtedness to be paid from special assessments on the benefited property, nor do they apply to refunding indebtedness of the State or its political subdivisions.

**Budget**

**SECTION 12.** The governor shall submit to the legislature, at a time fixed by law, a budget for the next fiscal year setting forth all proposed expenditures and anticipated income of all departments, offices, and agencies of the State. The governor, at the same time, shall submit a general appropriation bill to authorize the proposed expenditures, and a bill or bills covering recommendations in the budget for new or additional revenues.

**Expenditures**

**SECTION 13.** No money shall be withdrawn from the treasury except in accordance with appropriations made by law. No obligation for the payment of money shall be incurred except as authorized by law. Unobligated appropriations outstanding at the end of the period of time specified by law shall be void.

**Legislative  
Post-Audit**

**SECTION 14.** The legislature shall appoint an auditor to serve at its pleasure. He shall be a certified public accountant. The auditor shall conduct post-audits as prescribed by law and shall report to the legislature and to the governor.

**Alaska  
Permanent  
Fund**

**SECTION 15.** At least twenty-five per cent of all mineral lease rentals, royalties, royalty sale proceeds, federal mineral revenue sharing payments and bonuses received by the State shall be placed in a permanent fund, the principal of which shall be used only for those income-producing investments specifically designated by law as eligible for permanent fund investments. All

income from the permanent fund shall be deposited in the general fund unless otherwise provided by law.

(The addition of this section was approved by the voters of the state November 2, 1976 and became effective February 21, 1977.)

## ARTICLE X

### LOCAL GOVERNMENT

#### Purpose and Construction

SECTION 1. The purpose of this article is to provide for maximum local self-government with a minimum of local government units, and to prevent duplication of tax-levying jurisdictions. A liberal construction shall be given to the powers of local government units.

#### Local Government Powers

SECTION 2. All local government powers shall be vested in boroughs and cities. The State may delegate taxing powers to organized boroughs and cities only.

#### Boroughs

SECTION 3. The entire State shall be divided into boroughs, organized or unorganized. They shall be established in a manner and according to standards provided by law. The standards shall include population, geography, economy, transportation, and other factors. Each borough shall embrace an area and population with common interests to the maximum degree possible. The legislature shall classify boroughs and prescribe their powers and functions. Methods by which boroughs may be organized, incorporated, merged, consolidated, reclassified, or dissolved shall be prescribed by law.

#### Assembly

SECTION 4. The governing body of the organized borough shall be the assembly, and its composition shall be established by law or charter.

(The amendment to this section was approved by the voters of the state August 22, 1972 and became effective October 14, 1972. It deleted the second and third sentences which specified city and non-city representation on the borough assembly.)

**Service  
Areas**

**SECTION 5.** Service areas to provide special services within an organized borough may be established, altered, or abolished by the assembly, subject to the provisions of law or charter. A new service area shall not be established if, consistent with the purposes of this article, the new service can be provided by an existing service area, by incorporation as a city, or by annexation to a city. The assembly may authorize the levying of taxes, charges, or assessments within a service area to finance the special services.

**Unorganized  
Boroughs**

**SECTION 6.** The legislature shall provide for the performance of services it deems necessary or advisable in unorganized boroughs, allowing for maximum local participation and responsibility. It may exercise any power or function in an unorganized borough which the assembly may exercise in an organized borough.

**Cities**

**SECTION 7.** Cities shall be incorporated in a manner prescribed by law, and shall be a part of the borough in which they are located. Cities shall have the powers and functions conferred by law or charter. They may be merged, consolidated, classified, reclassified, or dissolved in the manner provided by law.

**Council**

**SECTION 8.** The governing body of a city shall be the council.

**Charters**

**SECTION 9.** The qualified voters of any borough of the first class or city of the first class may adopt, amend, or repeal a home rule charter in a manner provided by law. In the absence of such legislation, the governing body of a borough or city of the first class shall provide the procedure for the preparation and adoption or rejection of the charter. All charters, or parts or amendments of charters, shall be submitted to the qualified voters of the borough or city, and shall become effective if approved by a majority of those who vote on the specific question.

**Extended  
Home Rule  
Home Rule  
Powers**

**SECTION 10.** The legislature may extend home rule to other boroughs and cities.

**SECTION 11.** A home rule borough or city may exercise all legislative powers not prohibited by law or by charter.

**Boundaries**

**SECTION 12.** A local boundary commission or board shall be established by law in the executive branch of the state government. The commission or board may consider any proposed local government boundary change. It may present proposed changes to the legislature during the first ten days of any regular session. The change shall become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house. The commission or board, subject to law, may establish procedures whereby boundaries may be adjusted by local action.

**Agreements:  
Transfer of  
Powers**

**SECTION 13.** Agreements, including those for cooperative or joint administration of any functions or powers, may be made by any local government with any other local government, with the State, or with the United States, unless otherwise provided by law or charter. A city may transfer to the borough in which it is located any of its powers or functions unless prohibited by law or charter, and may in like manner revoke the transfer.

**Local  
Government  
Agency**

**SECTION 14.** An agency shall be established by law in the executive branch of the state government to advise and assist local governments. It shall review their activities; collect and publish local government information, and perform other duties prescribed by law.

**Special  
Service  
Districts**

**SECTION 15.** Special service districts existing at the time a borough is organized shall be integrated with the government of the borough as provided by law.

## ARTICLE XI

### INITIATIVE, REFERENDUM, AND RECALL

#### Initiative and Referendum Application

**SECTION 1.** The people may propose and enact laws by the initiative, and approve or reject acts of the legislature by the referendum.

**SECTION 2.** An initiative or referendum is proposed by an application containing the bill to be initiated or the act to be referred. The application shall be signed by not less than one hundred qualified voters as sponsors, and shall be filed with the lieutenant governor. If he finds it in proper form he shall so certify. Denial of certification shall be subject to judicial review.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

#### Petition

**SECTION 3.** After certification of the application, a petition containing a summary of the subject matter shall be prepared by the lieutenant governor for circulation by the sponsors. If signed by qualified voters, equal in number to ten per cent of those who voted in the preceding general election and resident in at least two-thirds of the election districts of the State, it may be filed with the lieutenant governor.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

#### Initiative Election

**SECTION 4.** An initiative petition may be filed at any time. The lieutenant governor shall prepare a ballot title and proposition summarizing the proposed law, and shall place them on the ballot for the first statewide election held more than one hundred twenty days after adjournment of the legislative session following the filing. If, before the election, substantially the same measure has been

enacted, the petition is void.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

**Referendum  
Election**

**SECTION 5.** A referendum petition may be filed only within ninety days after adjournment of the legislative session at which the act was passed. The lieutenant governor shall prepare a ballot title and proposition summarizing the act and shall place them on the ballot for the first statewide election held more than one hundred eighty days after adjournment of that session.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

**Enactment**

**SECTION 6.** If a majority of the votes cast on the proposition favor its adoption, the initiated measure is enacted. If a majority of the votes cast on the proposition favor the rejection of an act referred, it is rejected. The lieutenant governor shall certify the election returns. An initiated law becomes effective ninety days after certification, is not subject to veto, and may not be repealed by the legislature within two years of its effective date. It may be amended at any time. An act rejected by referendum is void thirty days after certification. Additional procedures for the initiative and referendum may be prescribed by law.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

**Restrictions**

**SECTION 7.** The initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety.

**Recall**

**SECTION 8.** All elected public officials, in the State, except judicial officers, are subject to recall by the voters of the State or political subdivision from which elected. Procedures and grounds for recall shall be prescribed by the legislature.

**ARTICLE XII**

**GENERAL PROVISIONS**

**State  
Boundaries**

**SECTION 1.** The State of Alaska shall consist of all the territory, together with the territorial waters appurtenant thereto, included in the Territory of Alaska upon the date of ratification of this constitution by the people of Alaska.

**In er-  
governmental  
Relations**

**SECTION 2.** The State and its political subdivisions may cooperate with the United States and its territories, and with other states and their political subdivisions on matters of common interest. The respective legislative bodies may make appropriations for this purpose.

**Office of  
Profit**

**SECTION 3.** Service in the armed forces of the United States or of the State is not an office or position of profit as the term is used in this constitution.

**Disqualification  
for Disloyalty**

**SECTION 4.** No person who advocates, or who aids or belongs to any party or organization or association which advocates, the overthrow by force or violence of the government of the United States or of the State shall be qualified to hold any public office of trust or profit under this constitution.

**Oath of  
Office**

**SECTION 5.** All public officers, before entering upon the duties of their offices, shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and

the Constitution of the State of Alaska, and that I will faithfully discharge my duties as to the best of my ability." The legislature may prescribe further oaths or affirmations.

**Merit  
System**

SECTION 6. The legislature shall establish a system under which the merit principle will govern the employment of persons by the State.

**Retirement  
System**

SECTION 7. Membership in employee retirement systems of the State or its political subdivisions shall constitute a contractual relationship. Accrued benefits of these systems shall not be diminished or impaired.

**Residual Power**

SECTION 8. The enumeration of specified powers in this constitution shall not be construed as limiting the powers of the State.

**Provisions  
Self-Executing**

SECTION 9. The provisions of this constitution shall be construed to be self-executing whenever possible.

**Interpretation**

SECTION 10. Titles and subtitles shall not be used in construing this constitution. Personal pronouns used in this constitution shall be construed as including either sex.

**Law-Making  
Power**

SECTION 11. As used in this constitution, the terms "by law" and "by the legislature", or variations of these terms, are used interchangeably when related to law-making powers. Unless clearly inapplicable, the law-making powers assigned to the legislature may be exercised by the people through the initiative, subject to the limitations of Article XI.

**Disclaimer  
and  
Agreement**

SECTION 12. The State of Alaska and its people forever disclaim all right and title in or to any property belonging to the United States or subject to its disposition, and not granted or confirmed to the State or its political subdivisions, by or under the act admitting Alaska to the Union. The State and its people further disclaim all right or title in

or to any property, including fishing rights, the right or title to which may be held by for any Indian, Eskimo, or Aleut, or community thereof, as that right or title is defined in the act of admission. The State and its people agree that, unless otherwise provided by Congress, the property, as described in this section, shall remain subject to the absolute disposition of the United States. They further agree that no taxes will be imposed upon any such property, until otherwise provided by the Congress. This tax exemption shall not apply to property held by individuals in fee without restrictions on alienation.

**Consent to  
Act of  
Admission**

**SECTION 13.** All provisions of the act admitting Alaska to the Union which reserve rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property, are consented to fully by the State and its people.

## **ARTICLE XIII**

### **AMENDMENT AND REVISION**

**Amendments**

**SECTION 1.** Amendments to this constitution may be proposed by a two-thirds vote of each house of the legislature. The lieutenant governor shall prepare a ballot title and proposition summarizing each proposed amendment, and shall place them on the ballot for the next general election. If a majority of the votes cast on the proposition favor the amendment, it shall be adopted. Unless otherwise provided in the amendment, it becomes effective thirty days after the certification of the election returns by the lieutenant governor.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor". The second amendment to this section, approved by the voters August 27, 1974 and effective October 12, 1974, changed "statewide" to read "general" in the second sentence.)

**Convention**

**SECTION 2.** The legislature may call constitutional conventions at any time.

**Call by  
Referendum**

**SECTION 3.** If, during any ten-year period a constitutional convention has not been held, the lieutenant governor shall place on the ballot for the next general election the question: "Shall there be a Constitutional Convention?" If a majority of the votes cast on the question are in the negative, the question need not be placed on the ballot until the end of the next ten-year period. If a majority of the votes cast on the question are in the affirmative, delegates to the convention shall be chosen at the next regular statewide election, unless the legislature provides for the election of the delegates at a special election. The lieutenant governor shall issue the call for the convention. Unless other provisions have been made by law, the call shall conform as nearly as possible to the act calling the Alaska Constitutional Convention of 1955, including, but not limited to, number of members, districts, election and certification of delegates, and submission and ratification of revisions and ordinances. The appropriation provisions of the call shall be self-executing and shall constitute a first claim on the state treasury.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

**Power**

**SECTION 4.** Constitutional Conventions shall have plenary power to amend or revise the constitution, subject only to ratification by the people. No call for a constitutional convention shall limit these powers of the convention.

**ARTICLE XIV**

For prior apportionment schedules and annotations concerning them, see the Alaska Constitution as it appears in Pamphlet I of the Alaska Statutes published by the Michie Company.

## APPORTIONMENT SCHEDULE

**Election  
Districts**

SECTION 1. Members of the house of representatives shall, according to the reapportionment proclamation of the governor, dated June 14, 1974, as modified by the Alaska Supreme Court in Groh v. Egan, 526 P. 2d 863 (9/13/74), be elected from the election districts and in the numbers shown below:

Election District	Name of District	Number of Representatives
1	Ketchikan-Prince of Wales	2
2	Wrangell-Petersburg	1
3	Sitka	1
4	Juneau-Lynn Canal	2
5	Cordova-Valdez-Seward	1
6	Palmer	1
7	Anchorage Northwest	4
8	Anchorage Northeast	4
9	Anchorage Spenard	2
10	Anchorage East	2
11	Anchorage South	2
12	Anchorage West	2
13	Kenai-Cook Inlet	2
14	Kodiak	1
15	Aleutian Chain	1
16	Bristol Bay	1
17	Bethel	1
18	Wade Hampton	1
19	Yukon-Tanana	1
20	Fairbanks	6
21	Barrow-Kobuk	1
22	Nome	1

**Senate  
Districts**

SECTION 2. Members of the senate shall, according to the reapportionment proclamation of the governor, dated June 14, 1974, as modified by the Alaska Supreme Court in Groh v. Egan, 526 P. 2d 863 (9/13/74), be elected from the

election districts and in the numbers shown below:

Senate District	Composed of Election Districts	Number of Senators
A	Ketchikan-Prince of Wales	1
B	Wrangell-Petersburg-Sitka	1
C	Juneau-Lynn Canal	1
D	Cordova-Valdez-Seward-Palmer	1
E	Anchorage Northwest	2
F	Anchorage Northeast	2
G	Anchorage Spenard	1
H	Anchorage East	1
I	Anchorage South	1
J	Anchorage West	1
K	Kenai-Cook Inlet	1
L	Kodiak-Aleutian Chain	1
M	Bristol Bay-Bethel	1
N	Wade Hampton-Yukon-Tanana	1
O	Fairbanks	3
P	Barrow-Kobuk-Nome	1

**Description  
of Election  
Districts**

**SECTION 3.** The election districts set forth in Section 1 shall include the following territory:

1. Ketchikan-Prince of Wales — That area of the mainland drained by streams flowing into Portland Canal, Pearse Canal, Revillagigedo Channel, Behm Canal and the eastern side of Clarence Strait from the southernmost point of Alaska to and including Lemesurier Point; and those islands offshore this mainland area and all other islands in Alaska to the south of a line which begins at Lemesurier Point, runs west to the centerline of Clarence Strait and then follows the centerline of Clarence Strait to its intersection with the centerline of Sumner Strait at which point it turns west and follows the centerline of Sumner Strait westerly and southwesterly to the open sea.

2. Wrangell-Petersburg — That area of the mainland north of the Ketchikan-Prince of Wales District and south of and including the area draining into Frederic Sound to Cape Fanshaw on the north; and that area bounded by a line from Cape Fanshaw to the north end of Pybus Bay;

and that area of Admiralty Island draining into Frederic Sound and Chatham Strait from and including Pybus Bay on the east to and including Point Retreat on the north; and that area of Chichagof Island draining into Icy Strait and Chatham Strait from and including Mud Bay on the north to the centerline of Tenakee Inlet on the south, including that portion of Chichagof Island draining into Tenakee Inlet from the north, and that portion of the mainland draining into Icy Strait from Point Couverdon on the east to and including Glacier Bay on the west. This District also includes Lemesurier Island and all other islands in Icy Straits east of it, and all islands south of Frederic Sound and east of Chatham Strait not included in Election District No. 1.

3. Sitka — All of Baranof Island, all of Chichagof Island not included in the Wrangell-Petersburg District, all of the mainland area draining into Icy Strait, Cross Sound and the Gulf of Alaska from Glacier Bay on the southeast to Icy Cape on the Northwest; and all of the islands offshore thereto.

4. Juneau-Lynn Canal — All of the mainland area draining into Lynn Canal and Stephens Passage from Cape Fanshaw on the south to the Canadian Border on the northwest and all of Admiralty Island draining into Stephens Passage and Lynn Canal from Pybus Bay on the south to Point Retreat on the north; and all of the islands offshore thereto.

5. Cordova-Valdez-Seward — All that mainland area from Icy Cape on the east to Gore Point on the west draining into Prince William Sound and the Gulf of Alaska, including all of the offshore islands thereto, including the remainder of the Seward Census Division which does not drain into the Prince William Sound and the Gulf of Alaska, except that portion of the drainage north of a point midway between Glennallen and Gulkana.

6. Palmer — All that area north of Cook Inlet and Knik Arm drained by streams emptying into Cook Inlet and Knik Arm from, but not including, Beluga River on the west to and including the Knik River on the east.

7. Anchorage Northwest — Beginning at a point on the centerline of Knik Arm where it intersects the northerly projection of the dividing line between Fort Richardson Military Reservation and the Elmendorf Air Force Base;

thence southerly along said line to where it intersects the Glenn Highway; thence westerly along the Glenn Highway to Pine Street; thence northerly along Pine Street to McPhee Avenue; thence westerly along McPhee Avenue to Taylor Street; thence southerly on Taylor Street to Thompson Avenue; thence westerly on Thompson Avenue to Meyer Street; thence southerly on Meyer Street to Commercial Drive; thence easterly on Commercial Drive to Bragaw Street; thence southerly on Bragaw Street to East Sixth Avenue; thence easterly on East Sixth Avenue to Pine Street; thence southerly on Pine Street to DeBarr Road; thence westerly on DeBarr Road to Bragaw Street; thence southerly on Bragaw Street to East Sixteenth Avenue; thence westerly on East Sixteenth Avenue to Lake Otis Parkway; thence northerly on Lake Otis Parkway to East Fifteenth Avenue; thence westerly on East Fifteenth Avenue to Sitka Street; thence southerly on Sitka Street to Chester Creek; thence westerly along Chester Creek to the Seward Highway; thence southerly on the Seward Highway to Fireweed Lane; thence westerly on Fireweed Lane to Spenard Road; thence southerly on Spenard Road to West Twenty-fifth Avenue; thence westerly on West Twenty-fifth Avenue to Spenard Thruway; thence northerly along Spenard Thruway and "L" Street to Knik Arm; thence northwesterly to the centerline of Knik Arm; thence along the centerline of Knik Arm to the point of beginning.

8. Anchorage Northeast — Beginning at a point on the centerline of Knik Arm where it intersects the northerly projection of the dividing line between Fort Richardson Military Reservation and the Elmendorf Air Force Base; thence southerly along said line to where it intersects the Glenn Highway; thence westerly along the Glenn Highway and the south boundary of Elmendorf Air Force Base to Pine Street; thence northerly along Pine Street to McPhee Avenue; thence westerly on McPhee Avenue to Taylor Street; thence southerly on Taylor Street to Thompson Avenue; thence westerly on Thompson Avenue to Meyer Street; thence southerly on Meyer Street to Commercial Drive; thence easterly on Commercial Drive to Bragaw Street; thence southerly on Bragaw Street to Sixth Avenue; thence easterly on Sixth Avenue to Pine Street; thence southerly on Pine Street to DeBarr Road; thence westerly on DeBarr Road to Bragaw Street; thence southerly on Bragaw Street to East Twentieth Avenue; thence easterly on East Twentieth Avenue to Boniface Parkway; thence northerly on Boniface Parkway to the centerline of Craig Drive extended; thence easterly along the centerline of

Craig Drive to the centerline of Beaver Place; thence northerly on the centerline of Beaver Place to the centerline of East Sixteenth Avenue; thence easterly on East Sixteenth Avenue to the centerline of Turpin Street; thence northerly on Turpin Street to the centerline of DeBarr Road; thence easterly on DeBarr Road to Muldoon Drive; thence southeasterly along a branch of Chester Creek to the boundary line of Fort Richardson Military Reservation; thence following the Fort Richardson Military Reservation boundary in a southerly and easterly direction until it meets the southern boundary of Census Tract 2 of the Anchorage Census Division; thence along the southerly boundaries of Census Tracts 1 and 2 and the easterly and northerly boundaries of Census Tract 1, Anchorage Census Division to the point of beginning.

9. Anchorage Spenard — Beginning at the intersection of Northern Lights Boulevard and Spenard Thruway; thence westerly on Northern Lights Boulevard to Wisconsin Drive; thence southerly on Wisconsin Drive to West Thirty-third Avenue; thence easterly on West Thirty-third Avenue to Fish Creek; thence southerly and easterly along Fish Creek to its intersection with Northwood Drive; thence southerly along Northwood Drive to West Forty-sixth Avenue; thence easterly along West Forty-sixth Avenue to the Alaska Railroad Right of Way; thence northerly along said Right of Way to West Forty-fourth Avenue; thence easterly on West Forty-fourth Avenue to the Seward Highway; thence northerly on Seward Highway to Fireweed Lane; thence westerly on Fireweed Lane to Spenard Road; thence southerly on Spenard Road to West Twenty-fifth Avenue; thence westerly on West Twenty-fifth Avenue to the Spenard Thruway; thence southerly on Spenard Thruway to the place of beginning.

10. Anchorage East — Beginning at the intersection of Seward Highway and Chester Creek; thence southerly on Seward Highway to Tudor Road; thence easterly on Tudor Road to the centerline of Randolph Street extended; thence northerly on said centerline of Randolph Street to East Fortieth Avenue; thence easterly on East Fortieth Avenue to Pine Street; thence southerly on Pine Street to Tudor Road; thence easterly on Tudor Road and Tudor Road Extension to the boundary of the Fort Richardson Military Reservation; thence northerly on said boundary to its intersection with the southerly boundary of District 8 at a branch of Chester Creek; thence northwesterly along Chester Creek to Muldoon Drive and DeBarr Road; thence

westerly on DeBarr Road to Turpin Street; thence southerly on Turpin Street to the centerline of East Sixteenth Avenue; thence westerly along the centerline of East Sixteenth Avenue to the centerline of Beaver Place; thence southerly along the centerline of Beaver Place to the centerline of Craig Drive; thence westerly along the centerline of Craig Drive and its extension to the centerline of Boniface Parkway; thence southerly on Boniface Parkway to East Twentieth Avenue; thence westerly along East Twentieth Avenue to Bragaw Street; thence northerly on Bragaw Street to East Sixteenth Avenue; thence westerly on East Sixteenth Avenue to Lake Otis Parkway; thence northerly on Lake Otis Parkway to East Fifteenth Avenue; thence westerly on East Fifteenth Avenue to Sitka Street; thence southerly on Sitka Street to Chester Creek; thence westerly along Chester Creek to Seward Highway, the place of beginning.

11. Anchorage South — Beginning at a point on the centerline of Turnagain Arm South 45 degrees West of the the centerline intersection of Victor Road and West One Hundredth Avenue; thence North 45 degrees East to said intersection; thence northerly on Victor Road to Strawberry Road; thence easterly on Strawberry Road to the centerline of Minnesota Drive extended; thence northerly on said centerline to the centerline of Dowling Road extended; thence easterly on said centerline to Arctic Boulevard extended; thence northerly along said extension and Arctic Boulevard to West Forty-fourth Avenue; thence easterly on West Forty-fourth Avenue and Tudor Road to the centerline of Randolph Street extended; thence northerly on said centerline of Randolph Street to East Fortieth Avenue; thence easterly on East Fortieth Avenue to Pine Street; thence southerly on Pine Street to Tudor Road and the boundary of the Fort Richardson Military Reservation; thence following the Fort Richardson Military Reservation boundary to the common corner between Census Tracts 2, 3, and 29; thence following the boundary of Census Tract 29 to the east and south to the centerline of Turnagain Arm at a point west of Portage; thence along the centerline of Turnagain Arm to the place of beginning.

12. Anchorage West — Beginning at a point on the centerline of Turnagain Arm South 45 degrees West of the centerline intersection of Victor Road and West One Hundredth Avenue; thence North 45 degrees East to said intersection; thence northerly on Victor Road to Strawberry Road; thence easterly on Strawberry Road to the

centerline of Minnesota Drive extended; thence northerly on said centerline to the centerline of Dowling Road extended; thence easterly on said centerline to Arctic Boulevard extended; thence northerly along said extension of Arctic Boulevard to West Forty-fourth Avenue; thence westerly on West Forty-fourth Avenue to the Alaska Railroad Right of Way; thence southerly on said Right of Way to West Forty-sixth Avenue; thence westerly on West Forty-sixth Avenue to Northwood Drive; thence northerly on Northwood Drive to its intersection with Fish Creek; thence northerly and westerly along Fish Creek to West Thirty-third Avenue; thence westerly along West Thirty-third Avenue to Wisconsin Boulevard; thence northerly on Wisconsin Boulevard to Northern Lights Boulevard; thence easterly on Northern Lights Boulevard to Spenard Thruway; thence northerly on Spenard Thruway and "L" Street to Knik Arm; thence northwesterly to the centerline of Knik Arm; thence following the centerline of Knik Arm, west of Fire Island, to its intersection with the centerline of Turnagain Arm; thence easterly on the centerline of Turnagain Arm to the place of beginning.

13. Kenai-Cook Inlet — All of the Kenai Peninsula Borough except that portion within the Seward Census Division of 1970 and that portion on the west side of Cook Inlet south of Chinitna Bay.

14. Kodiak — All that area of Kodiak Island draining into Marmot Bay from the south, to but not including Kizhuyak Bay; into the Gulf of Alaska from the west; and into Ugak Bay from the north; and including Spruce Island, Woody Island, Long Island, Ugak Island; and all other smaller islands offshore thereto.

15. Aleutian Chain — All of the 1970 Kodiak Census Division not included in the Kodiak District and all of the 1970 Aleutian Island Census Division; also including the Semidi Islands and Chirikof Islands.

16. Bristol Bay — All of the mainland area draining into Cook Inlet and Shelikof Strait from Chinitna Bay on the north to and including Kujulik Bay on the south, also Sutwik Island, and all of the mainland area draining into Bristol Bay; and all of the mainland draining into Kuskokwim Bay to and including Eek on the Kuskokwim River on the north and to and including Kinak Bay on the west.

17. Bethel — All that area draining into the Bering Sea or waters thereof from Hazen Bay on the north to but not including Kinak Bay on the south; and that area drained by the Kuskokwim River to and including the Aniak River on the north and to and including Eek on the south; and St. Matthew Island, Nunivak Island, and the smaller islands offshore thereto.

18. Wade Hampton — All that area draining into the Bering Sea from Kwikpak at the mouth of the Yukon on the north to and including Hazen Bay on the south; and that area drained by the Yukon River from the coast to and including Big Creek above Ruby on the north, but excluding that portion of the Koyukuk drainage above Alatna.

19. Yukon-Tanana — All that area outside the Fairbanks Election District drained by the Yukon and Tanana Rivers from Big Creek drainage above Ruby on the Yukon to the Canadian border; all that area of the Koyukuk River drainage above Alatna; and also including that area of the Copper River drainage north of a point midway between Gulkana and Copper Center.

20. Fairbanks — All of the Fairbanks Census District identical with the limits of the North Star Borough, and that area along the Steese Highway, outside of the Fairbanks North Star Borough, on the north to and including Central and its outskirts; and the following areas adjacent to the Fairbanks North Star Borough on the south, Fort Greely Military Reservation and the Shaw Creek drainage.

21. Barrow-Kobuk — All that area draining into Kotzebue Sound and the Arctic Ocean including the islands offshore thereto, to and including the drainage of the Kobuk River on the west to the Canadian border; also including that portion of Baldwin Peninsula west of latitude 161 degrees; and the village of Anaktuvuk Pass.

22. Nome — All that area draining into Norton Sound, Bering Strait and Kotzebue Sound, including the islands offshore thereto, from but not including Kwikpak at the mouth of the Yukon River to the south; to but not including the Kobuk River drainage on the north; and including St. Lawrence Island.

## ARTICLE XV

### SCHEDULE OF TRANSITIONAL MEASURES

*To provide an orderly transition from a territorial to a state form of government, it is declared and ordained:*

#### Continuance Laws

SECTION 1. All laws in force in the Territory of Alaska on the effective date of this constitution and consistent therewith shall continue in force until they expire by their own limitation, are amended, or repealed.

#### Savings of Existing Rights and Liabilities

SECTION 2. Except as otherwise provided in this constitution, all rights, titles, actions, suits, contracts, and liabilities and all civil, criminal, or administrative proceedings shall continue unaffected by the change from territorial to state government, and the State shall be the legal successor to the Territory in these matters.

#### Local Government

SECTION 3. Cities, school districts, health districts, public utility districts, and other local subdivisions of government existing on the effective date of this constitution shall continue to exercise their powers and functions under law, pending enactment of legislation to carry out the provisions of this constitution. New local subdivisions of government shall be created only in accordance with this constitution.

#### Continuance of Office

SECTION 4. All officers of the Territory, or under its law, on the effective date of this constitution shall continue to perform the duties of their offices in a manner consistent with this constitution until they are superseded by officers of the State.

#### Corresponding Qualifications

SECTION 5. Residence, citizenship, or other qualifications under the Territory may be used

toward the fulfillment of corresponding qualifications required by this constitution.

**Governor to  
Proclaim  
Election**

SECTION 6. When the people of the Territory ratify this constitution and it is approved by the duly constituted authority of the United States, the governor of the Territory shall, within thirty days after receipt of the official notification of such approval, issue a proclamation and take necessary measures to hold primary and general elections for all state elective offices provided for by this constitution.

**First State  
Elections**

SECTION 7. The primary election shall take place not less than forty nor more than ninety days after the proclamation by the governor of the Territory. The general election shall take place not less than ninety days after the primary election. The elections shall be governed by this constitution and by applicable territorial laws.

**United States  
Senators and  
Representative**

SECTION 8. The officers to be elected at the first general election shall include two senators and one representative to serve in the Congress of the United States, unless senators and a representative have been previously elected and seated. One senator shall be elected for the long term and one senator for the short term, each term to expire on the third day of January in an odd-numbered year to be determined by authority of the United States. The term of the representative shall expire on the third day of January in the odd-numbered year immediately following his assuming office. If the first representative is elected in an even-numbered year to take office in that year, a representative shall be elected at the same time to fill the full term commencing on the third day of January of the following year, and the same person may be elected for both terms.

**First  
Governor and  
Lieutenant  
Governor:  
Terms**

**SECTION 9.** The first governor and lieutenant governor shall hold office for a term beginning with the day on which they assume office and ending at noon on the first Monday in December of the even-numbered year following the next presidential election. This term shall count as a full term for purposes of determining eligibility for reelection only if it is four years or more in duration.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

**Election of  
First Senators**

**SECTION 10.** At the first state general election, one senator shall be chosen for a two-year term from each of the following senate districts, described in Section 2 of Article XIV: A, B, D, E, G, I, J, L, N, and O. At the same election, one senator shall be chosen for a four-year term from each of the following senate districts, described in Section 2 of Article XIV: A, C, E, F, H, J, K, M, N, and P.

**Terms of  
First State  
Legislators**

**SECTION 11.** The first state legislators shall hold office for a term beginning with the day on which they assume office and ending at noon on the fourth Monday in January after the next general election, except that senators elected for four-year terms shall serve an additional two years thereafter. If the first general election is held in an even-numbered year, it shall be deemed to be the general election for that year.

**Election  
Returns**

**SECTION 12.** The returns of the first general election shall be made, canvassed, and certified in the manner prescribed by law. The governor of the Territory shall certify the results to the President of the United States.

**Assumption  
of Office**

**SECTION 13.** When the President of the United States issues a proclamation announcing the results of the election, and the State has been admitted

into the Union, the officers elected and qualified shall assume office.

**First Session of  
Legislature**

**SECTION 14.** The governor shall call a special session of the first state legislature within thirty days after the presidential proclamation unless a regular session of the legislature falls within that period. The special session shall not be limited as to duration.

**First Legislators:  
Office Holding**

**SECTION 15.** The provisions of Section 5 of Article II shall not prohibit any member of the first state legislature from holding any office or position created during his first term.

**First  
Judicial  
Council**

**SECTION 16.** The first members of the judicial council shall, notwithstanding Section 8 of Article IV, be appointed for terms as follows: three attorney members for one, three, and five years respectively, and three non-attorney members for two, four, and six years respectively. The six members so appointed shall, in accordance with Section 5 of Article IV, submit to the governor nominations to fill the initial vacancies on the superior court and the supreme court, including the office of chief justice. After the initial vacancies on the superior and supreme courts are filled, the chief justice shall assume his seat on the judicial council.

**Transfer of  
Court  
Jurisdiction**

**SECTION 17.** Until the courts provided for in Article IV are organized, the courts, their jurisdiction, and the judicial system shall remain as constituted on the date of admission unless otherwise provided by law. When the state courts are organized, new actions shall be commenced and filed therein, and all causes, other than those under the jurisdiction of the United States, pending in the courts existing on the date of admission, shall be transferred to the proper state court as though commenced, filed, or lodged in those courts in the first instance, except as otherwise provided by law.

**Territorial  
Assets and  
Liabilities**

**SECTION 18.** The debts and liabilities of the Territory of Alaska shall be assumed and paid by the State, and all debts owed to the Territory shall be collected by the State. Assets and records of the Territory shall become the property of the State.

**First  
Reapportion-  
ment**

**SECTION 19.** The first reapportionment of the house of representatives shall be made immediately following the official reporting of the 1960 decennial census, or after the first regular legislative session if the session occurs thereafter, notwithstanding the provisions as to time contained in Section 3 of Article VI. All other provisions of Article VI shall apply in the first reapportionment.

**State  
Capital  
Seat**

**SECTION 20.** The capital of the State of Alaska shall be at Juneau.

**SECTION 21.** The seal of the Territory, substituting the word "State" for "Territory", shall be the seal of the State.

**Flag**

**SECTION 22.** The flag of the Territory shall be the flag of the State.

**Special  
Voting  
Provision**

**SECTION 23.** Citizens who legally voted in the general election of November 4, 1924, and who meet the residence requirements for voting, shall be entitled to vote notwithstanding the provisions of Section 1 of Article V.

**Ordinances**

**SECTION 24.** Ordinance No. 1 on ratification of the constitution, Ordinance No. 2 on the Alaska-Tennessee Plan, and Ordinance No. 3 on the abolition of fish traps, adopted by the Alaska Constitutional Convention and appended to this constitution, shall be submitted to the voters and if ratified shall become effective as provided in each ordinance.

**Effective  
Date**

**SECTION 25.** This constitution shall take effect immediately upon the admission of Alaska into the Union as a state.

*Agreed upon by the delegates in Constitutional Convention assembled at the University of Alaska, this fifth day of February, in the year of our Lord one thousand nine hundred and fifty-six, and of the Independence of the United States the one hundred and eightieth.*

**WM. A. EGAN**  
*President of the Convention*

**R. ROLLAND ARMSTRONG**  
**DOROTHY J. AWES**  
**FRANK BARR**  
**JOHN C. BOSWELL**  
**SEABORN J. BUCKALEW, JR.**  
**JOHN B. COGHILL**  
**E. B. COLLINS**  
**GEORGE D. COOPER**  
**JOHN M. CROSS**  
**EDWARD V. DAVIS**  
**JAMES P. DOOGAN**  
**TRUMAN C. EMBERG**  
**HELEN FISCHER**  
**VICTOR FISCHER**  
**DOUGLAS GRAY**  
**THOMAS C. HARRIS**  
**JOHN S. HELLENTHAL**  
**MILDRED R. HERMANN**  
**KATHERINE D. NORDALE**  
**FRANK PERATRICH**  
**CHRIS POULSEN**  
**PETER L. READER**  
**BURKE RILEY**  
**RALPH J. RIVERS**  
**VICTOR C. RIVERS**  
**JOHN H. ROSSWOG**  
**B. D. STEWART**

**HERB HILSCHER**  
**JACK HINCKEL**  
**JAMES HURLEY**  
**MAURICE T. JOHNSON**  
**YULE F. KILCHER**  
**LEONARD H. KING**  
**WILLIAM W. KNIGHT**  
**W. W. LAWS**  
**ELDOR R. LEE**  
**MAYNARD D. LONDBORG**  
**STEVE McCUTCHEON**  
**GEORGE M. McLAUGHLIN**  
**ROBERT J. McNEALY**  
**JOHN A. McNEES**  
**M. R. MARSTON**  
**IRWIN L. METCALF**  
**LESLIE NERLAND**  
**JAMES NOLAN**  
**W. O. SMITH**  
**GEORGE SUNDBORG**  
**DORA M. SWEENEY**  
**WARREN A. TAYLOR**  
**H. R. VANDERLEEST**  
**M. J. WALSH**  
**BARRIE M. WHITE**  
**ADA B. WIEN**

**ATTEST:**  
**THOMAS B. STEWART**  
*Secretary of the Convention*



President of the United States for submission to the Congress, together with a statement of the votes cast for and against ratification.

## ORDINANCE NO. 2

### ALASKA-TENNESSEE PLAN

**Statement  
of Purpose**

**SECTION 1.** The election of senators and a representative to serve in the Congress of the United States being necessary and proper to prepare for the admission of Alaska as a state of the Union, the following sections are hereby ordained, pursuant to Chapter 46, SLA 1955:

**Ballot**

**SECTION 2.** Each elector who offers to vote upon the ratification of the constitution may, upon the same ballot, vote on a second proposition, which shall be as follows:

"Shall Ordinance Number Two (Alaska-Tennessee Plan) of the Alaska Constitutional Convention, calling for the immediate election of two United States Senators and one United States Representative, be adopted?"

Yes

No

**Approval**

**SECTION 3.** Upon ratification of the constitution by the people of Alaska and separate approval of this ordinance by a majority of all votes cast for and against it, the remainder of this ordinance shall become effective.

**Election of  
Senators and  
Representatives**

**SECTION 4.** Two United States senators and one United States representative shall be chosen at the 1956 general election.

**Terms**

**SECTION 5.** One senator shall be chosen for the regular term expiring on January 3, 1963, and the other for an initial short term expiring on January 3, 1961, unless when they are seated the Senate prescribes other expiration dates. The representative shall be chosen for the regular term of two years expiring January 3, 1959.

**Qualifications**

**SECTION 6.** Candidates for senators and representative shall have the qualifications prescribed in the Constitution of the United States and shall be qualified voters of Alaska.

**Other Office Holding**

**SECTION 7.** Until the admission of Alaska as a state, the senators and representative may also hold or be nominated and elected to other offices of the United States or of the Territory of Alaska, provided that no person may receive compensation for more than one office.

**Election Procedure**

**SECTION 8.** Except as provided herein, the laws of the Territory governing elections to the office of Delegate to Congress shall, to the extent applicable, govern the election of the senators and representative. Territorial and other officials shall perform their duties with reference to this election accordingly.

**Independent Candidates**

**SECTION 9.** Persons not representing any political party may become independent candidates for the offices of senator or representative by filing applications in the manner provided in Section 38-5-10, ACLA 1949, insofar as applicable. Applications must be filed in the office of the director of finance of the Territory on or before June 30, 1956.

**Party Nominations**

**SECTION 10.** Party nominations for senators and representative shall, for this election only, be made by party conventions in the manner prescribed in Section 38-4-11, ACLA 1949, for filling

a vacancy in a party nomination occurring after a primary election. The names of the candidates nominated shall be certified by the chairman and secretary of the central committee of each political party to the director of finance of the Territory on or before June 30, 1956.

**Certification**

SECTION 11. The director of finance shall certify the names of all candidates for senators and representative to the clerks of court by July 15, 1956. The clerks of court shall cause the names to be printed on the official ballot for the general election. Independent candidates shall be identified as provided in Section 38-5-10, ACLA 1949. Candidates nominated at party conventions shall be identified with appropriate party designations as provided by law for nominations at primary elections.

**Ballot Form:  
Who Elected**

SECTION 12. The ballot form shall group separately the candidates seeking the regular senate term, those seeking the short senate term, and candidates for representative. The candidate for each office receiving the largest number of votes cast for that office shall be elected.

**Duties and  
Emoluments**

SECTION 13. The duties and emoluments of the offices of senator and representative shall be as prescribed by law.

**Convention  
Assistance**

SECTION 14. The president of the Alaska Constitutional Convention, or a person designated by him, may assist in carrying out the purposes of this ordinance. The unexpended and unobligated funds appropriated to the Alaska Constitutional Convention by Chapter 46, SLA 1955, may be used to defray expenses attributable to the referendum and the election required by this ordinance.

**Alternate  
Effective  
Dates**

SECTION 15. If the Congress of the United States seats the senators and representative elected pursuant to this ordinance and approves the con-

stitution before the first election of state officers, then Section 25, of Article XV shall be void and shall be replaced by the following:

"The provisions of the constitution applicable to the first election of state officers shall take effect immediately upon the admission of Alaska into the Union as a state. The remainder of the constitution shall take effect when the first elected governor takes office."

### ORDINANCE NO. 3

#### ABOLITION OF FISH TRAPS

##### Ballot

SECTION 1. Each elector who offers to vote upon the ratification of the constitution may, upon the same ballot, vote on a third proposition, which shall be as follows:

"Shall Ordinance Number Three of the Alaska Constitutional Convention, prohibiting the use of fish traps for the taking of salmon for commercial purposes in the coastal waters of the State, be adopted?"

Yes

No

##### Effect of Referendum

SECTION 2. If the constitution shall be adopted by the electors and if a majority of all the votes cast for and against this ordinance favor its adoption, then the following shall become operative upon the effective date of the constitution:

"As a matter of immediate public necessity, to relieve economic distress among individual fishermen and those dependent upon them for a livelihood, to conserve the rapidly dwindling supply of salmon in Alaska, to insure fair competition among those engaged in commercial

fishing, and to make manifest the will of the people of Alaska, the use of fish traps for the taking of salmon for commercial purposes is hereby prohibited in all the coastal waters of the State."

Year of Legislative Action	Title	Legislative Reference	Election Date	Certification Date	Effective Date	Provisions Affected
1966	"Proposing that the Constitution of the State of Alaska be amended to permit the residency requirements for voting for the President and Vice President of the United States to be prescribed by law."	SJR 1	Aug. 23, 1966	Sept. 9, 1966	Oct. 9, 1966	Article V, sec. 1
1968	"Proposing amendments to the Constitution of the State of Alaska providing for the disqualification, suspension, removal from office, retirement and censure of justices and judges, and providing for a Commission on Judicial Qualification."	2d FCCS SCS CSHJR74	Aug. 27, 1968	Sept. 11, 1968	Oct. 11, 1968	Article IV, sec. 10, 13
1969	"Proposing an amendment to the Constitution of the State of Alaska establishing the voting age at 18 years."	HJR 7	Aug. 25, 1970	Sept. 10, 1970	Oct. 10, 1970	Article V, sec. 1
1970	"Proposing that the Constitution of the State of Alaska be amended by changing the name of the secretary of state to lieutenant governor."	SJR 2	Aug. 25, 1970	Sept. 10, 1970	Oct. 10, 1970	Article III, sec. 7-11, 13-15, 2b; Article XI, sec. 2-6; Article XIII, sec. 1, 3
1970	"Proposing amendments to the judiciary article of the Alaska Constitution relating to the office of the chief justice of the supreme court."	FCCS SCS CSHJR 11	Aug. 25, 1970	Sept. 10, 1970	Oct. 10, 1970	Article IV, sec. 2, 16

Year of Legislative Action	Title	Legislative Reference	Election Date	Certification Date	Effective Date	Provisions Affected
1970	"Proposing an amendment to the Constitution of the State of Alaska eliminating the requirement of ability to read or speak English as a prerequisite to voting."	HJR 51 am S	Aug. 25, 1970	Sept. 10, 1970	Oct. 10, 1970	Article V, sec. 1
1971	"Amending the exclusive right of fisheries provision of the Constitution of the State of Alaska."	HCS CSSJR 10	Aug. 22, 1972	Sept. 14, 1972	Oct. 14, 1972	Article VIII, sec. 3
1972	"Proposing an amendment to the civil rights section of the Constitution of the State of Alaska."	HJR 102	Aug. 22, 1972	Sept. 14, 1972	Oct. 14, 1972	Article I, sec. 3
1972	"Proposing an amendment to the Constitution of the State of Alaska insuring the individual's right of privacy."	HCS SJR 68	Aug. 22, 1972	Sept. 14, 1972	Oct. 14, 1972	Article I, sec. 22
1972	"Proposing an amendment to the Constitution of the State of Alaska regarding residency requirements for voting in state and local elections."	HJR 126 am S	Aug. 22, 1972	Sept. 14, 1972	Oct. 14, 1972	Article V, sec. 1
1972	"Amending the local government article of the Constitution of the State of Alaska relating to representation of cities on borough assemblies."	SJR 52	Aug. 22, 1972	Sept. 14, 1972	Oct. 14, 1972	Article X, sec. 4
1973	"Proposing an amendment to the amendment and revision section of the Constitution of the State of Alaska."	HJR 20	Aug. 27, 1974	Sept. 12, 1974	Oct. 12, 1974	Article XIII, sec. 1

<b>Year of Legislative Action</b>	<b>Title</b>	<b>Legislative Reference</b>	<b>Election Date</b>	<b>Certification Date</b>	<b>Effective Date</b>	<b>Provisions Affected</b>
1975	"Amending the Constitution of the State of Alaska to provide for consideration of vetoed bills."	LOS CSHJR 11	Nov. 2, 1976	Nov. 23, 1976	Dec. 23, 1976	Article II, sec. 6, 9
1976	"Proposing an amendment to the Alaska Constitution, establishing an Alaska Permanent Fund for certain proceeds derived from non-renewable resources."	SCS CSSS HJR 89 (Resources) am S	Nov. 2, 1976	Nov. 23, 1976	Feb. 21, 1977	Article IX, sec. 7, 15

An amendment to the Constitution becomes effective 30 days after the date of certification of the election unless otherwise provided in the amendment. (Article XIII, sec. 1)

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Bacon fare

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 3189•35 +  
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Stack fare

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 171•16 +  
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*Matthews*  
*Fare*

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244.49	+
254.54	+
102.12	+
171.16	+
102.12	+
35.00	+
102.12	+
171.16	+
117.44	+
102.12	+
207.74	+
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358.70	+
102.12	+
247.73	+
102.12	+
502.50	+
171.16	+
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746.50	+
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171.16	+
171.16	+
102.12	+
207.72	+
102.12	+
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802.70	+
171.16	+
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171.16	+
247.61	+
95.41	+
171.16	+
877.36	+
171.16	+
292.61	+
23.34	+
171.16	+
171.16	+
238.93	+
6.00	+
238.93	+
171.16	+
145.49	+
242.34	+
171.16	+
463.44	+
171.16	+
64.24	+
5621.16	*

*Connor*  
*Fare*

171.16	+
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171.16	+
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244.49	+
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117.44	+
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*Dimond*  
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238 • 93 +  
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**Alaska Court System**

**State of Alaska**

303 K STREET  
ANCHORAGE, ALASKA 99501

RICHARD P. BARRIER  
DEPUTY ADMINISTRATIVE DIRECTOR

OFFICE OF ADMINISTRATIVE DIRECTOR

(907) 274-8611


Rocky Plotnick  
House Judiciary Committee  
1016 West 6th Avenue, Suite 201  
Anchorage, AK 99501

Dear Rocky:

The House Judiciary Committee has requested information concerning the travel of the Supreme Court. During Fiscal Year 1979, the Supreme Court expended a total of \$74,000 on travel. This included travel of the justices, staff of the Clerk's office, transportation of Law Clerks to Alaska and within Alaska, and several other minor charges into the travel accounts. The majority of the travel was done by the justices and the Clerk of Court. Therefore I am attaching a listing of all travel taken by these employees during Fiscal Year 1979.

If you need any other information regarding Supreme Travel please let me know.

Sincerely,

  
Richard P. Barrier  
Deputy Administrative Director

Enclosure

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0 • T

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2 3 8 • 9 3 +

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2 0 7 • 6 7 +

4 5 1 • 4 6 +

3 7 2 • 3 7 +

4 5 1 • 8 8 +

1 3 1 • 1 2 +

2 1 7 • 3 0 +

1 0 2 • 1 2 +

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8 7 7 • 9 9 +

2 8 5 • 3 2 +

1 0 2 • 1 2 +

3 5 • 0 0 +

7 1 2 • 8 6 +

3 6 3 • 8 2 +

3 1 7 • 2 7 +

1 3 0 • 1 2 +

2 2 2 • 1 2 +

1 2 8 • 1 2 +

2 5 3 • 1 2 +

5 5 5 • 9 7 +

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1 8 0 • 3 4 +

1 3 3 • 1 2 +

4 2 8 • 0 0 +

2 3 4 • 0 6 +

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1 1 3 2 7 • 5 4 \*

*w/per  
diem*

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*Robinowitz*

Jay A. Rabinowitz  
Fairbanks

Date	Where Traveled	Purpose of Travel	Cost of Travel		
			Per Diem	Fare	Total
7/17-18/78	Anchorage	Conference-Supreme Court	87.50	102.12	189.12
8/11-12/78	Anchorage	Conference-Supreme Court	95.50	102.12	197.62
8/24/79	Anchorage	Conference-Supreme Court	21.00	102.12	123.12
9/13-14/78	Anchorage	Conference-Supreme Court	87.50	102.12	189.62
9/19-22/78	Anchorage	Oral Argument in Anchorage	183.00	51.06	234.06
9/27-29/79	Ketchikan	Supreme Oral Arguments	136.50	291.50	428.00
10/04/78	Anchorage	Conference-Supreme Court	31.00	102.12	133.12
10/05/78	Wash., D.C.	TR 117728		180.34	180.34
10/13/78	Anc./Fbks.	TR 123771		51.06	51.06
10/15-21/78	Anchorage	Oral Argmts-Elec./Recount case	453.85	102.12	555.97
10/28-29/78	Anchorage	Crim. Just. Seminar/AFN Times	151.00	102.12	253.12
11/02/78	Anchorage	Judicial Council Meeting	26.00	102.12	128.12
11/08-09/78	Anchorage	Conference-Supreme Court	120.00	102.12	222.12
11/20/78	Anchorage	Conf. of Chief of Police	18.00	102.12	130.12
11/13-17/78	Anchorage	Conference - Supreme Court	215.15	102.12	317.27
11/26-28/78	Juneau	Oral Arguments/Conference	159.25	204.58	363.82
12/03-08/78	Juneau/ Anchorage	Swearing in Gov., Lt.Gov./ Oral Arguments-Anch.	371.25	341.61	712.86
12/07/78	Kenai	TR 044596		35.00	35.00
12/12/78	Anchorage	TR 124754		102.12	102.12
12/17-19/79	Anchorage	Supr. Ct. & Judicial Council	183.20	102.12	285.32
12/27-30/78	Wash., D.C.	Administrative Matters	209.25	668.74	877.99
1/05/79	Anchorage	Court Duties	38.00	117.44	155.44
1/10/79	Anchorage	TR 124759		102.12	102.12
1/11/79	Anch./Jno.	Conference-Supreme Court	29.60	187.70	217.30
1/12/79	Anchorage	Court Duties	29.00	102.12	131.12
1/23-26/79	Anchorage/ Juneau	Admin. Meeting/ Legis. Meeting	179.70	272.18	451.88
2/19-23/79	Anchorage	Conference-Supreme Court	270.25	102.12	372.37
2/05-08/79	Juneau	State Judiciary/Oral Argmts.	217.05	234.41	451.46
3/13-14/79	Anchorage	Oral Arguments	105.55	102.12	207.67
3/23/79	Anchorage	Mag. Training/Admin. Conf.	27.00	102.12	127.12
03/30/79	Juneau	TR 164018		238.93	238.93
4/02-06/79	Anchorage	Court Business	255.00	204.24	459.24
4/09-13/79	Anchorage	Oral Arguments	261.25	102.12	363.37
4/18/79	Anchorage	Conference-Supreme Court	30.00	102.12	132.12
4/26/79	Anchorage	Trial Calendaring Meeting	29.00	102.12	131.12
5/18/79	Anchorage	Trial Calendaring Meeting	21.00	102.12	123.12
5/21/79	Anchorage	Conference-Supreme Court	30.00	102.12	132.12
5/29-30/79	Anchorage	Oral Argument/Conference	104.85	117.43	222.28
6/04/79	Anchorage	Conference-Supreme Court	37.00	102.12	139.12
6/07-14/79	Sitka/ Juneau	Judicial Conference/ Oral Arguments	418.75	519.78	938.53
6/22-23/79	Anchorage	Memorial Services	96.25	102.12	198.37
6/26-29/79	Anchorage	Conference-Supreme Court	214.85	108.00	322.85

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535•93 +  
248•16 +  
424•99 +  
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297•91 +  
599•19 +  
355•16 +  
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10211•90 •

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*Bochever*

Robert Boochever  
Juneau

Date	Where Traveled	Purpose of Travel	Cost of Travel		
			Per Diem	Fare	Total
7/16/78	Anchorage	Conference-Supreme Court	157.50	171.16	328.66
7/29-8/3/78	Vermont	Chief Justice Conference	407.00	802.70	1209.70
8/9-11/78	Anchorage	Judicial Council/Supr. Court	157.50	171.16	228.66
8/24/78	Anchorage	Conference-Supreme Court	2.50	171.16	173.66
9/13-14/78	Anchorage	Conference-Supreme Court	105.00	171.16	276.16
9/17-22/78	Anch./Fbks.	Supreme Court Sessions	315.50	247.61	563.11
9/28-29/78	Ketchikan	Supreme Court Sessions	83.00	95.41	178.41
10/13/78	Anchorage	Supreme Court Conference	8.50	171.16	189.66
10/15-29/78	East Coast via Anch.	Supreme Court Conf. & Session/Interview Law Clerk Applicants at Law Schools	863.23	877.36	1740.59
11/8/78	Anchorage	Supr. Ct. Admin. Conference	16.00	171.16	187.16
12/03-08/78	ANC/FBK/KEN	Supreme Court Sessions	332.50	292.61	625.11
12/09/78	Juneau	Upgrade of return ticket		23.34	23.34
12/17-19/78	Anchorage	Supreme Court Conference	95.50	171.16	266.66
1/11-12/79	Anchorage	Supreme Court Conference	119.50	171.16	290.66
1/14-19/79	Anch./Fbks.	Supreme Court Session	343.00	238.93	581.93
2/04/79	Anchorage	Excess Baggage		6.00	6.00
3/12-16/79	Anch./Fbks.	Supreme Court Sessions	297.00	238.93	535.93
4/04-06/79	Anchorage	Supreme court Conference	177.00	171.16	248.16
4/09-13/79	Anchorage	Supreme Court Sessions	279.50	145.49	424.99
5/06-11/79	Anch./Fbks.	Supreme Court Sessions	356.75	242.34	599.09
5/20-21/79	Anchorage	Supreme Court Conference	126.75	171.16	297.91
5/23-25/79	Chicago	Exec.Comm.Chief Just. Conf.	135.75	463.44	599.19
5/28-30/79	Anchorage	Supreme Court Conference	184.00	171.16	355.16
6/10-13/79	Sitka	Judicial Conference	218.75	64.24	282.

Edmond W. Burke

Date	Where Traveled	Purpose of Travel	Cost of Travel		
			Per Diem	Fare	Total
8/28-9/1/78	Spearfish,SD	Six-State Jud. Conference	350.00	424.00	774.00
9/18/78	Fairbanks	Oral Arguments	21.00	102.12	123.12
9/27-28/78	Ketchikan	Conference/Oral Arguments	87.50	244.49	331.99
11/13/78	Fairbanks	Oral Argements	21.00	102.12	123.12
11/26-28/78	Juneau	Oral Arguments/Court Conf.	151.25	196.83	348.08
12/04/78	Fairbanks	Oral Arguments	21.00	102.12	123.12
12/08/78	Kenai	Oral Arguments	-0-	35.00	35.00
3/15/79	Fairbanks	Oral Arguments	96.25	117.44	213.69
5/10-11/79	Fairbanks	Oral Arguments	109.00	102.12	211.12
6/09-14/79	Sitka	Judical Conference	247.00	180.08	427.08
6/25/79	Fairbanks	Oral Arguments	17.00	102.12	119.12

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Burke

Roger G. Connor

Date	Where Traveled	Purpose of Travel	Cost of Travel		
			Per Diem	Fare	Total
7/14-31/78	Idaho	Speak at Judicial Conference	344.50	358.70	703.20
9/17-18/78	Fairbanks	Oral Arguments	104.60	102.12	206.72
9/26-29/78	Jno./Ketch.	Conference & Oral Arguments	237.06	247.73	484.79
11/12-13/78	Fairbanks	Oral Arguments	101.50	102.12	203.62
10/20-11/6/78	Calif./Ore.	West. Reg. Conf. and interview Law Clerks.	704.28	502.50	1206.78
11/26-28/78	Juneau	Oral Arguments/Conference	156.25	171.16	327.41
12/03-04/78	Fairbanks	Oral Arguments	104.60	102.12	206.72
12/05-14/78	Miami	Natl. Center for State Courts	362.50	746.50	1109.00
1/18-19/79	Fairbanks	Oral Arguments	105.50	102.12	207.62
1/24-26/79	Juneau	Administrative Meeting	129.95	171.16	301.11
3/05-09/79	Juneau	Oral Arguments/Law Conf.	242.45	171.16	413.61
5/09-11/79	Fairbanks	Oral Arguments	150.00	102.12	252.12
06/13-14/79	Juneau	Oral Arguments	105.25	207.72	312.97
06/24-25/79	Fairbanks	Oral Arguments	104.50	102.12	206.62

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-- Connor --

John Dimond

Date	Where Traveled	Purpose of Travel	Cost of Travel		
			Per Diem	Fare	Total
9/20-21/78	Anchorage	Supreme Court Session	114.60	171.16	285.76
10/15-21/78	Anchorage	Supreme Court Session	342.90	171.16	514.06
1/15-19/79	Anch./Fbks.	Supreme Court Sessions	333.40	171.16	504.56
1/17/79	Anc. to Fbks.	Supreme Court Session		117.43	117.43
2/19-23/79	Anchorage	Supreme Court Conference	297.50	171.16	468.66
3/13-16/79	Anch./Fbks.	Supreme Court Sessions	241.50	238.93	480.43
4/09-10/79	Anchorage	Supreme Court Session	127.50	171.16	298.66
5/06-11/79	Anch./Fbks.	Supreme Court Sessions	374.30	238.98	613.28
6/26-27/79	Anchorage	Supreme Court Session	143.15	171.16	314.31

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*Dimond* 0 • T

Warren W. Matthews, Jr.

Date	Where Traveled	Purpose of Travel	Cost of Travel		
			Per Diem	Fare	Total
09/18/78	Fairbanks	Oral Argument	27.75	102.12	129.87
9/27-10/3/79	Jno./Ketch.	Conference/Oral Argument	90.50	244.49	334.99
10/25-11/2/78	San Fran.	Western Regional Conf.	442.07	254.54	696.61
11/13/78	Fairbanks	Oral Argument	19.00	102.12	121.12
11/26-28/78	Juneau	Oral Argument	151.25	171.16	322.41
12/04/78	Fairbanks	Oral Argument	29.00	102.12	131.12
12/08/78	Kenai	Oral Argument	7.50	35.00	42.50
1/19/79	Fairbanks	Oral Argument	19.00	102.12	121.12
3/05-08/79	Juneau	Oral Argument	223.75	171.16	394.91
3/15-16/79	Fairbanks	Oral Argument	106.00	117.44	223.44
5/10-11/79	Fairbanks	Oral Argument	93.00	102.12	195.12
6/10-14/79	Sitka/Juno.	Judicial Conf./Oral Argument	304.25	207.74	511.99

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*Matthews* - - - - -

Robert D. Bacon  
 Clerk of Supreme Court

Date	Where Traveled	Purpose of Travel	Cost of Travel		
			Per Diem	Fare	Total
8/12-18/78	Wash. D. C. to Juneau	Report to Juneau for duty as Clerk of Supreme Court/ Conference in Michigan	337.50	505.88	843.38
8/18-25/78	-	Temporary Living Per Diem		362.50	362.50
9/28/78	Ketchikan	Supreme Court Session	21.00	95.41	116.41
9/12-18/78	Anch./Fbks.	Confer with Admin. Personnel	378.50	238.93	617.43
10/10-21/78	Anchorage	Supr. Court Session./Admin.	660.53	171.16	831.69
11/07-09/78	Anchorage	Supreme Court Conf/Admin.	177.50	171.16	348.66
11/29-30/78	Anchorage	Administrative Matters	95.50	171.16	266.66
12/14/78	Anchorage	Administrative Matters	25.00	171.16	196.16
12/18-19/78	Anchorage	Supreme Court Conference	21.00	171.16	192.16
1/02-4/79	Fbks./Anch.	Confer w/Ch. Justice/Admin.	179.50	238.93	418.43
1/10-12/79	Anchorage	Supr. Court Conf./Admin.	173.50	171.16	344.66
2/13-14/79	Anchorage	Confer with Admin. Personnel	187.20	171.16	358.36
3/13-15/79	Anchorage	Administrative Matters	177.50	171.16	348.66
3/26-29/79	Anch./Fbks.	Administrative Matters	237.00	238.93	475.93
4/05/79	Anchorage	Administrative Matters	41.80	171.16	212.96
4/09-11/79	Anchorage	Supreme Court Session/Admin.	173.00	171.16	344.16
5/14-17/79	Anchorage	Supreme Court Session/Admon.	240.50	171.16	411.66
5/28-30/79	Anchorage	Supreme Court Session	169.50	171.16	340.66
6/18-21/79	Fbks./Anch.	Confer w/Ch. Justice/Admin.	246.40	225.88	472.28
6/07-09/79	Sitka	Alaska Bar Convention	155.00	128.48	283.46
6/11-14/79	Sitka	Judicial Conference	202.27	128.48	330.75
6/26/79	Anchorage	Supreme Court Session	50.00	138.24	188.24

Connie Staska  
Chief Deputy Clerk

Date	Where Traveled	Purpose of Travel	Cost of Travel		
			Per Diem	Fare	Total
7/17-18/78	Anchorage	Confer w/Admin. Personnel	100.00	171.16	271.16
8/12-18/78	Michigan	Natl. Appellate Crt. Conf.	407.85	532.97	940.82
11/09/78	Anchorage	Administrative Matters	13.00	171.16	184.16
11/29-30/78	Anchorage	Administrative Matters	105.95	171.16	277.11
3/27/79	Anchorage	Administrative Matters	28.00	171.16	199.16



# Alaska State Legislature

## House of Representatives

### Committee on Judiciary

Official Business

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### MEMORANDUM

TO: Rick Barrier  
FROM: Rocky Plotnick *Rocky*  
DATE: September 19, 1979  
RE: Supreme Court Travel

At the House Judiciary work session on September 13th a question came up regarding travel of the Supreme Court. Members would like to know how much was spent on travel in the past year (fiscal or calendar, whatever you have) and where those trips were.

Please note our new Anchorage mailing address and call if you have any questions.

House Judiciary Committee  
1016 West 6th Ave., Suite 201  
Anchorage, Alaska 99501

277-7540  
277-7549

*Plotnick*



**Alaska Judicial Council**

420 L Street, Suite 502  
ANCHORAGE, ALASKA  
99501  
(907) 278-2528

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JAY A. RABINOWITZ  
CHIEF JUSTICE  
SUPREME COURT

STATISTICAL ANALYSIS OF  
MISDEMEANOR SENTENCES  
IN  
ANCHORAGE AND FAIRBANKS

(August 15, 1974 - August 14, 1976)

November 7, 1979

PRELIMINARY REPORT

Prepared By

Michael L. Rubinstein  
Executive Director

Nicholas Maroules  
Analyst

Teresa White  
Research Supervisor

## Methodology

This analysis is based on 1795 cases that began as misdemeanor charges and resulted in convictions during the two-year period between August 15, 1974 and August 14, 1976. The data contains offenses against state and municipal codes in Anchorage and Fairbanks. It was originally collected for purposes of our plea bargaining study.

The population source was the Judicial Information System records which are the official records of the Alaska Court System. The Technical Operations office of the court system (Mr. Merle Martin) furnished us with a listing of about 14,000<sup>1/</sup> misdemeanor convictions by case number for the two-year period of interest. On the basis of standard statistical procedures a sample size was determined that would be representative of this population. The size of the total sample was then increased to enhance its representativeness, and, as we will explain below, to allow for the overrepresentation of cases convicted after trials.

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<sup>1/</sup> Although the official records for the period of the study are no longer available, Merle Martin of Technical Operations estimated that there were approximately 14,400 misdemeanor convictions during this period.

The major hypothesis that was originally to be tested under the federal grant concerned changes, if any, in plea/trial sentencing differentials--differences in sentences received by those convicted after trial vis-a-vis those who pled guilty. We sought to find out whether such differentials were affected by the new plea bargaining policy. Thus, it was important to sample a sufficient number of cases that were convicted after trial. Since proportionately few cases actually went to trial, it was decided that all of the 309 trial cases during the two-year period (309 out of 14,000) should be included in the sample. The remainder of the sample--i.e., the 1486 convictions that involved guilty pleas--were randomly selected from the Judicial Information Systems records using a standard sampling technique. According to this technique cases are selected according to random numbers taken from a table of random numbers. The overweighted trial convictions constituted 17% of the present sample N of 1795 cases, while randomly-selected guilty-plea sentences constituted the remaining 83%.<sup>2/</sup>

The basic outcome variable of "sentence"--both jail and fine-- was adjusted to reflect periods of time and sums of money suspended from the sentence. Means (averages) of these adjusted or "net" sentences were then used in breakdown and analysis of variance procedures to

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<sup>2/</sup> The 309 trial cases included 38 Black cases (28.1% of all Black cases in the sample), 37 Native cases (10.8% of all Native cases), and 215 White cases (18.2% of all White cases). This is fairly consistent with findings in our felony plea bargaining study indicating that Blacks go to trial more often than Whites and Natives go to trial least of all among the three groups.

compare sentences across different subpopulations or groups. Thus, for instance, mean sentences can be broken down according to the level of severity of the defendant's prior record, by his racial group, by whether the conviction was by guilty plea or trial, or by several of these variables at once. The likelihood of receiving probation is expressed by the proportion (in per cent) of a subpopulation that receives a zero jail sentence.

For purposes of analysis we classified misdemeanor offenses according to five broad categories that we believed reflected some substantive similarity. These include (1) Property, (2) Street Crimes, (3) Assaults, (4) Traffic and (5) OMVI-DWI offenses. Representative offenses included in each of these categories are listed in footnote 3, infra.

#### Analysis Across All Five Offense Classes

The tables that follow deal primarily with mean (average) sentences. Jail times are in days and fines in dollar amounts. These mean sentences were computed only for defendants who received active sentences--that is, sentences of at least one day in jail. Thus, cases that received no active time (0 days in jail) are omitted from the computation.

Averaging in all offenses, Natives and Blacks received substantially longer jail sentences than Whites (Table I). The mean jail

term for Natives (13.76 days) is 83% longer than that of Whites (7.53 days). The mean jail term for Blacks (11.06 days) is 68% higher than that of Whites.

TABLE I

OVERALL MEAN JAIL SENTENCES  
BY RACE (IN DAYS)

<u>Blacks</u>	11.06	(64)
<u>Natives</u>	13.76	(181)
<u>Other</u>	7.53	(286)

significant at .001

These mean sentences do not take into account the substantive nature of the convicted offenses or any other variables. Table II reflects a breakdown of mean sentences according to the type or class of misdemeanor at conviction.<sup>3/</sup>

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<sup>3/</sup> For purposes of this analysis, misdemeanors were classified in five broad groups. These classes are not the same as those we used in the felony analysis. Class I: Property Offenses. Includes petty larceny, malicious destruction, concealment of merchandise, joy riding, credit card theft, and misdemeanor embezzlement. Class II: Street Crimes. Includes disorderly conduct, vagrancy, and prostitution-related offenses, and non-traffic alcohol offenses. Class III: Assaults. Includes simple assault and battery, "misdemeanor" assault with a dangerous weapon and misdemeanor weapons offenses. Class IV: Traffic Offenses. Include reckless driving, negligent driving, and failure to render assistance. Class V: OMVIs and DWI.

TABLE II

MEAN JAIL SENTENCES FOR EACH  
CLASS OF MISDEMEANOR BY RACE  
(IN DAYS)  
(ACTIVE JAIL ONLY)

	<u>BLACKS</u>	<u>NATIVES</u>	<u>WHITES</u>	<u>SIGNIFICANCE</u>
<u>PROPERTY</u>	12.04 (26)	18.30 (78)	7.39 (79)	.001
<u>STREET</u>	13.84 (19)	6.18 (28)	8.66 (53)	NO
<u>ASSAULTS</u>	9.20 (10)	9.43 (23)	8.50 (29)	NO
<u>TRAFFIC</u>	10.00 (1)	20.33 (12)	6.88 (26)	.001
<u>OMVI</u>	3.75 (8)	11.00 (39)	6.94 (100)	.05

The above table indicates that mean Native jail sentences are substantially <sup>4/</sup> longer than those of whites for three of the misdemeanor types: property offenses (148% higher), traffic offenses (195% higher), and OMVI/DWLs (59% higher). Among street offenses, Natives received a less severe mean jail sentence than Whites (29% less than Whites). Black mean sentences are substantially longer than White sentences in two classes of offense--property (63%) and street (60%).

Note that there are no appreciable differences in mean sentences among the three racial groups for misdemeanor assaults. This parallels

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<sup>4/</sup> "Substantial has been operationally defined as a mean sentence 50% greater than the mean sentence for Whites.

the finding of our previous felony sentencing study in which Class 2 (violent) offenses were apparently unaffected by any racial bias.

Another way of representing the overall differences in the sentences received by the three racial groups is to compare the proportion of each population receiving a categorical sentence. Five categories of length of jail sentence were used in this analysis, including (1) no active time (all suspended), (2) one to three days in jail, (3) four to seven days, (4) eight to fourteen days, and (5) over fifteen days.<sup>5/</sup> Table III (a bar graph) represents in graphic form the proportion of Black, Native and White defendants receiving these categorical sentences.

---

5/

These categories were selected based on a frequency distribution of all misdemeanor sentences. We were interested in utilizing a scheme where each level (or category) would have a substantial number of cases.

TABLE III

PROPORTION OF RACIAL GROUP  
(in %)

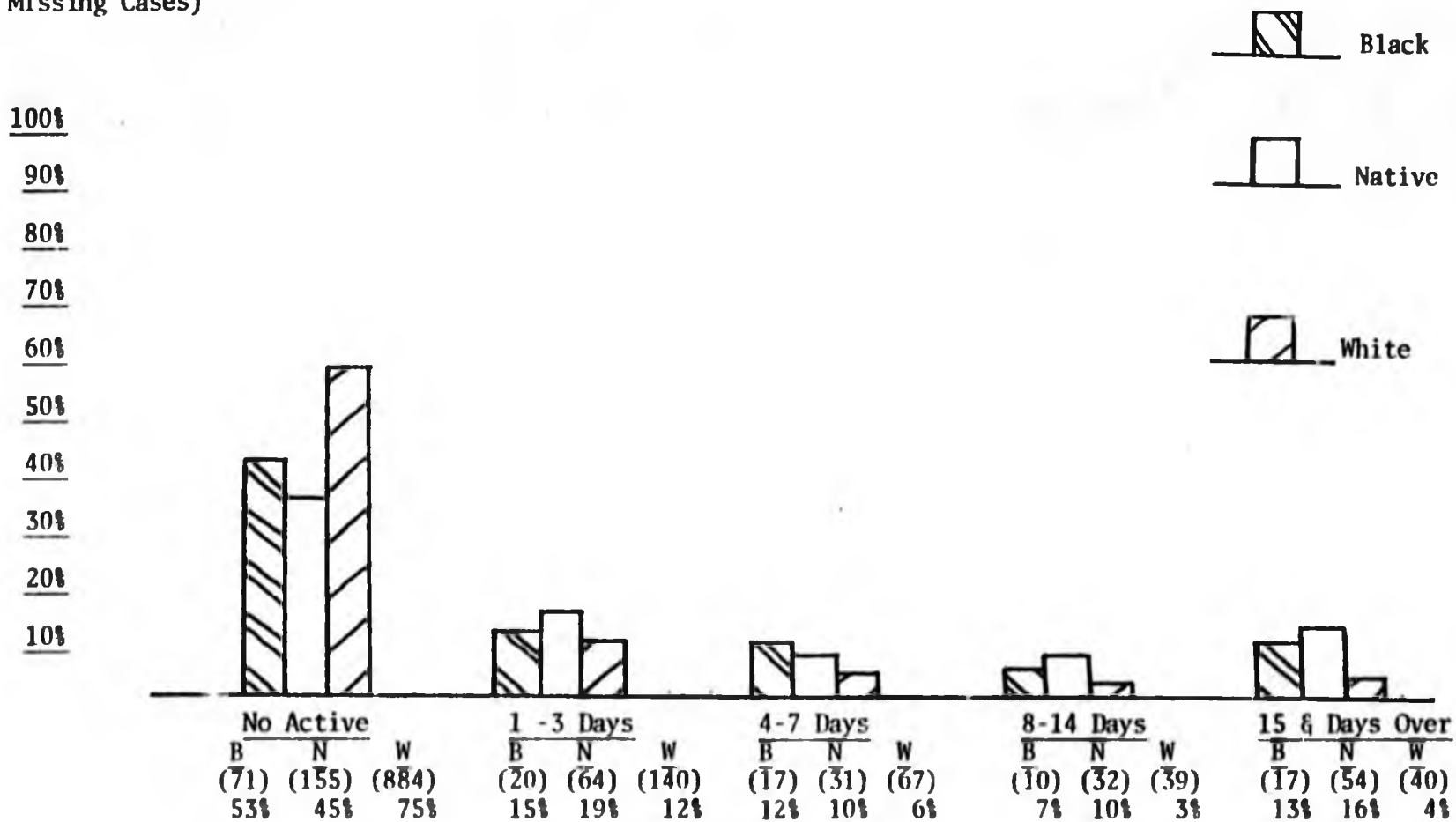
PROPORTION OF RACIAL SUBGROUPS  
RECEIVING CATEGORICAL SENTENCES

(135 Blacks = 100%)

(342 Natives = 100%)

(1180 Whites = 100%)

TOTAL N= 1657 (138 Missing Cases)



### Prior Record

The severity of the defendant's prior criminal record shows a strong positive association with length of jail sentence. As Table IV shows, mean jail sentence increases as the prior record increases in severity. This table indicates that those defendants with the worse prior misdemeanor records (10 or more prior misdemeanor convictions) received longer mean sentences than those with two or more prior felony convictions.

TABLE IV

MEAN JAIL SENTENCES  
BY LEVEL OF SEVERITY OF  
PRIOR RECORD  
(IN DAYS)  
(ACTIVE JAIL SENTENCES ONLY)

All Defendants	10.08	(566)
No prior record	7.42	(188)
1-3 misdemeanors	9.10	(195)
4-9 misdemeanors	10.20	(84)
10/more misdemeanors	19.00	(19)
2/more felonies	17.25	(13)

, Given the relationship between severity of prior record and length of jail sentence it is important to consider the distribution of Natives and Whites within the prior-record variable. Perhaps Natives have considerably worse prior records than Whites, and perhaps this difference in prior records explains their longer mean jail sentences.

TABLE V

PROPORTION OF RACIAL  
GROUP BY LEVEL OF  
SEVERITY OF PRIOR RECORD  
(PROPORTION EXPRESSED IN %)

	<u>Natives</u>	<u>Whites</u>
No prior record	28% (97)	53% (623)
1-3 misdemeanors	38% (127)	30% (341)
4-9 misdemeanors	17% (59)	8% (91)
10/more misdemeanors	4% (12)	1% (14)
2/more felonies	13% (43)	8% (89)

significant at .001

Table V, above, indicates that Natives do have worse prior records than Whites. Subsequent tables consider the hypothesis that these worse prior records account for their longer mean jail sentences. Accordingly, mean jail sentences were broken down according to the above levels of severity of prior record for Natives and Whites.

Table VI (below) shows that Natives consistently received longer sentences than Whites among all levels of prior record. Whether the Natives had many prior convictions or few prior convictions, when compared to Whites in the same prior-record group, the Natives always received more severe sentences. Note that Natives with no prior convictions at all received jail sentences almost twice as long as those of similarly situated Whites (11.00 days vs. 6.05 days).

TABLE VI  
 MEAN JAIL SENTENCES BY  
 LEVEL OF SEVERITY OF PRIOR  
 RECORD BY RACE  
 (IN DAYS)  
(ACTIVE JAIL SENTENCES ONLY)

	<u>Natives</u>	<u>Whites</u>	<u>Significance</u>
No prior record	11.00 (41)	6.05 (112)	.005
1-3 misdemeanors	11.82 (65)	6.69 (102)	.05
4-9 misdemeanors	11.96 (38)	9.15 (34)	NO
10/more misdemeanors	26.33 (9)	12.40 (5)	.05
2/more felonies	21.81 (26)	13.57 (30)	.05

However, when mean fines are broken down according to this scheme, the pattern is reversed. (See Table VII). That is, Natives consistently received lower fines than Whites (with the exception of first offenders, where fines are substantially equal).

TABLE VII

MEAN FINES BROKEN DOWN  
BY LEVEL OF SEVERITY OF  
PRIOR RECORD BY RACE  
(IN DOLLARS)

	<u>Natives</u>	<u>Whites</u>	<u>Significance</u>
No prior record	\$158.40 (53)	\$157.27 (519)	NO
1-3 misdemeanors	\$139.69 (65)	\$195.11 (282)	NO
4-9 misdemeanors	\$189.17 (24)	\$216.26 (66)	NO
10/more misdemeanors	\$141.67 (3)	\$287.50 (8)	NO
2/more felonies	\$197.69 (13)	\$206.33 (64)	NO

Staying Out of Jail

As noted earlier, all sentences of zero days (no jail time at all) were omitted from the above computations. We will now consider zero sentences separately in order to deal with the following possibility: When jail sentences are handed out Natives are incarcerated for more time, but perhaps this fact is "balanced" by Natives more frequently receiving sentences requiring no time at all, omitted from the previous averaging. Accordingly, Table VIII indicates the proportion of cases that received no jail time, by race, among the five substantive classes of misdemeanors.

TABLE VIII

PROPORTION OF CASES RECEIVING  
NO ACTIVE JAIL SENTENCE  
BY CLASS OF MISDEMEANOR AND  
BY RACE  
(PROPORTION EXPRESSED  
IN PERCENT)

	<u>Natives</u>	<u>Whites</u>	<u>Significance</u>
Property	25% (26)	52% (87)	.001
Street	62% (46)	78% (191)	.005
Assaults	44% (18)	60% (42)	NO
Traffic	66% (23)	91% (260)	.001
OMVI	55% (47)	76% (314)	.001

Table VIII was compiled to test the alternative hypothesis that more Natives received zero sentences than did Whites, which might have "balanced out" the tendency for Natives to get more active time once the basic incarceration or "in" decision was made. However, Table VIII refutes this hypothesis and actually strenghtens the opposite case. Natives avoided incarceration less often than Whites among all classes of misdemeanor convictions. The numbers of cases in each group are reasonably large. Note that the previously-observed "pro-Native" sentencing differential in street offenses dissipates when the incarceration (in/out) decision is analyzed separately.

Defendants With Clean Records

In an effort to "neutralize" the effect of prior record and simplify comparisons we constructed Table IX, which compares first offense Native and White mean jail sentences for each of the five classes of misdemeanors.

TABLE IX  
MEAN JAIL SENTENCES  
FOR FIVE CLASSES OF MISDEMEANORS  
BY RACE  
FIRST OFFENDERS ONLY

	<u>Natives</u>	<u>Whites</u>	<u>Significance</u>
Property	13.00 (11)	4.73 (40)	.01
Street	4.57 (7)	8.62 (21)	NO
Assaults	9.14 (7)	8.33 (9)	NO
Traffic	22.00 (7)	5.25 (12)	.01
OMVI	14.80 (10)	5.69 (29)	.05

As can be seen from this table, the Native-White sentence differentials among property, traffic and OMVI offenses are even greater for first offenders than for defendants generally. Native jail sentences

for property offenses were 175% greater than for Whites, while mean sentences for traffic offenses were 319% longer than the White mean. Finally, Native OMVI sentences were 160% greater than for Whites. However, in street crimes Native first offenders were accorded more lenient treatment than Whites. ("Street" includes prostitution, disorderly conduct, vagrancy, etc.)

#### Defendants With Bad Records

To contrast with the "clean" first offenders, let us consider a "bad" group of defendants. We selected those with the worst records<sup>6/</sup> (10 or more prior misdemeanor convictions) for analysis. Since the number of cases involved in this table is too small to break down by type of crime, we chose to look at this group on an overall basis, regardless of the nature of the last charge. This seems reasonable, since by the time a person has accumulated a record of over 10 previous convictions, what kind of mischief he has been up to "lately" may not be of overriding importance (if it is still on the misdemeanor level).

---

<sup>6/</sup>

As Table IV indicates, overall, defendants with 10 or more prior misdemeanor convictions received the highest mean sentence (19.00 days).

TABLE X

COMPARISON OF NATIVES AND  
WHITES WITH 10 OR MORE  
PRIOR MISDEMEANOR CONVICTIONS

	<u>Natives</u> (n=12)	<u>Whites</u> (n=14)
Proportion receiving no active jail	25%	64%
Mean jail sentence	19.75 days	4.43 days
Mean fine	\$35.42	\$164.29
Mean number of prior misdemeanors	11.5	13.0

N too small for significance tests

As these comparisons indicate, Native sentences persist in being longer than those of Whites, while their likelihood of receiving probation is less. The sizes of the two groups are very comparable, and within this group the Whites actually have somewhat more previous convictions.

Alcohol Intoxication At Time of Arrest

In an effort to obtain information concerning the effect on sentences of alcohol use among the defendants in the sample, the coding instrument included the following item which was to be completed from information on the police report.

What was condition of defendant? (1=Defendant alleged by reporting officer to be under influence of liquor; 2=Defendant alleged by reporting officer to be under influence of drugs; 3=neither or no indication)

While this variable does not provide a perfect measure of the information we seek, it is a fairly good proxy.

Overall, in 37% (n=123) of Native cases and in 47% (n=512) of White cases the reporting police officer said the defendant was under the influence of alcohol at the time of arrest. Information was unobtainable (missing) for 236 defendants (13% of the total N in the sample). A reasonable assumption is that the police reports made no mention of alcohol or drugs in most of the 'missing' cases.

TABLE XI

MEAN JAIL SENTENCES  
BY RACIAL GROUPS FOR  
ALCOHOL INTOXICATION  
AT TIME OF ARREST  
(IN DAYS)  
(ACTIVE JAIL SENTENCES ONLY)

	<u>Natives</u>	<u>Whites</u>
No alcohol	15.13 (124)	8.07 (169)
Alcohol intoxication at arrest	10.79 (57)	6.76 (117)

Table IX indicates that alcohol intoxication at the time of arrest--for those defendants for whom this data was available--was associated with lower mean sentences for both Natives and Whites. However, Native defendants received substantially longer mean jail sentences than Whites, whether or not intoxicated at arrest.

#### Multiple Regression Analysis

The preceding breakdown tables allow us to consider the relationship between two variables--for example jail time and race--while controlling for variation in other variables, e.g., severity of prior record. However, they do not allow us to control for variation among several variables at once, or to take into account the inter-relationships among these variables. Accordingly, we turned to multiple regression analysis which shows us the independent effect of a single variable on length of sentence, while at the same time controlling for variation among a number of other factors. Multiple regression analysis provides a set of coefficients for each of the variables considered in the analysis. These coefficients are an index to the relative contribution of each variable while controlling for the others. Consider the coefficients in Table XII, below.

TABLE XII  
MULTIPLE REGRESSION COEFFICIENTS  
(ALL OFFENSE CLASSES)

OMVI conviction	-0.789
Native	+2.391
White	-1.400
Each prior misdemeanor conviction	+0.658
Property conviction	+3.811

The above coefficients indicate that a property conviction is the single most important factor associated with a positive jail sentence when the other listed factors (or variables) are controlled for. Moreover, the Native-White disparity noted in the earlier breakdown analysis is confirmed by the coefficients. Whereas being Native has a coefficient of +2.391, being White has a coefficient of -1.400. Any easy (but very crude) way to interpret these coefficients is that, other things being equal (e.g. the number of prior misdemeanor convictions of the defendant and the substantive class of offense) Native defendants receive average jail terms four (4) days longer than Whites.

One hypothesis that we considered earlier concerns the effect of being intoxicated at the time of arrest. Specifically, we ask whether it is Nativeness, in and of itself, that accounts for the higher jail sentences of Natives, or whether these higher sentences are in actuality a function of alcohol intoxication. The following multiple

regression coefficients, which add alcohol intoxication to the list of variables in Table XII, above, allow us to test this hypothesis.

TABLE XIII  
MULTIPLE REGRESSION COEFFICIENTS  
(ALL OFFENSE CLASSES)

OMVI conviction	-0.818
Native	+2.367
White	-1.420
Each prior misdemeanor conviction	+0.670
Alcohol intoxication	+0.127
Property conviction	+3.852

Table XIII, above, indicates that this hypothesis fails. First, the coefficient for alcohol intoxication at the time of arrest is very small, indicating that its independent contribution to jail sentence is slight. More importantly, the Native-White disparity remains nearly the same. Thus, it is not alcohol intoxication which accounts for the higher Native sentence.

PROPERTY OFFENSES

This section is exclusively concerned with misdemeanor property sentences. These include sentences for petty larceny, malicious destruction, concealment of merchandise, credit card theft, misdemeanor embezzlement and trespass. There were a total of 104 Native and 166 Whites convicted of property offenses.

Table XI indicates the overall mean jail sentence and fines for Natives and Whites convicted of property offenses.

TABLE XIV

MEAN SENTENCES FOR  
PROPERTY OFFENSES BY RACE  
(IN DAYS AND DOLLARS)  
(ACTIVE SENTENCES ONLY)

	<u>Natives</u>	<u>Whites</u>	<u>Significance</u>
Mean Jail	18.30 (78)	7.39 (79)	.001
Mean Fine	\$73.27 (26)	\$89.20 (94)	NO

Thus, while Native mean jail sentences were 148% longer than those of whites, their mean fines were 18% less.

Differences between Native and White categorical sentences for property offenses are indicated graphically in Table XV. (See the discussion of these categorical sentences in the preceding section).

TABLE XV

PROPORTION OF RACIAL GROUP  
RELIEVING CATEGORICAL SENTENCES

PROPORTION OF RACIAL GROUP

(In %)

PROPERTY OFFENSES

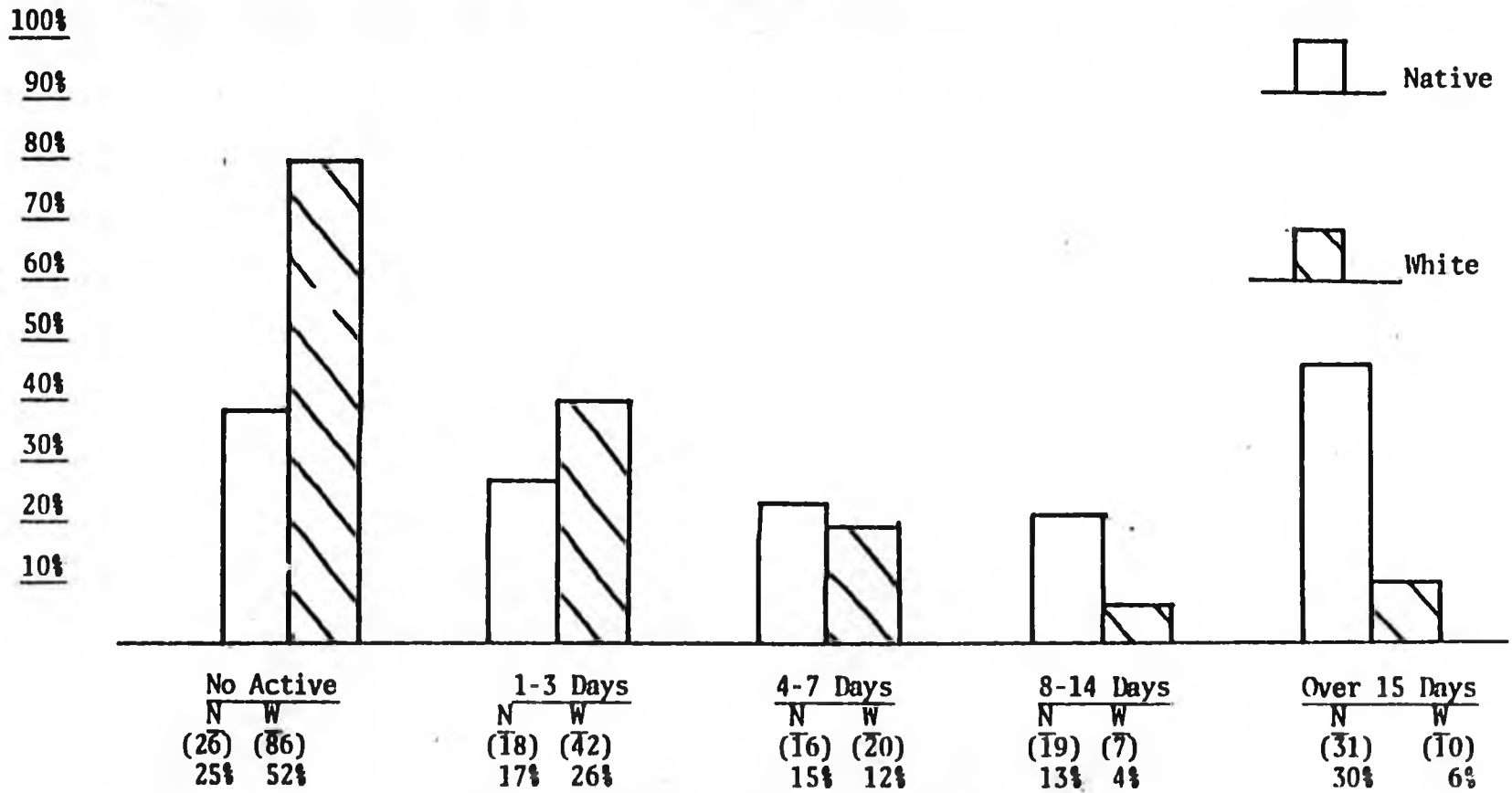


TABLE XVI

PROPORTION OF RACIAL GROUP  
BY LEVEL OF SEVERITY OF  
PRIOR RECORD  
(PROPORTION EXPRESSED IN %)

	<u>Natives</u>	<u>Whites</u>
No prior record	17% (17)	56% (92)
1-3 misdemeanors	37% (39)	28% (45)
4-9 misdemeanors	17% (17)	7% (12)
10/more misdemeanors	6% (6)	1% (2)
2/more felonies	22% (22)	8% (13)

significant at .001

Table XII reflects the distribution of level of severity of prior record for Natives and Whites. As this table indicates, Natives convicted of property offenses have substantially worse prior records than comparable Whites. The tables that follow consider the hypothesis that the worse prior record of Natives account for their longer property-offense sentences.

Tables XVII and XVIII, which follow, indicate the impact of the level of severity of the defendant's prior record on the disparities noted in Table XIV. Zero sentences are not computed.

TABLE XVII

MEAN JAIL SENTENCES FOR  
PROPERTY OFFENSES BY LEVEL  
OF SEVERITY OF PRIOR RECORD  
BY RACE  
(IN DAYS)

	<u>Natives</u>	<u>Whites</u>	<u>Significance</u>
No prior record	13.00 (11)	4.73 (40)	.01
1-3 misdemeanors	11.36 (25)	8.16 (25)	NO
4-9 misdemeanors	17.73 (15)	10.83 (6)	.05
10/more misdemeanors	41.00	----	
2/more felonies	25.75 (20)	15.75 (8)	.05
Missing	(2)		

TABLE XVIII

MEAN FINES FOR  
PROPERTY OFFENSES BY  
LEVEL OF SEVERITY OF  
PRIOR RECORD BY RACE  
(IN DOLLARS)

	<u>Natives</u>	<u>Whites</u>	<u>Significance</u>
No prior record	\$100.00 (6)	\$ 99.14 (58)	NO
1-3 misdemeanors	55.33	78.40	NO
4-9 misdemeanors	75.00 (3)	100.00 (3)	NO
10/more misdemeanors	----	50.00 (1)	
2/more felonies	100.00 (1)	50.00 (5)	NO
Missing	(1)		

As these tables show, Natives receive substantially longer jail sentences than Whites among all levels of severity of prior record. This suggests that severity of prior record does not explain the Native-White jail disparity in property crimes. With regard to fines, Whites in the one-to-three and four-to-nine prior misdemeanor categories received larger fines than comparable Natives, while Natives with prior felony convictions received greater fines than comparable Whites.

The Incarceration Decision

TABLE XIX

PROPORTION OF RACIAL  
GROUP RECEIVING NO  
ACTIVE JAIL SENTENCE  
(PROPORTION EXPRESSED IN %)

	<u>Natives</u>	<u>Whites</u>	<u>Significance</u>
	<u>No Jail</u>	<u>No Jail</u>	
No prior record	35% (6)	57% (52)	.05
1-3 misdemeanors	36% (14)	44% (20)	NO
4-9 misdemeanors	12% (2)	46% (5)	.05
10/more misdemeanors	17% (1)	100% (2)	.05
2/more felonies	9% (2)	39% (5)	NO

Table XIX indicates that White defendants are proportionately much more likely than Natives to avoid going to jail for property offense convictions. Moreover, it indicates that this pattern persists despite differences in the level of severity of the prior record of the defendants.

A potentially significant variable among property offenses is the value of property stolen in applicable cases. Table XX indicates that the mean value of property stolen by Whites was 145% greater than that stolen by Native defendants (\$64.95 for Natives compared with \$159.04 for Whites).

TABLE XX

MEAN VALUE OF PROPERTY  
STOLEN AMONG PROPERTY  
OFFENSES BY RACE  
(IN DOLLARS)

Natives	\$64.96	(99)
Whites	\$159.04	(166)
Missing	(5)	

significant at .05

In an effort to control for the impact of differences in the value of property stolen this variable was categorized into a four-level measure. These values include (1) none, (2) \$1 to \$50, (3) \$51 to \$100, and (4) over \$101.

TABLE XXI  
 MEAN JAIL SENTENCES  
 BY CATEGORICAL VALUE OF  
 PROPERTY STOLEN BY  
 RACE  
 (IN DAYS)  
(ACTIVE SENTENCES ONLY)

	<u>Natives</u>	<u>Whites</u>	<u>Significance</u>
None	17.67 (9)	5.44 (9)	.05
\$1 to \$50	16.36 (57)	7.24 (55)	.01
\$51 to \$100	35.60 (5)	9.83 (6)	.05
Over \$101	9.00 (2)	8.67 (9)	NO

Table XXI indicates that except among those cases with the greatest value of property stolen, Natives received substantially longer jail sentences than Whites. It would appear that cases involving stolen property of the greatest value are treated more uniformly by sentencing judges; Native-White differences are greatest when the amounts in question are smallest.

Alcohol Intoxication

Another potentially important factor to consider in analyzing the Native-White sentence disparity concerns alcohol intoxication at the time of arrest. Nine percent of the Natives (n=9) and 7% of the Whites (n=11) were intoxicated at the time of

this arrest for property crimes, according to the police reports. Table XXII indicates two important things: First, alcohol intoxication at the time of arrest is associated with a less severe jail sentence when compared to non-alcohol arrests. Second, Native defendants who were intoxicated at the time of arrest received a mean jail sentence nearly five times as great as comparable Whites.

TABLE XXII  
 MEAN JAIL SENTENCES  
 BY RACE FOR ALCOHOL  
 INTOXICATION AT TIME  
 OF ARREST AND NO  
 INTOXICATION  
 (IN DAYS)  
(ACTIVE JAIL SENTENCES ONLY)

	<u>Natives</u>	<u>Whites</u>	<u>Significance</u>
No intoxication	18.53 (72)	7.74 (73)	.05
Alcohol intoxication at arrest	15.50 (6)	3.17 (6)	*

\*(N too small for significance test)

To summarize, neither level of severity of prior record, value of property stolen, or alcohol intoxication at the time of arrest appear to explain the disparity of the Native-White jail sentences in property crimes. The analysis will now turn to a consideration of specific offenses within the class of property crimes. Perhaps differences in specific offense of conviction explain the apparent racial sentencing disparity.

### Specific Offense

A frequency distribution of specific offenses of conviction reveals no appreciable differences between Native and White offenses. The majority of both groups (n=70, or 67% of Natives and n=87, or 52% of Whites) were convicted of petty larceny (AS 11.20.140). Nearly equal proportions of Natives and Whites were convicted of defrauding an innkeeper (AS 11.20.480) (n=4 or 3.8% of Natives, n=5 or 3.0% of Whites), and unauthorized entry (AS 11.20.135) (n=6 or 5.8% of Natives, n=6 or 3.6% of Whites). Proportionately more Whites (n=29 or 17.5% were convicted of concealment of merchandise (AS 11.20.275) than Natives (n=8 or 7.7%), and of trespass (AS 11.20.630) (n=7 or 6.7% of Natives, n=25 or 15.1% of Whites).

### Larceny

Insofar as larceny convictions constitute the majority of Native and White property convictions and also involve some of the longest property sentences we chose to analyze larceny sentences separately.

Table XXIII (below) indicates that the Native mean jail sentence for larceny is 128% longer than that of Whites (17.16 days for Natives compared to 7.54 days for Whites). (No significance tests were computed for the following tables because the numbers were too small).

TABLE XXIII  
 MEAN SENTENCES FOR  
 LARCENY CONVICTIONS  
 BY RACE  
 (IN DAYS AND DOLLARS)  
 (ACTIVE SENTENCES ONLY)

	<u>Natives</u>	<u>Whites</u>
Mean Jail	17.16 (58)	7.54 (52)
Mean Fine	\$82.67 (15)	\$98.93 (42)

However, mean fines for Whites were 19% greater than those for Natives.

Table XXIV reflects a breakdown of larceny sentences by level of severity of prior record, and by race.

TABLE XXIV  
 MEAN LARCENY SENTENCES BY  
 LEVEL OF SEVERITY OF  
 PRIOR RECORD BY RACE  
 (IN DAYS AND DOLLARS)  
 (ACTIVE SENTENCES ONLY)

	<u>Natives</u>		<u>Whites</u>	
	<u>Mean Jail</u>	<u>Mean Fine</u>	<u>Mean Jail</u>	<u>Mean Fine</u>
No prior record	10.22 (9)	\$100.00 (2)	4.30 (27)	\$106.88 (32)
1-3 misdemeanors	13.42 (19)	69.00 (10)	6.13 (16)	79.38 (8)
4-9 misdemeanors	17.10 (10)	100.00 (1)	16.33 (3)	50.00 (1)
10/more misdemeanors	45.00 (3)	----	----	----
2/more felonies	21.87 (15)	100.00 (1)	20.50 (6)	----

Table XXIV indicates that among larceny defendants with no prior records and defendants with one-to-three prior misdemeanors, Natives received substantially longer jail sentences than Whites. Natives with no prior records received mean jail sentences 138% longer than Whites. Further, among those defendants with four-to-nine prior misdemeanor convictions and two or more prior felony convictions mean sentences were nearly uniform. This would tend to indicate that having a severe prior record (over four misdemeanors) is the most important or significant factor for a defendant convicted of larceny. Native-White disparities dissipate among these groups with the more severe prior records (with the exception of the 10 or more prior misdemeanor group).

The Incarceration Decision (In or Out)

Table XXV

PROPORTION OF RACIAL GROUP  
RECEIVING NO ACTIVE JAIL SENTENCE  
FOR LARCENY CONVICTION  
(PROPORTION EXPRESSED IN %)

	<u>Natives</u>	<u>Whites</u>
No active jail	16% (11)	40% (35)

With regard to the incarceration decision, Table XXV indicates that a far greater proportion of White defendants convicted of larceny stayed out of jail than did Natives (40% of Whites compared to 16% of Natives).

Multiple Regression Analysis

In an effort to study Native-White property offense sentence disparities by a more statistically rigorous method, and as a check on the earlier breakdown analysis, we used a multiple regression analysis of sentence length. This procedure tells us the independent impact of a given variable on sentence length while controlling for the effects of (or variation in) other variables. Consider the regression coefficients represented in Table XXVI.

TABLE XXVI

MULTIPLE REGRESSION  
COEFFICIENTS FOR SIGNIFICANT  
VARIABLES ON SENTENCE  
PROPERTY OFFENSES

Native	2.927
White	-4.359
Alcohol intoxication at arrest	-1.009
Each prior misdemeanor conviction	0.810
Each dollar of value stolen	0.001
Larceny conviction	2.154

$R^2 = .24$

Perhaps the best way to consider the above coefficients is to view them relative to one another. Thus, a present conviction of larceny, considered by itself and controlling for the other listed factors, has an impact nearly three times as great as having one prior misdemeanor conviction. The interesting thing to note regarding the Native and White coefficients is the magnitude of the negative White coefficient. An interpretation that we believe is consistent with these values is that, other things being equal (or controlled for), a Native defendant starts with the disadvantage of getting some jail time (+2.8) while a comparable White starts with the advantage of getting "negative" time (4.4). The important point, analytically, is that these coefficients confirm the findings of our breakdown analysis.

## METHODOLOGICAL APPENDIX

The following description of the methodology used in collecting and analysing the data for this project is provided to give the reader a general idea of the steps involved in arriving at the tables and text we have presented.

### Data Collection

1. Sources. Our previous studies of Alaskan felony and misdemeanor sentences suggested three potential sources of information that had to be consulted thoroughly to understand misdemeanor sentencing patterns: court case files, police reports, and Department of Public Safety records of prior criminal histories. Court case files alone were not sufficient because they generally do not include information about hypothetically important factors such as alcohol use, race, age, prior offenses, and a detailed account of what actually occurred at the time of the offense. On the other hand, the two other sources usually do not contain reliable information about the precise offense of conviction, mode of disposition (plea or trial), the sentence imposed, or conditions of that sentence.

Public Safety Department records of prior offenses are used by prosecutors and police and are reported to court officials as the primary source of information about a defendant's previous contacts with the criminal justice system. Similarly, our other sources of information were also the primary records available to criminal justice personnel. The records for individual defendants tended to vary from one another in completeness; some included many pages of information while others consisted of nothing more than one or two forms that had been sketchily

prepared. In order to maintain the maximum consistency in our information about each defendant we attempted to include only those items of pertinent information recorded for the majority of defendants. We also chose to take our information from specific sources: for example, we coded information about alcohol intoxication only from the police report since this was the record in which it was most consistently recorded. The lack of presentence reports for misdemeanants limited the kinds of socio-economic data which could be included in the study. Prior criminal histories, however, could be (and were) coded in great detail.

2. Coders and Coding. Our coding staff came from various backgrounds. Most had a year or more of college education. Several were graduate students with research experience, and others had worked with the Judicial Council as coders on earlier studies. The coding supervisor had two years of research experience beyond her college degree, and was closely supervised in turn by more experienced Judicial Council staff.

The coding form was designed by Judicial Council staff to meet several needs: it had to be easy for coders to use and understand, structured to maximize efficiency in key-punching, and had to reduce the possibilities for either unwarranted exercise of coder discretion or errors at every step. The entire flow of the data from original records through coders, checkers, key-punchers, and computer programming to final analysis was taken into account during the design of the form. Besides the coding forms themselves, coders were given a detailed instruction manual and supplementary materials such as lists of codes for each offense. The coding supervisor kept a notebook of questions which arose during training and

coding along with the clarifications and explanations given to coders so that neither lapses of memory nor hiring of new coders would change the interpretations of the coding manual or forms. This procedure promoted uniformity.

Two days of training using the actual coding forms and case files preceded work on the court files in Anchorage and Fairbanks. Judicial Council staff conducted the training given for all aspects of coding court files, police reports, and Public Safety records. Coders were given experience in coding, in checking each coding form, and in use of the manual and supplementary materials. To fit their work into context, Council staff also described the criminal justice system, meanings of various terms, and reasons for the study, in detail.

3. Checking. Accuracy, (validity) consistency and (reliability) are crucial in a study of this type. Acceptable error rates for coding data from records have been established through years of experience by scientists in various fields who have not only analysed the data collected in studies but coders and the coding process as well. A five percent error rate has been considered acceptable in many similar studies. Throughout our analysis, we attempted to reduce our error rates below the "acceptable" levels through a series of checking procedures.

Each case in our study was coded by one coder. It was then checked through completely by a second coder. Finally, the coding supervisor and Council staff spot-checked at least every fifth case to make sure that no systematic errors were occurring through coder misunderstanding of instructions. Any errors found during this process were corrected. A

random check of coding forms after coding had been completed suggested that the actual error rate was approximately two percent, well below the acceptable five percent level.

4. Keypunching. The second major step in collection and analysis of data is to transfer information from the coding forms to a tape which can be read by the computer. This process requires a person to read the coding form and type (key-punch) the codes recorded on the form onto either computer cards or magnetic tape. While paper cards have traditionally been used and have some advantages, the Council decided to turn to a more sophisticated approach in which the data is punched directly onto a magnetic tape which can be read immediately by the computer. Paper cards can be lost, damaged, or placed out of order. Each of these problems can be corrected, but all are eliminated with the use of a magnetic tape, thus reducing both cost and chance of errors.

Key-punched cards or tapes can be "verified", a technique for insuring accuracy at this stage of the process. Just as each of our cases was checked completely after having been coded, each record on the magnetic tape was re-done completely by a different operator after having been key-punched. Should the second punching disagree with the first, a signal alerts the key-punch operator to the discrepancy and the work is re-done. This verification procedure was guaranteed by the company employed to key-punch our data to give an error rate of three-quarters of one percent (.75%) or less. Superior Business Services of San Francisco, Inc. performed the work for the Council.

5. Computer Analysis. The computer analysis of the data involved two stages: a final checking for errors in the data, and the actual analysis.

Error checking was performed by printing out each variable in two different ways and looking for mistakes. The first procedure, frequency distributions, shows each bit of information coded and how many times it occurs. For example, race in our study could be coded as "1" (=Black defendant), "2" (=Native), or "3" (=Caucasian or other race). If the frequency distribution showed a code of "4" or "7", this indicated an error at some point. The error would then be corrected by printing out the defendant's number, checking his coding form (if necessary and possible, also checking the original source of information), and entering the correct information onto the computer tape. Frequency distributions served other purposes as well. For example, a frequency distribution of all sentences imposed showed that the most fell between 0 days and 21 days in length. In fact, only 11 sentences were of 150 days or more. Because there were so few of these cases with long sentences (they constituted .6% of the entire sample), their inclusion in the study would have skewed or distorted the more typical sentences given to misdemeanor defendants. After a careful analysis of their effects on the other data, we eliminated them from consideration.<sup>1/</sup>

---

<sup>1/</sup> The 11 cases also tend to balance each other out in terms of their effects on our findings of racial disparity. The 11 sentences include the following defendants:

- a) 4 sentences were 360 days (1 year), imposed on 1 Black, 1 Native, and 2 Caucasian defendants;
- b) 4 were 180 days (6 months), again 1 Black, 1 Native, and 2 Whites;
- c) 1 was 176 days (a Native defendant); and
- d) 2 were 150 days (5 months), one Native and one White.

The mean sentences among these 11 were 270 days for Blacks, 221.5 days for Natives, and 246 days for whites. Because these means are so close, their exclusion from the study was further justified.

A second procedure for checking the accuracy of our data on the computer was to cross tabulate different variables, for example, type of offense by use of alcohol. Thus, if no defendants convicted of drunken driving had been coded as "intoxicated at arrest", this would have led us to check our key-punching and coding for accuracy. (No cross-tabulations of our variables, however, suggested any such systematic errors). Cross-tabulations also help to describe the defendant population and show relationships among the different variables.

6. Statistical Analysis. We chose to utilize SPSS (Statistical Package for the Social Sciences), an integrated system of computer programs designed for the analysis of social science data. (SPSS was also used in our analysis of the felony plea bargaining data.) SPSS programs are considered to be among the most useful and powerful procedures available for analysis of large aggregations of data. The package provides the researcher with a full range of statistical routines for description and analysis.

The primary purpose of using statistics to analyze information is to identify relationships or associations among different factors (e.g., the relationship between race and trial rates, alcohol use and petty larceny, sentence length and prior record, and so forth). Having identified a certain relationship between or among variables, the researcher must also determine the likelihood that the observed relationship is likely to occur by chance. This second aspect of the analysis, statistical significance, is discussed in b), below.

a) Statistical Methods. We used contingency tables, breakdowns, and multiple regression techniques in order to arrive at the findings of our report. Contingency tables are simply two- or three-way cross-tabulations

of variables (see Table VIII, page 12). Breakdowns allow the researcher to compare the mean sentences imposed for various groups of defendants. Tables constructed from this analysis (such as Table XVII, page 23) can show differences among groups of defendants with regard to one or several variables. Each of these two techniques allows the researcher to look closely at the effects of one or several variables simultaneously while controlling the effects of other variables. Multiple regression however, allows more variables to be considered simultaneously, and gives the independent contribution of each variable to the final outcome (in this case, sentence) while controlling for each other variable. (See Table XXVI, page 31 for an example). Multiple regression has different limitations on its usefulness than the other two techniques, but can be considered the most rigorous tests of associations among variables.

b) Statistical Significance. Having established certain relationships between variables and outcomes, it is still necessary to know whether the observed differences are "real" or whether they occurred by chance. We relied upon T-tests, Chi Squares, and analysis of variance tests to measure the significance of observed differences presented in this report. We used the traditional level of .05 significance as our criterion for statistical significance. The .05 level measures that the observed differences could be due to chance in only 5 out of 100 cases. Conversely, the researcher can be confident that the relationship or association noted would be the same in 95 out of 100 samplings. Should the test result in a number greater than .05 (such as .08 or .10), the result is not considered to be statistically significant. Significance levels for the tables included in this report are noted on each table. They range from .001 (1 chance in 1000) to .05 (5 chances in 100), which indicates that there is very little

likelihood that any of the results could have occurred by chance. Where the level of significance is greater than the .05 level 'NO' appears for the significance level.

*Polnick*

P R E S S   R E L E A S E

Large differences in sentencing patterns between Alaska Natives and Whites were uncovered in a study of 1,795 misdemeanor cases sentenced in Anchorage and Fairbanks between 1974 and 1976, according to a preliminary report recently submitted to the Advisory Committee on Minority Sentencing Practices and prepared by the Alaska Judicial Council.

Advisory Committee chairman, Bert Campbell, said in response to these findings, "This misdemeanor study plus the felony study released last year confirm my worst fears that justice may be blind, but not color-blind in the superior and district courts of the State of Alaska."

According to Michael L. Rubinstein, Executive Director of the Judicial Council, the analysis of misdemeanor sentences was conducted at the express request of the Supreme Court of Alaska following the Judicial Council's earlier release, in July of 1978, of findings showing similar patterns of racial sentencing differences in Anchorage, Fairbanks and Juneau felony cases. "The Supreme Court was extremely disturbed by the statistics and wanted to know whether there was a similar problem in the misdemeanor courts as well," Rubinstein said.

The Advisory Committee on Minority Sentencing Practices met last week with a delegation of judges from the Anchorage district court, in order to discuss the implications of the recent Council report. Present at the meeting were Bert Campbell, Chairman of the Minority Sentencing Committee, and Rene Gonzales, Assistant U.S. Attorney, Vice Chairman. The committee met with Judges John Mason and Glen Anderson, representing the district court in Anchorage. Also present were Michael L. Rubinstein and Nicholas Maroules, the Judicial Council attorney who analyzed the statistics. According to Bert Campbell, "The meeting was quite constructive and the judges showed an attitude which was altogether cooperative

and frankly recognized the nature of the problem. I was very encouraged by the constructive attitude these judges were displaying and we expect to have a continued and productive working relationship between the Anchorage district court and the Minority Sentencing Committee in the future."

The Judicial Council statistics showed patterns of sentencing differences among Blacks, Whites, and Natives in three important areas of misdemeanor cases including property crimes, traffic crimes and offenses involving drunk driving. The sentencing disparity was particularly apparent in the property crime area, which was the largest of the offense classes studied. In property crimes, the report showed that Natives received 148% more jail time than Whites. It also showed that they were much more likely to go to jail than Whites for property offenses, as well as others. Although the report indicated that Alaska Natives tended to have more previous misdemeanor convictions than Whites in most offense classes, it concluded that the number of previous convictions did not account for the differences in sentences. The report also noted that the average value of the property stolen by Alaska Natives in this sample was approximately half the value of that taken by Whites. The report tentatively concludes that the value of property stolen did not account for the sentences received by Natives, which were more than twice as long. The study also examined patterns of alcohol intoxication and showed that Natives and Whites who were reportedly intoxicated at the time of their arrest received shorter sentences than those who were not, but the Natives still received substantially more time in jail than comparable Whites, whether or not intoxication was present.

According to Committee Chairman Bert Campbell, "I don't believe this situation developed through a conscious racist attitude by the criminal justice system. I think it is a manifestation of an unconscious racism that exists in most of White America, and particularly in Alaska. This racism may be impossible to eradicate completely, but the people who are sworn to uphold the constitution and the laws of the land must be compelled to deliver justice equally to all Alaskans. This report gives the justice system clear notice of the injustice that can no longer be denied."



Superior Court  
State of Alaska

FOURTH JUDICIAL DISTRICT

P.O. BOX 130

BETHEL, ALASKA

99559

September 20, 1979

CHAMBERS OF  
CHRISTOPHER R. COOKE, PRESIDING JUDGE

PHONE: (907) 543-2298

Mr. Arthur Snowden  
Administrative Director  
303 K Street  
Anchorage, Alaska 99501

RE: Circuit Judge Proposal for Bethel Service Area

Dear Art:

For many years a major objective of the Alaska Court System has been improving the delivery of judicial and related services to all the people of the state. Accomplishing this is particularly difficult in our vast, sparsely-populated rural areas. We commonly refer to the wide range of court-related issues affecting the non-urban portions of our state as problems of "Bush Justice."

Both the state's leading newspapers recently carried articles dealing with "Bush Justice" focusing on the high crime rate in rural Alaska, the difficulties of providing police services, and the manner in which the criminal justice system deals with these matters. In particular, these articles focused upon the Bethel Service Area where these problems are chronic. More detailed studies, such as "Alaskan Village Justice; an Exploratory Study" by John E. Angell of the Criminal Justice Center, U.A.A., Anchorage, and the "Alaska Corrections Master Plan" describe other current perceptions of "Bush Justice".

Within the Alaska Court System the Supreme Court's Magistrate Advisory Committee considered at length the problem of providing judicial services in the bush and concluded that a system of circuit-riding judges would be the best long-range solution. This idea was received very favorably by the press, notably the Anchorage Times.

Establishing a comprehensive system of circuit-riding judges would be a very

Letter to Mr. Arthur Snowden

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expensive proposition and creating a large number of superior court posts to serve rural areas exclusively would be a substantial structural alteration of the Court System. As the Magistrate Advisory Committee realized, these recommendations were long-range and not likely to be implemented quickly.

Recent developments in the Bethel Service Area have caused me to look again at the recommendation for circuit judges to serve "Bush Justice" needs. As you know, a large percentage of our caseload originates in the 60 villages outside Bethel. The people involved in these cases are demanding trials in the community in which the offense occurred or in nearby sub-regional centers. To date it has been impossible to comply with many of these requests because of the Bethel caseload, although, as my past reports indicate, I make a considerable number of trips to villages averaging two or three villages a month. That amount of travel, however, is insufficient to meet current demands.

Attached to this letter is a summary of cases pending here in which the parties have requested village proceedings or in which considerations of convenience of witnesses and the nature of the proceeding would warrant village hearings or trials. As this caseload mounts our ability to effectively meet these demands will become increasingly inadequate.

In considering possible responses to this situation, it is apparent that this may be the time and place to experiment with the type of circuit-riding court envisioned by the Magistrate Advisory Committee. Magistrates are simply unable to meet these demands because of their limited jurisdiction and lack of formal legal education. Also, an effective circuit court operation would require interagency support: at a minimum, an additional court clerk, district attorney and public defender, and travel funds, as well as a judge.

I also realize that it might not be practical to create a permanent judicial position simply to conduct an experimental program such as I propose. Therefore, despite the Magistrate Advisory Committee recommendation, the circuit judge in such program could not be a superior court judge since this would require legislation to create a post and formal judicial selection and appointment, unless a retired superior court judge could be activated for this purpose.

The Supreme Court, however, can create acting district court judgeships without enabling legislation, and an appropriate mechanism to conduct a pilot circuit judge program might be through use of an acting district judge. The district judge could travel to villages for district court matters without disrupting conduct of superior or district court business in Bethel, then could alternate with me in Bethel for superior court cases in the villages.

Letter to Mr. Arthur Snowden

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I would appreciate the opportunity to discuss this proposal in further detail. It is also likely that this idea would draw support from other agencies such as the Alaska State Troopers, the District Attorney's Office, the Public Defender Agency and the Division of Corrections. I then hope that a comprehensive proposal for a circuit-riding judge in the Bethel Service Area, supported by the Court System and interested executive agencies, could be presented to the Legislature for their consideration in January.

Very truly yours,



Christopher R. Cooke  
Superior Court Judge

cc: Chief Justice Rabinowitz  
Honorable James A. Blair  
Honorable Gerald Van Hoomissen  
Mr. Patrick Aloia

CRC/dla

ALASKA COURT SYSTEM

BETHEL SERVICE AREA

VILLAGE CASES

Below is a summary of criminal cases and children's proceedings from various villages in the Bethel Service Area as of September 12, 1979.

<u>VILLAGE</u>	<u>DEFENDANT</u>	<u>NATURE OF PROCEEDING</u>
Shagluk	H. Howard	Revocation-felony Sentencing-felony
	A. Painter	Trial-felony Revocation-felony
Holy Cross	[C.P.]	Disposition Hearing
Sleetmute	S. Crane [C.P.]	Revocation-felony Arraignment & Adjudication
Stony River	D. Bobby	Trial-felony
Grayling	D. Painter	Trial-misdemeanor
Crooked Creek	A. Sakar	(2) Trials-misdemeanor
	S. Phillips	Trial-misdemeanor
	H. Gregory	(2) Trials-misdemeanor
	[C.P.]	Arraignment & Adjudication
Chevak	R. Nash	Sentencing-felony
Tununak	V. Kanrilak	Trial-misdemeanor
	T. Kanrilak	Preliminary Hearing-felony
Goodnews Bay	P. Roberts	Trial-misdemeanor
	W. Roberts	Trial-misdemeanor
	J. Pavala	(3) Trials-misdemeanor
Napaskink	W. Johnson	Revocation-felony
Napakiak	P. Berry	(2) Trials-misdemeanor
Alakanuk	C. Patrick [C.P.]	Trial-felony Delinquency disposition hearing
	[C.P.]	C.I.N.A. disposition hearing
Toksook Bay	W. Joe	Sentencing-felony
Sheldon's Point	O. Strongheart	Sentencing-felony
	F. Prince	(3) Trials-misdemeanor

Page 2  
Village cases

Kalskag	J. Crisco R. Nook	(2) Trials-misdemeanor (2) Trials-misdemeanor
Aniak	[C.P.]	Delinquency Disposition Hearing
Nunapitchuk	W. Berlin	Trial-misdemeanor

In addition to the cases listed above, my experience indicates that if service were provided to villages on a regular basis additional cases would be filed. Other cases filed in Bethel but closed because summonses were not served upon village defendants prior to arraignment would be processed if village arraignments and trials were conducted on a regular basis.

Dear Charlie:

The Magistrate's Asso.met with Rabinowitz and this things was "discussed" The manner in which they were trying to eliminate magistrates was completely downgraded. Also, Judge Van Hoomissen was against, what is Section 2, I believe. However, Think of the cost! Not only does the circuit judge need a clerk, but a D.A. a Pub. Defender, a Trooper..and if weathered in in Eggli..Mountain Village etc..crazy. Also, SE Alaska was not a problem area at all. One section said a judge of even a clerk of the judge could come in a "review" our judgments..One thing that irked hell out of me..no magistrates were on the panel. At our meeting, we were going to come down on Rabinowitz but when he arrived, I was the only "bad guy" to speak up...



Maj. C. W. Heinmiller, Ret.  
No. 25 Fort Wm. H. Seward  
Box 271  
Haines, Alaska 99827

Carl W. Heinmiller

a-3

Anchorage Daily News

Monday, April 30, 1979

state

# Report suggests adding rural circuit riding judges

By JEANNE ABBOTT  
Daily News reporter

A report by a judicial committee suggests that circuit riding judges be appointed to serve the rural areas of Alaska.

Like the traveling judges of decades past, these so-called circuit riders would make regular visits in bush villages without being encumbered by urban duties.

According to a report drafted by a Magistrates Advisory Committee, the traveling judges would make scheduled appearances at their stops, rather than making an appearance only when a problem arose. Both criminal and civil matters would be tried.

The circuit riders would act as a supplement rather than a replacement for the existing system of magistrates in bush communities.

Six circuits are considered sufficient to provide regular and ade-

quate judicial services for the time being.

The committee said the neediest areas are Southeast, Bristol Bay and the Aleutians, the lower and upper Kuskokwim, the Seward Peninsula and the Interior.

It was suggested that judges be appointed to serve rural village circuits for no more than five years at a time.

"Maintaining a regular circuit schedule is essential to restore the image and credibility of the court system in the villages and to deal with cases expeditiously. Time is of essence in making the circuit rounds," the report says.

The proposal has been submitted to the Alaska Supreme Court, but has not been acted upon yet.

The recommendation was part of a comprehensive package that also evaluated the existing services of some 60 magistrates already at work in the Bush.

The report devoted particular attention to the appointment, retention, removal and periodic review of the rural magistrates.

Currently a case is pending before the state Supreme Court to determine whether a presiding Superior Court judge has the authority to fire a magistrate.

Presiding judges do have that authority, as well as the power to select magistrates.

The report concludes that the system should remain essentially intact with the authority resting with the presiding judge.

However, the report placed great emphasis on providing a magistrate with notice of charges before termination, and giving him an opportunity to be heard.

It was also considered important for a presiding judge to review magistrate posts annually, with the suggested procedure of watching such individuals on the job.



Presently, magistrates take care of most misdemeanors and civil matters over \$2,000 and serve as coroners, notaries, and registers of births and marriages.

The report asked that magistrates be given the training to adjust juvenile matters, which was called a breakdown in the current criminal justice system. There is also an apparent need for supervision of probationers in rural villages and for increasing the efficiency of the arraignment procedures.

"There will be a continuing need for magistrates to perform limited judicial functions which cannot

await a traveling judge," the report said.

"It is anticipated that the circuit judges naturally will assume the judicial functions which demand greater legal expertise, for example presiding any civil and criminal trials. This would not entail any diminution of magistrate functions or authority.

"Very few magistrates preside over trials and they are not generally trained to do so."

The proposal attempts to eliminate any disparity in judicial services between urban and rural areas, and to provide a level of quality that was equal for both; but sensitive and adapted to the special problems of each.

The committee was created by the Supreme Court in 1976 to evaluate the magistrate system in rural Alaska. Members of the committee included Chief Justice Jay Rabinowitz, former District Court Judge Alex Bryner, Superior Court Judge Gerald Van Hoomissen of Fairbanks, attorney John Larson of

Nome and William Timme of Fairbanks, and Superior Court Judge Christopher Cooke of Bethel.

## FEELING CREAKY?



ALASKA JUDICIAL COUNCIL

Michael Rubenstein  
Executive Director

Chief Justice Rabinowitz  
Chairman Ex Officio

Lay Members:

Kenneth Brady

John Longworth

Robert Moss

Law Members:

Marcus Clapp

Michael Holmes

Joseph Young

## The Role of the Judicial Council

### Membership:

Seven members: three attorney members appointed by governing body of the organized state bar and three nonattorney members appointed by the governor. The latter are subject to confirmation by a majority of the members of the legislature in joint session. /1

Appointed for six years. /1

Chief justice of the supreme court is ex officio the seventh member and chairman. /1

### Duties:

Conducts studies for improvement of the administration of justice and makes reports and recommendations to the supreme court and to the legislature at intervals of not more than two years. /2

Nominates two or more persons for a vacancy in an office of supreme court justice or superior court judge, district court judge, and public defender. /3

Performs other duties assigned by law. /4

Conducts evaluations of justices and judges for each retention election and provides information and recommendations to the public or the justices and judges before the retention election. /5

- 
- /1 Sec. 8, art. IV, Constitution of the State of Alaska  
/2 Sec. 9, art. IV, " "  
/3 Sec. 5, art. IV, Constitution of the State of Alaska  
and AS 22.05.080, 22.10.100, 22.15.170 and 18.85.030.  
/4 Sec. 9, art. IV, Constitution of the State of Alaska  
/5 AS 22.05.100, 22.10.150, 22.15.195



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### MEMORANDUM

TO: HOUSE JUDICIARY COMMITTEE

FROM: ROCKY PLOTNICK

DATE: SEPTEMBER 13, 1979

SUBJECT: JUDGES

During the interim I have done three things regarding judges.

I have written a summary of the Judicial Conference in Sitka last June. A copy is enclosed.

I have copied a page from a report that Judith Pinero wrote for the House Finance Committee on the Court System. It gives a breakdown of judicial responsibilities.

I talked to Art Snowden, Administrative Director of the Alaska Court System. He says he will send a copy of the judges evaluation of the Judicial Conference. Also, there will be a follow-up of continuing education for judges in October. I plan to check it out.

I need to know what to pursue in terms of judges. What kind of information do you want?

COMMISSION ON JUDICIAL QUALIFICATIONS

STANDING RULES OF ORDER

(January 19, 1973)

1. MEETINGS.

(a) ANNUAL. There will be one annual meeting on the third Friday in January of each year at the hour of 9:30 a.m. at Anchorage.

(b) SPECIAL. Special meetings may be called by the Chairman or two members of the Commission.

2. NOTICE OF MEETINGS.

(a) PUBLIC. At least fifteen days before the date of the meeting, the Chairman shall cause a notice to be placed in a newspaper of general circulation designated as most likely to give notice to the residents of the State of Alaska and may cause such notice to be published in other newspapers in Alaska. The notice shall clearly advise of the meeting of the Commission, specifying the date, time and place, and shall also state that anyone wishing to bring anything to the attention of the Commission or wishing to appear at said meeting must contact the Chairman at his address at least five days before the meeting so that the meeting agenda may include same.

(b) MEMBERS. Written notice of said meeting shall be mailed to each member of the Commission at his address as appears on the Commission records by First Class Mail at least fifteen days before said meeting. The notice, besides containing the date, time and place of the meetings, shall also include a meeting agenda, so far as it is established at the time of giving notice. All members may waive the giving of notice, such waiver to be in writing and annexed to the minutes of such meeting.

3. QUORUM. No official action may be taken by the Commission unless a quorum of at least five members of the Commission are present at the meeting.

4. OFFICERS.

(a) CHAIRMAN. There shall be a chairman and a vice-chairman elected at the annual meeting, who shall serve for a period of two years. The chairman shall prepare the meeting agenda, conduct the meetings, certify commission recommendations and direct the preparation of notices, reports, minutes and keeping of Commission records. The vice-chairman shall act in the absence of the chairman.

(b) SECRETARY. The Chairman shall appoint a secretary for the Commission, who need not be a member of the Commission. The Secretary shall attend all meetings of the Commission, take roll, keep minutes, issue subpoenas, prepare, serve and publish notices, and otherwise serve at the pleasure of the Chairman.

5. TERMS OF MEMBERSHIP. Each member of the Commission shall be deemed to serve a term ending on the 31st day of December. For purposes of effecting this rule, terms scheduled to end on or before June 30th of any given year shall expire on December 31st of the preceding year; terms scheduled to end after June 30th shall expire December 31st of that year. The appointing authority or the Judicial Member whose term is expiring shall be notified at least sixty days in advance of the expiration of the term of a member. In any event a member's term shall extend until his successor is appointed and qualified.

6. ORDER OF BUSINESS. The business of the Commission shall be transacted before any hearing scheduled at such meeting. The general order of business shall be as follows:

- (a) Minutes of previous meeting.
- (b) Reports of standing committees.
- (c) Reports of special committees.
- (d) Old business; reports of investigators.
- (e) New business; reading of communications to the Commission and reports of any action taken thereon.
- (f) Appearances by members of the public desiring to speak to the Commission.
- (g) Hearings.

Except as above stated and as stated in the Rules of Commission on Judicial Qualifications adopted September 8, 1972, the meetings will be conducted in accordance with Robert's Rules of Order, Newly Revised, Copyright 1970.

R U L E S  
O F  
COMMISSION ON JUDICIAL QUALIFICATIONS

(EFFECTIVE SEPTEMBER 8, 1972)

7. REPORT. Prior to the annual meeting, the Chairman shall prepare an annual report of the Commission's activities for presentation at such meeting. Upon approval by a majority of the Commission, a copy of the annual report shall be forwarded to the Governor, President of the Senate, Speaker of the House, Chief Justice and President of the Alaska Bar.

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RULE 1. INTERESTED PARTY

A judge who is a member of the Commission or of the Supreme Court may not participate as such in any proceedings involving his own censure, suspension or removal.

## RULE 2. CONFIDENTIALITY OF PROCEEDINGS

(a) All papers filed with and proceedings before the Commission or the master shall be confidential until a record is filed by the Commission in the Supreme Court.

(b) If a judge is publicly charged with involvement in proceedings before the Commission resulting in substantial unfairness to him, the Commission may, at the request of the judge involved, issue a statement of clarification and correction.

(c) If a judge is publicly associated with having engaged in serious reprehensible conduct or having committed a major offense, and after a preliminary investigation or a formal hearing it is determined there is no basis for further proceedings or recommendation of discipline, the Commission may issue a short explanatory statement.

(d) When a formal hearing has been ordered in a proceeding in which the subject matter is generally known to the public and in which there is broad public interest, and in which confidence in the administration of justice is threatened due to lack of information concerning the status of the proceeding and requirements of due process, the Commission may issue one or more announcements confirming the hearing, clarifying the procedural aspects, and defending the right of a judge to a fair hearing.

RULE 3. DEFAMATORY MATERIAL

All proceedings, including the filing of any papers before the Commission, shall be privileged to the same extent and in like manner as proceedings in a court of record of this State.

RULE 4. NOTICE

Unless otherwise specified, notice when required by these rules shall be given by prepaid certified or registered mail addressed to the judge or the clerk of the court for the district to which the judge is assigned.

## RULE 5. PRELIMINARY INVESTIGATION

(a) The Chairman, upon receiving a verified statement, found upon examination and inquiry to be neither unfounded nor frivolous, alleging facts indicating that a judge is guilty of willful or persistent conduct which is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or the administration of justice, or that he has a disability seriously interfering with the performance of his duties, which is, or is likely to become permanent in nature, shall make a preliminary investigation to determine whether formal proceedings should be instituted and a hearing held. The Commission may, on its own motion and without receiving a verified statement, make inquiry and a preliminary investigation with respect to the conduct or physical or mental condition of a judge.

(b) Before finally determining that formal proceedings should be instituted, the judge shall be notified of the nature of the charges contained in the verified statement, if any, or that the investigation is on the Commission's own motion, and shall be afforded reasonable opportunity to present such matters as he may choose.

(as amended 11-16-73)

RULE 6, RESPONSE BY JUDGE

A judge shall, within such reasonable time as the Commission may prescribe, respond to the merits of a letter from the Commission sent either before or during a preliminary investigation.

RULE 8. ANSWER

Within 15 days after service of notice, the judge shall file an answer. The complaint and the answer, if one is filed, shall be the only pleadings required.

RULE 7. NOTICE OF FORMAL PROCEEDINGS: COMPLAINT

(a) After the preliminary investigation has been completed, if the Commission concludes that formal proceedings should be instituted, the Commission shall without delay issue a written notice to the judge advising him of the institution of formal proceedings to inquire into the charges against him. The notice of formal proceedings shall constitute the complaint. The complaint shall be entitled:

"Before the Commission on Judicial Qualifications  
Inquiry Concerning a Judge, No. \_\_\_\_\_"

(b) The notice shall specify in ordinary and concise language the charges against the judge and the alleged facts upon which such charges are based, and shall inform the judge that he may file a written answer to the charges against him within 15 days after service of the notice upon him.

(c) Service of the complaint shall be in person unless otherwise directed by the Commission.

## RULE 9. SETTING FOR HEARING BEFORE COMMISSION OR MASTER

Upon the filing of an answer, or upon expiration of the time for its filing, the Commission may order a hearing to be held before it concerning the censure, removal or retirement of the judge, or the Commission may appoint a master to hear and take evidence in such matter, and to report thereon to the Commission. The master shall be either a judge of a court of record, current or retired, or a member of the State Bar. When the hearing is before the Commission, either the chairman or another member appointed by the chairman shall preside. No member of the Commission shall serve as master. The judge shall be given at least 15 days written notice by certified mail, return receipt requested, of the date, time and place of the hearing at his last known address.

## RULE 10. HEARING

(a) At the time and place set for the hearing the Commission or the master when the hearing is before a master shall proceed with the hearing whether or not the judge has filed an answer or personally appears at the hearing.

(b) The failure of the judge to answer or to appear or testify at the hearing shall not be taken as evidence of the truth of the facts alleged to constitute grounds for censure, suspension or removal.

(c) The proceedings at the hearing shall be reported by electronic recording device in the same manner as proceedings are reported in a court of record.

(d) When the hearing is before the Commission, not less than five members shall be present when evidence is taken.

## RULE 11. EVIDENCE

At a hearing before the Commission or a master, legal evidence only shall be received, and oral evidence shall be taken only on oath or affirmation. The chairman, presiding member or master shall administer the oath, rule on the admissibility of evidence, and otherwise direct the manner and order of proceedings in the same manner as a judge of a court of record. He is authorized to issue subpoenas for attendance of witnesses called to testify or to produce books, papers, and other evidentiary matter.

RULE 12. PROCEDURAL RIGHTS OF JUDGE

(a) Evidence on the notice shall be presented by an attorney selected by the chairman for that purpose. The judge shall have the right and reasonable opportunity to defend against the charges by the introduction of evidence, to be represented by counsel, and to examine and cross-examine witnesses.

(b) Upon filing a written request the judge shall have the right, without any order or approval to have a copy of the transcript of the proceedings without cost to him.

RULE 14. REPORT OF MASTER

(a) After the conclusion of the hearing before a master, the master shall promptly prepare and transmit to the Commission a report which shall contain a brief statement of the proceedings had and his findings of fact and conclusions of law with respect to the issues presented by the notice of formal proceedings and the answer thereto, or if there was no answer, his findings of fact and conclusions of law with respect to the allegations in the notice of formal proceedings. The report shall be accompanied by a transcript of the proceedings. The master may, upon specific direction of the Commission, include in the report a recommendation for censure, suspension, or removal of a judge.

(b) Upon receiving the report of the master, the Commission shall promptly mail a copy to the judge.

RULE 13. AMENDMENTS TO NOTICE OR ANSWER

The Commission or master, at any time prior to the conclusion of the hearing, may allow or require amendments to the notice on which the hearing was held and may allow amendments to the answer if one was filed. The notice may be amended to conform to proof or to set forth additional facts, whether occurring before or after commencement of the hearing. In case such amendment is made, the judge shall be given notice thereof, and reasonable time both to answer the amendment and to prepare and present his defense against any new matters charged.

RULE 15. OBJECTIONS TO REPORT OF MASTER

Within 15 days after mailing of the copy of the master's report to the judge, the examiner or the judge may file with the Commission a statement of objections to the report of the master, setting forth all objections to the report and all reasons in opposition to the findings as sufficient grounds for censure, suspension or removal.

RULE 16. APPEARANCE BEFORE COMMISSION

If no statement of objections to the report of the master is filed within the time provided, the Commission may adopt, in whole or in part, the findings of the master without a hearing. If such statement is filed, or if the Commission in the absence of such statement proposes to modify or reject the findings of the master, the Commission shall give the judge and the examiner an opportunity to be heard orally before the Commission, and written notice of the time and place of such hearing shall be mailed to the judge at least 10 days prior thereto.

RULE 18. HEARING ADDITIONAL EVIDENCE

The Commission may order a hearing for the taking of additional evidence at any time while the matter is pending before it. The order shall set the time and place of hearing and shall indicate the matters on which the evidence is to be taken. A copy of such order shall be sent by mail to the judge at least 10 days prior to the date of hearing. The hearing of additional evidence shall be before the master or the Commission and the proceedings therein shall be in conformance with the provision of Rules 10-16.

RULE 17. EXTENSION OF TIME.

The chairman of the Commission may extend for periods not to exceed 30 days in the aggregate the time for filing an answer, for the commencement of a hearing before the Commission, for the transmittal of the master's report to the Commission, and for filing a statement of objections to the report of the master. The master may similarly extend the time for the commencement of a hearing. Additional continuances may be granted upon serious illness or other similar, extraordinary circumstances.

RULE 20. RECORD OF COMMISSION PROCEEDINGS

The Commission shall keep a record of all proceedings concerning a judge. The Commission's determination shall be entered in the record and notice thereof shall be mailed to the judge. In all proceedings resulting in a recommendation to the Supreme Court for censure, suspension, or removal, the Commission shall prepare a transcript of the evidence and of all proceedings therein and shall make written findings of fact and conclusions of law with respect to the issues of fact and law in the proceedings.

## RULE 19. COMMISSION VOTE

If the Commission finds good cause, it shall recommend to the Supreme Court the censure, suspension or removal of the judge, or it may on its own motion dismiss the proceedings. The affirmative vote of five members of the Commission who have considered the record and report of the master, and who were present at any oral hearing as provided in Rule 16, or, when the hearing was before the Commission without a master, of five members of the Commission who have considered the record, shall be sufficient for any recommendation the Commission may make. The recommendation and findings of the Commission shall be signed by the chairman or presiding member and may be signed by other members, either concurring or dissenting in the recommendation or findings.

RULE 21. CERTIFICATION OF COMMISSION RECOMMENDATION TO  
SUPREME COURT

Upon making a determination recommending the censure, suspension or removal of a judge, the Commission shall promptly file a copy of the recommendation certified by the chairman or secretary of the Commission, together with the transcript and the findings and conclusions, with the clerk of the Supreme Court and shall promptly give the judge notice of such filing, together with a copy of such recommendations, findings, and conclusions.

RULE 22. AGENTS OR EMPLOYEES OF COMMISSION

The Commission is authorized to employ such persons as may be appropriate to carry out its function, including but not limited to attorneys, accountants, investigators, and the like, or may designate any officer of the State, including a member of the Commission, for such purposes provided that any such member may take no part in any determination involving a matter which he may have investigated.

### 12.3. DEFINITIONS

In these rules, unless the context or subject matter otherwise requires:

(a) "Commission" means the Commission on Judicial Qualifications.

(b) "Judge" means a judge of any court of this state subject to the jurisdiction of the Commission.

(c) "Chairman" includes the acting chairman elected by the Commission.

(d) "Examiner" means the attorney appointed under Rule 12(a).

RULE 24. INTERIM SUSPENSION

Upon notice to the judge, the Commission may petition the Supreme Court for an order suspending the judge from acting as a judge pending final adjudication of a pending complaint.

RULE 25. ANNUAL REPORT

The Commission shall prepare an annual report summarizing its activities which shall be public.

# National Center for State Courts

# REPORT

## Reducing Trial Court Delay Project



VOLUME 2 NUMBER 1

JULY 1979

The National Center for State Courts and the National Conference of Metropolitan Courts are implementing the second phase of a nationwide project to improve the processing of cases in major state trial courts. This second phase, like the first phase, was made possible by a continuing 18-month grant from the Law Enforcement Assistance Administration. The first grant resulted in the publication of *Justice Delayed: The Pace of Litigation in Urban Trial Courts*, the first intensive scrutiny of civil and criminal case processing in urban trial courts around the country.

As a logical outgrowth of the first grant, the second grant involves testing the recommendations of the first phase in seven jurisdictions around the country. The broad purpose of the seven demonstration projects is to assist courts in unilaterally implementing an array of caseload management techniques designed to reduce case processing times and modify litigation practices within the participating jurisdictions. An underlying rationale of these projects is the premise that caseload should be within the control of the court rather than the attorneys.

More specifically, project staff are striving to achieve in varying degrees the following objectives in these experiments:

- reduction in overall elapsed time in the processing of cases;
- temporary increases in the case disposition rates;
- firmer trial dates and reduced continuances;
- greater court control and scrutiny in management of case processing; and

— changes in the local legal environment reflected by changes in the way judges and attorneys conduct litigation during the pretrial stages of individual cases.

Six of the seven courts participating in the project have been selected: Maricopa County Superior Court (Phoenix, Arizona), Cuyahoga County Court of Common Pleas (Cleveland, Ohio), Alameda County Superior Court (Oakland, California), Multnomah County Circuit Court (Portland, Oregon), Detroit Recorder's Court (Detroit, Michigan), and the 15th Judicial Circuit of Florida (West Palm Beach, Florida). A seventh jurisdiction in Massachusetts will be selected soon.

### Civil Caseload Management Systems

Two of the more ambitious demonstration experiments involve implementing caseload management systems on the civil side in two individual calendar courts (Phoenix and Cleveland). Caseload management encompasses all court-related functions associated with moving cases from the point of filing to the next point of pleading, hearing, trial, or other disposition. It involves monitoring and controlling the progress of cases.

In each jurisdiction the pretrial delay staff, working in cooperation with the judges, has established time frames for each stage of the civil trial process (filing of the answer, trial-readiness document, and so forth). In developing these time frames the staff took into consideration local rules and procedures. Also utilized were statistical data developed during the first phase of the project, and interviews with local attorneys to ascer-

tain the traits of the local legal environment. In both jurisdictions the goals are to have the majority of cases tried within 13 to 14 months of filing.

The staff set up procedures in both jurisdictions, with which the court could collect data and other information to monitor the progress of the experiments. In Phoenix the court administrator's office is using manual techniques and procedures. The Cleveland Court of Common Pleas is using a computer to track the cases.

In Phoenix the experiment is being conducted in cooperation with the presiding judge, Robert Broomfield, the court administrator, Gordon Allison, and four judges, Judges Charles Hardy, Sandra O'Connor, Melvin McDonald and Robert Strick. In Cleveland the project is working with the presiding judge, Leo Spellacy, and ten judges of that court.

### Trial-Setting Experiments

Many of the Phase I findings in the delay project point to the trial-setting process as crucial to the movement of cases. Diverse trial-setting experiments are being conducted in three jurisdictions: Alameda County Superior Court, Multnomah County Circuit Court, and the 15th Judicial Circuit of Florida.

The purpose of the experiments conducted in Oakland's Superior Court and Portland's Circuit Court is to attempt to isolate the impact of firm trial dates on termination rates, backlog, and delay. Achieving firm trial dates is tied to the level of settings per trial. It is the staff's belief that the certainty of trial dates is brought about by reduction — often drastic — of the number of cases set for trial in any

given period. In Portland the experiment involves trial settings on the civil side. In Oakland the experiment involves modifying criminal trial settings.

The staff first documented existing practices from interviews with the calendaring staff and the judges and administrators involved in the process. The effectiveness of existing practices and policies was determined from analysis of aggregate data collected by the court, data from the Phase I sample of 1976 cases, and from interviews with the judges and attorneys working with the policies. These sources provided an indication of what changes should be made in the system, what types of changes would be likely to be accepted by the court, where procedures or rules had to be modified, and baseline information for determining the impact of the changes on the court, court staff, and available resources.

Specific recommendations were made to implement trial-setting demonstration projects in both jurisdictions. Each project was cognizant of and modified to include local legal practices.

In Portland the staff is working with the presiding judge, Charles Crookham, and the court administrator, Michael Hall. The presiding judge, Alan Lindsay, and the court administrator's office under Stan Collis are the principal contacts in Oakland.

Palm Beach County recently accepted certain criminal calendar management recommendations made by the Center's staff, of which a modified trial-setting policy is a major component. The project is presently in its initial implementation stages.

The principal objective is to reduce the number of cases on each judge's weekly trial calendar, including cases that have been continued, to achieve a firm trial date. A second objective will be to reduce the length of continuances in cases that have to be continued for trial. The court also is adjusting its arraignment procedures in an effort to reduce the time between arrest and arraignment.

It is believed that reducing the length of the trial calendar is more likely to bring a reasonably firm trial

date, because if the calendar is shorter, it is more likely to be completed in the week available. Reduction in the time provided for continuances should both reduce the overall times to disposition and keep pressure on counsel to resolve the matters reasonably expeditiously, since the likelihood of court action will be increased.

The demonstration will run for approximately six months. The staff is working with Chief Judge Timothy Poulton and Court Administrator Robert Horey.

#### **Automated Gathering of Case Processing Information**

The project conducted in the Detroit Recorder's Court is different from the other experiments. Rather than testing delay reduction techniques, it is directed towards enabling courts to obtain case processing information. Specifically, the Recorder's Court, with the delay project's assistance, has successfully automated the on-going collection of the case processing information gathered during Phase I of this project to compare courts.

#### **Identification of Old Criminal Cases**

A Massachusetts jurisdiction will be selected to collaborate with the project staff in implementing an experiment aimed at identifying and moving expeditiously the oldest pending criminal cases in the court. Using procedures developed by the pretrial delay staff, the oldest pending cases in the court will be subjected to intensive judicial review so as to identify those cases that have been the subject of unnecessary delay, to determine the reasons for the delay, and to exert the judicial authority needed to bring them to disposition.

This experiment coincides with the recent adoption of a new rule by the Supreme Judicial Court of Massachusetts, which requires older cases to be subjected to greater judicial scrutiny. In particular, Rule 36 of the Massachusetts Rule of Criminal Procedure requires all active cases pending more than six months to be reviewed by the court. In anticipation of this rule and in support of the experiment, the Superior Court will implement the special review proce-

dures developed by the pretrial delay staff.

Once these cases have been identified, they will receive special designation from the court and thereafter will be subject to certain extraordinary measures. These include subjecting cases to strict continuance control, prohibiting a designated case from going for more than 30 days without a scheduled court event, according such designated cases priority on the trial calendar, requiring case status conferences with written reports by the attorneys to the court, and imposing judicial sanctions on attorneys when they continue to foster delay.

In Massachusetts the project is proceeding with the authorization of the chief administrative judge, Authur M. Mason, and the president judge of the Superior Court, Edward Lynch.

**REDUCING  
TRIAL COURT DELAY**  
A project of the  
**NATIONAL CENTER  
FOR STATE COURTS**  
in cooperation with the  
**NATIONAL CONFERENCE  
OF METROPOLITAN COURTS**

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This project is supported by Grant No. 78-MU-AX-0023, awarded to the National Center for State Courts by the Law Enforcement Assistance Administration of the U. S. Department of Justice. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the U. S. Department of Justice or the National Center for State Courts.

## Judicial information system project enters fifth phase

A project aimed at supplying court administrators with timely, accurate, and complete court caseload and resource information has been awarded continuation funding from the National Criminal Justice Information and Statistics Service of the Law Enforcement Assistance Administration.

The State Judicial Information System (SJIS) project received a grant of \$560,985 for an 18-month period, the fifth phase of the project. The Conference of State Court Administrators (COSCA) will sponsor the project, for which the National Center for State Courts will continue to provide staff support.

Under the new phase of the project, National Center staff and members of COSCA will continue to assist state courts in developing and implementing their statewide judicial information system efforts. This phase of the project, however, will

*Continued on Page 3*

## National Center for State Courts

# REPORT

VOLUME 6 NUMBER 7

JULY 1979

## Arkansas reviews judicial system in constitutional reform effort

The Arkansas judicial system may see some sweeping changes next year, if voters ratify the new state constitution that will be presented to them in the 1980 general election.

A constitutional convention, authorized by the 1978 General Assembly, is being held this summer to review and update the state's 1874 constitution. The convention represents the state's second attempt in the last 10 years to make comprehensive changes in its constitution; a new constitution proposed following a

convention in 1969 failed to be ratified.

To assist the convention in preparing a new judicial article for the constitution, staff at the National Center's Southern Regional Office are working under the guidance of the Arkansas Judicial Planning Committee (JPC) to conduct a major review of the current judicial system and propose measures for improving court operations.

The Law Enforcement Assistance Administration has awarded a grant of \$378,398 to the study during the next 18 months.

"While the present judicial article has been amended several times," said Project Director Robert W. Tobin, senior staff attorney at the National Center, "there has been no major review and refinement of the judicial branch—as reflected in total constitutional reform—since the passage of the 1874 Constitution."

A 30-member task force headed by Eugene Harris, judge of the chancery court, 11th district of Arkansas, is providing policy guidance to the project. Representatives from the JPC, the courts, bar, prosecution and defense are members.

To furnish the needed background and system information to the constitutional convention, project staff will conduct extensive research documenting existing constitutional and legislative provisions for the courts. Their research will also include identifying court financial resources, preparing an inventory of available courthouse facilities, com-

*Continued on Page 2*

## State courts invited to participate in public opinion survey project

States interested in conducting surveys to determine public opinion of their courts are invited to inquire about a proposed survey research project for which the National Center is currently seeking federal funding.

Under the proposed project, the National Center would assist state court systems in conducting surveys of the public and the judiciary and in using the results to improve the judicial policy-making process. Surveys will be designed by the public opinion research firm Yankelovich, Skelly and White, Inc., to fit each state's specific characteristics, as well as to provide a basis for state-by-state and state-national comparisons.

The project follows a similar survey of public attitudes towards the courts conducted nationwide by the Yankelovich firm for the National Center. Results of the national sur-

vey were presented at a conference in Williamsburg, Va., in March 1978 and published in *State Courts: A Blueprint for the Future* by the National Center.

Interested states may obtain a copy of the project proposal by writing to Joel Zimmerman, National Center for State Courts, 300 Newport Avenue, Williamsburg, VA 23185, or calling him at 804/253-2000. In addition to receiving federal funding, participating states will be required to contribute \$20,000 as a portion of project funding and are expected to help identify private sources within the state for matching supplemental funds.

States that may wish to participate are asked to call or write Joel Zimmerman at the National Center no later than August 3.

# Pennsylvania court study shows improved case-processing time

Case processing in Pennsylvania's York County Court of Common Pleas has improved markedly since the adoption in 1973 of a speedy-trial rule for Pennsylvania courts, according to a recently released study by the National Center's Northeastern Regional Office.

The five-judge general jurisdiction trial court serves the eighth most populous county in the state. While figures show only a modest increase in recent years in the total number of cases filed with the court, appellate court decisions and legislative mandates protecting the rights of citizens have added to the complexity of matters before the court.

A study of criminal case disposition times conducted two years after adoption of the speedy-trial rule showed York County's average time to be almost twice that provided in the rule. The rule requires that trials in criminal cases commence within 180 days after arrest.

The current study, however, showed that the median elapsed time from filing of complaint to trial commencement or pretrial disposition was 140 days for 1977 cases and 135 days for 1978 cases.

In juvenile delinquency cases the study showed a distinct difference in processing time between cases where the accused was detained and those where he was not. The court consistently met statutory time limits for juveniles held in detention, while the elapsed time was considerably longer for youths charged but not detained.

## ARKANSAS

*Continued from Page 1*

piling current statistics on court staffing, and reviewing caseload reporting procedures.

If a judicial article is proposed by the convention, a long-range plan for implementing it will be developed.

An alternative plan for achieving court improvement through legislation and rule changes will also be prepared, in the event the constitution proposed by the convention fails to be ratified.

Mixed results were obtained for studies of processing time in trespass (torts), arbitration, divorce, domestic relations support, and will administration cases.

Three recommendations were emphasized in the study report: control of the criminal trial list by the district attorney under court supervision should continue; the court calendaring system, which allows individual judges flexibility in scheduling cases, should be continued; and another judge should be appointed to assure that the court continues to keep pace with caseload.

Overall, the team concluded, conditions in the York County Court of Common Pleas are good, and, with the addition of another judge and adoption of certain management controls, the court will continue to improve its service to the public.

# Uniform traffic citation form being designed for Michigan

The North Central Regional Office is assisting the Michigan State Court Administrative Office in designing and publishing a uniform traffic citation form for use throughout the state.

Use of such a form was mandated last year by the state legislature and must be implemented by August 1.

In the past, all violations of the state's traffic code—ranging from such relatively minor offenses as improper turns to such major offenses as reckless driving—were treated as criminal violations. The new legislation decriminalizes most minor traffic offenses and creates a new class of civil infractions.

Citation forms currently in use have been developed on an ad hoc basis to meet the needs of local jurisdictions, and they vary widely throughout the state. With assistance from the National Center's Court Improvement Through Applied Technology staff, project staff helped the State Court Administrative

# Benchbook to aid District judges

Work has begun at the Mid-Atlantic Regional Office on a benchbook on criminal and juvenile proceedings for judges of the District of Columbia Superior Court.

Written specifically to address the needs of the judges, rather than those of attorneys or court-support personnel, the benchbook is expected to serve as a reference resource for experienced judges and as an orientation tool for new judges.

"In a fully unified court system such as the District of Columbia's, where the judges of the court rotate among various assignments, keeping abreast of the law and mastering the procedures and techniques applicable to the different kinds of proceedings over which judges are called upon to preside is an enormous task," said Project Director David C. Steelman. "A benchbook can help ensure uniformity and efficiency."

Office, the Attorney General, the Secretary of State, and the State Police to develop a standard form and set up procedures for putting the form into use statewide by the August 1 deadline. Staff members are also providing assistance in developing training materials and procedures manuals.

The new multipart form has been designed for use in both civil infractions and misdemeanor offenses. Copies will serve as official notice to the alleged violator, as a complaint or notice to appear for the court's records, and as a record for the local traffic enforcement agency.

State Court Administrator Einar Pohlman is director of the project, and Francis Bremson, director of the Center's North Central Regional Office, is coordinator. Funding is being provided by the U.S. Department of Transportation through the Michigan Office of Highway Safety Planning.

## INFORMATION SYSTEMS

Continued from Page 1

expand the scope of participation to include all 55 members of COSCA in its activities, and, as a result, the program will become a true national effort.

A focal point of the new phase will be an analysis of the feasibility of transferring information system "modules" between states. If modules that assist in appellate, civil trial, or criminal trial court functions can be identified, they will be documented and made available to

interested courts.

It is expected that the project will help courts improve their capability for developing operational judicial information systems, for developing more effective techniques for assessing their existing information systems, and for avoiding many potential problems and failures commonly associated with extensive information system developmental efforts.

Director of the project is Lynn A. Jensen, associate director for programs. Staff Associate Carter C. Cowles is deputy director.



Infinger



Kestner



Shelton



Zaremba

## Courts staffing service

Advertisements for positions available in state courts or court-related organizations are listed free of charge on a space-available basis. Listings must be received by the Publications Department, NCSC, 300 Newport Avenue, Williamsburg, VA 23185, by the 15th of the month preceding the month of publication. The editor reserves the right to edit announcements when space is limited.

**Clerk**—United State Court of Appeals for the Third Circuit, Philadelphia, Pa. Manages and supervises the business of the court, including personnel, case management, relationships with district courts and the practicing bar, statistics, interpretation of rules, and disposition of delegated motion business. Requires law degree with 10 years active practice or experience in law-related fields, and proven management and administrative skills. Education may be substituted for some experience. Salary range: \$38,190-44,756. Send five copies of resume to Chief Judge Collins J. Seitz, Lock Box 32, Federal Building, 844 King Street, Wilmington, DE 19801 before September 1.

**Assistant to the Third Circuit Executive and Judicial Council**—U.S. Court of Appeals for the Third Circuit, Philadelphia, Pa. Works in a broad range of tasks in all phases of court administration. Requires law degree and minimum of two years of progressively responsible experience, undergraduate degree in management or related field and experience or training in court administration desirable. Salary range: \$19,263-27,453. Send five copies of resume to William A. Doyle, Third Circuit Executive, 20716 U.S. Courthouse, Philadelphia, PA 19106 before September 1.

**Technical Assistant for Probation and Court Services**—Chicago, Ill. Duties would include plan development, project monitoring and technical assistance, grants management, statistical surveys, and preparation of reports. Applicant should have a bachelor's degree in the social sciences with five years experience in probation field services, including one year of supervisory responsibility. Working knowledge of probation services in Illinois preferred. Salary \$16,000-18,500. Send letter and resume to W. J. Gribben, Executive Secretary, Illinois Supreme Court Committee on Criminal Justice Programs, 30 N. Michigan Ave., Room 2001, Chicago, Ill. 60602. An equal opportunity employer.

**Systems Analyst**—Chicago, Ill. Duties would include assisting the Coordinator of Systems and Technology in project monitoring, technical assistance, plan development, system design, grant management, and equipment evaluation. Applicant should have experience in data processing system development and an understanding of state court systems. Familiarity with Illinois practice and procedure preferred. Salary negotiable. Send letter and resume to W. J. Gribben, Executive Secretary, Illinois Supreme Court Committee on Criminal Justice Programs, 30 N. Michigan Ave., Room 2001, Chicago, Ill. 60602. An equal opportunity employer.

**Court Administrator**—Superior Court of Lake County, Ind. Assists the chief judge in a 13-judge judicial circuit in coordinating and supervising nonjudicial administrative functions. Qualifications: business administration experience with knowledge of court operations; master's degree in business administration or court management or JD desirable. Salary range: \$20,000-24,000. Submit resume to Chief Judge James Danikolas, Superior Court of Lake County, 400 Broadway, Gary, IN 46402 by August 15. EOE, M/F.

**Staff Attorney**—Southern Regional Office, National Center for State Courts, Atlanta, Ga. Responsibilities include legal and empirical research, report writing, development and research proposals, technical assistance, and project management. Involves frequent travel in 12 state region. Requires degree from accredited law school, law review or similar experience helpful. Recent experience in court reorganization and all phases of court administration highly desirable. Salary: \$18,519-20,449. Send resume, salary history, and brief letter describing relevant prior experience to Regional Director, National Center for State Courts, Southern Regional Office, Suite 119, 1600 Tullie Circle, N.E., Atlanta, GA 30329. EOE, M/F.

**Staff Attorney/Associate**—Southern Regional Office, National Center for State Courts, Atlanta, Ga. seeks person with background in law or business, public administration who is able to conduct analytical studies of court operations and develop appropriate evaluation methodologies and strategies for national scope project. One or more years of court related experience preferred. Salary negotiable based on qualifications, maximum of \$18,000. Immediate starting date. Send resume to Regional Director, Southern Regional Office, National Center for State Courts, 1600 Tullie Circle, N.E., Atlanta, GA 30329. EOE, M/F.

## Meet the staff

Jack Infinger is a computer services specialist at Center headquarters and a member of the national project investigating the link between learning disabilities and juvenile delinquency. He has had extensive data processing experience as a programmer/analyst for a criminal justice information system and for Naval research before joining the Center last January. He holds a BS in business administration from the University of South Carolina.

Sandra Kestner joined the National Center in April as secretary for the Secretariat, the administrative arm for six court-related organizations. Her previous experience includes seven years as a medical secretary.

Bonnie Shelton recently became the mailroom and supply clerk at National Center headquarters. She joined the Center last October as operator of the Center's photocopying service. She worked previously for the Colonial Williamsburg Foundation for more than 10 years as an offset press operator and as film inspection supervisor.

Barbara Zaremba is project manager of the national study investigating the link between learning disabilities and juvenile delinquency. Her background includes extensive work with the learning disabled as both an educational diagnostician and a consultant. She holds a BS in special education from Bowling Green State University and an MEd from the College of William and Mary.

# Book discusses judicial salary-setting method

One means of determining appropriate salary levels for the state judiciary—through compensation commissions—is the subject of a new monograph by the National Center.

*Judicial Compensation Commissions* outlines the composition, duties, and authority of those commissions charged with recommending judicial salary levels. Currently 28 states have commissions that aid in determining compensation of members of the executive, legislative, and judicial branches of government. In 20 of the 28 states, such commissions review and recommend levels of judicial compensation.

The book outlines three essential factors necessary for fairly and objectively setting judicial compensation: an objective review of salaries, concrete and complete data to substantiate recommendations, and a workable relation with the legislature. The book describes how these factors are an integral part of the compensation commission process but also notes that these mechanisms can be used without a compensation

commission to set policy.

The monograph was written by Staff Associate Marilyn McCoy Roberts, a member of the Research

and Information Service staff of the National Center, and published under a grant from the Law Enforcement Assistance Administration.

## National Center publications

### Books

**Judicial Compensation Commissions.** Describes the composition, duties, and authority of those state compensation commissions charged with making recommendations for compensation of the state judiciary. No. R0042. \$4.00

**Housing Justice in Small Claims Courts.** An empirical examination of the handling and resolution of housing-related disputes in small claims courts. No. R0043. \$6.00. Available after October 1.

### Reports

**Equal Employment Opportunity in the Courts. Preliminary Report.** Discusses the status of EEO in the courts, reviews the applicability of federal EEO laws to state courts, and includes a guide to EEO planning in the courts. North Central Regional Office. 145 pp. Manuscript.

**Hennepin County Courts Space Management Study. Final Report.** Documents the findings of a six-month examination of court and court-related space problems and needs and presents

recommendations for immediate, near-term, and long-range action for their resolution. North Central Regional Office. 220 pp. Manuscript.

**A Study of the New Jersey Appellate Division's Clerk's Office** reports on a nine-month study of the clerk's office and makes recommendations concerning the clerk's office organization and personnel, computer system, office space, and record keeping. Northeastern Regional Office. 232 pp. Manuscript.

### Research Essay

**Technology and the Courts: An Update.** Summarizes many of the new developments in court technology and innovations in manual approaches. Reprinted from the State Court Journal, Spring 1979. No. E008. \$1.00

*Project report manuscripts are available for the cost of reproduction. Publications may be ordered from the Publications Department, National Center for State Courts, 300 Newport Avenue, Williamsburg, VA 23185. Tel. 804/253-2000.*



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National Center for State Courts

# REPORT

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Geoffrey W. Peters Deputy Director

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Supreme Court of Hawaii

This publication is supported by Grant Number 79-DF-AX-0026 awarded by the Law Enforcement Assistance Administration, United States Department of Justice. Points of view or opinions stated in this publication are those of the National Center for State Courts and do not necessarily represent the official position of the United States Department of Justice.

Editor Margate Brady

RECEIVED  
MAY 10 1980  
CHIEF JUSTICE LAWRENCE W. EASON  
STATE COURT JOURNAL  
JUN 10 1980

ALASKA COURT SYSTEM  
JUDICIAL RESPONSIBILITIES\*

SUPREME COURT--5 justices

- Final Appellate Jurisdiction
- Civil Appeals & Cross Appeals
- Criminal Appeals & Juvenile Appeals
- Petitions for Review/Original Applications

TRIAL COURTS--63 court locations statewide

SUPERIOR COURT--20 judges

- Trial Court of General Jurisdiction
- Original Jurisdiction in all  
Civil and Criminal Matters
- Appeals from Final Judgments of  
the District Court
- Exclusive Jurisdiction: Domestic  
Relations, Children's Proceedings,  
Probate, Guardianship and Civil  
Commitments

DISTRICT COURT--17 judges & 54 magistrates

- State Misdemeanor Violations  
& Local Ordinance Violations
- Recovery of Money or Damages of  
Property not exceeding \$10.0
- Motor Vehicle Tort Cases not  
exceeding \$15.0

\*The Supreme Court has administrative responsibilities which include the management of the entire state judicial system, the promulgation of rules governing practice and procedure in civil and criminal cases in all courts, the promulgation of administrative rules and the supervision of admissions and disciplinary matters of the Alaska Bar.

*Bill*



# **THE STATE OF THE JUDICIARY**

An Address By  
Chief Justice Jay A. Rabinowitz  
Before the Joint Session  
of the Alaska Legislature  
March 6, 1979

STATE OF THE JUDICIARY MESSAGE

Chief Justice Jay A. Rabinowitz

March 6, 1979

Before a Joint Session of the Alaska State Legislature

INTRODUCTION

This marks the ninth occasion upon which the Chief Justice of the Alaska Court System has been accorded the privilege of addressing a joint session of the Alaska State Legislature upon the subject of the state of Alaska's judiciary. We in the judiciary are deeply appreciative of the invitation and share your belief that, despite the necessary and inevitable tensions inherent in a tripartite form of government, understanding can be strengthened by this opportunity.

Under Alaska's Constitution, the chief justice is selected by the justices of the Supreme Court to serve as chief justice for three years. In September 1978, Chief Justice Robert Boochever's term expired. I think this an appropriate occasion to accord public recognition to the remarkable leadership Chief Justice Boochever demonstrated throughout his three-year term of office. In large measure due to his brilliance, conscientiousness, and unflagging energy, the Alaska Court System met the challenges of a

dramatic growth in Alaska's population and diversification in its economy, which resulted in a greater and more complex volume of litigation at all levels of the Alaska Court System.

One of the most basic of the functions provided by government to its citizens is access to the courts in order that disputes between citizens, and between citizens and government may, with reasonable dispatch, be fairly and finally resolved. This dispute resolution role, and the articulation of rules of law so that similar disputes may be avoided and an element of certainty infused into society's dealings, is allotted to the Alaska Court System under Alaska's Constitution. The Alaska Court System has, I believe, thus far done an excellent job in carrying out its constitutional mandate, due in large measure to the efforts of dedicated and hard-working administrative staff, magistrates, district judges, superior court judges and justices of the Supreme Court. Not to be overlooked is the role played by Alaskan lawyers who have, on the whole, consistently demonstrated high levels of advocacy skills and ethics in litigation before Alaska's tribunals, and have rendered valuable assistance through voluntary service on numerous advisory committees which have assisted the Supreme Court in carrying out its ruling-making powers and functions.

I think it apparent that as Alaska's population increases, its economy further diversifies, and the life styles of many of its citizens become more complex, the volume and difficulty of the issues necessarily faced by Alaska's courts will be significantly changed. I wish to assure you that we will address these challenges and will continue to make every reasonable effort to effectively allocate our limited judicial reserves within the constraints of an operating budget which comprises only 2.4 percent of the total government budget of Alaska.

#### THE SUPREME COURT

I believe that the Supreme Court is at, or very near, a saturation point. By this I mean that we have reached a point where the demands upon our judicial resources are such that, without modification of existing appellate structures, accompanied by a revamping of relevant procedures, the quality of justice may be impaired due to insufficient time to give particular cases the study they warrant, and prolonged delays in reaching final decisions in those appeals.

Chief Justice Boochever pointed out two years ago that each year there is a case filed in the Alaska Court System for every four women, men and children who reside here. This somewhat astounding volume of litigation seems

to continue unabated even at the appellate level. On the national average, there is one appeal for every 2,034 citizens. In Alaska we have the fact of one appeal for every 933 citizens, or three times more appeals than the national average.

At the end of 1978, this seeming penchant for appeals resulted in the Supreme Court of Alaska having pending before it more cases than at any time since Alaska obtained Statehood. On January 1, 1979, 557 appeals were pending, compared to 507 the year before and 366 the year before that. When petitions for review and original applications are counted, the Court had 624 matters pending before it on January 1, compared to 554 and 391 in the immediately preceding years.

To further illustrate the problem, the Supreme Court of Alaska handed down 237 opinions in 1978, or about 47 opinions per justice. In 1975, the court authored 122 published opinions. In 1975, the court disposed of 299 appeals, petitions for review, and original proceedings. By 1978, we had nearly doubled our dispositions to a total of 560. We have, I submit, reached the limit where five justices can adequately manage the appellate caseload, as presently structured, and still meet our constitutional obligations. What is really significant here is not solely

the problem of an overburdened judicial tribunal. What is important is that the reasonable expectations of Alaska's citizens that their disputes be neutrally, intelligently, and expeditiously resolved must be realized, as economically<sup>1</sup> as possible.

In his last message to this joint body, Chief Justice Boochever advised that the Alaska Court System was studying various potential solutions to its burgeoning caseload and would present a concrete proposal to this Legislature. As a result of an exhaustive year-long study and numerous conferences, it was decided to seek remedial legislation in the form of an intermediate appellate court. In reaching this conclusion, we carefully considered the alternatives of asking you to increase the number of justices on the Supreme Court from five to seven; requesting funding for expansion of the Supreme Court's central staff of research attorneys; internally dividing into panels with our available personnel; and requesting an intermediate appellate court.

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1. In 1977, an average of 485 days was consumed from the time a person initiated his appeal in a civil case until a decision was reached in the matter. It took even longer for a criminal appeal to be processed, an average of 593 days. Things did not improve in 1978. Last year it required an average of 533 days for a civil appeal to be processed from beginning to final resolution. On the criminal side, the relevant statistics show a time frame of 612. This is far too long a time for appropriate resolution of these matters.

With the exception of the latter, it was determined that each of the alternatives had serious defects ranging from an actual increase in disposition time, and loss of efficiency, to dilution of the law-making role of the Supreme Court.

The intermediate appellate court bill (Court of Appeals), which is presently being considered by the Senate, reflects our judgment that this alternative is a necessary and viable solution to the problem of rational management of our appellate case load. Passage of this remedial legislation will in no way result in the diminution of the Supreme Court's constitutional grant of final appellate jurisdiction. The bill provides that the Supreme Court will have the discretionary power to hear any appeal from the Court of Appeals. The net gain, as we perceive it, is that with this discretionary authorization the Supreme Court can still hear criminal cases which involve constitutional issues or questions with either procedural or substantive ramifications beyond the confines of the particular case.

The proposed legislation calling for the creation of a three-judge intermediate appellate court will result in the quickening of the resolution of criminal appeals, and will in turn relieve both the Superior Court and the Supreme Court of portions of their respective case loads. The Superior Court will benefit through the removal of the

necessity for Superior Court judges to devote time to hearing criminal appeals arising from District Court misdemeanor prosecutions; and the Supreme Court will be relieved of the necessity to hear all sentence appeals from the Superior Court as well as all criminal appeals from the Superior Court. Thus, we anticipate an overall speeding up of the criminal appellate process and significant savings of judicial time at both the Superior Court and Supreme Court levels.<sup>2</sup>

You are all keenly aware that the Supreme Court has been called upon to rule on a variety of cases of great public interest and concern, not the least among them being the challenges to the validity of the recent primary election and questions relating to the proper allocation of Alaska's resources. A careful reading of a sampling of the Supreme Court's opinions in these areas affords some degree of insight into the complexity of appellate problems and the efforts which must be expended before a decision is reached and published. In order to insure that the cases which reach the Supreme Court of Alaska are given the thoughtful and careful scrutiny that has been the hallmark of the Supreme

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2. Our research indicates that the States of Arizona, New Mexico, and Washington each created intermediate appellate courts when their respective Supreme Courts reached case loads which are comparable to our present volume of appellate litigation.

The initial startup costs for this new court have been estimated at approximately \$350,000 with an annual cost thereafter of \$500,000.

Court, we deem it imperative that you consider passage of the proposed intermediate appellate court bill. Without enactment of this remedial legislation, I have grave reservations as to whether the Supreme Court can successfully cope with its appellate workload; preserve its standard of careful judicial scrutiny; and maintain the excellence of its work product. It is within this context and against this background that I urge you to evaluate the Alaska Court System's request that an intermediate Court of Appeals be established.

#### TRIAL COURTS

We are indeed fortunate in the quality of most of the judicial officers who have come to the bench in the twenty years of Alaska's statehood. These are the men who labor in the judicial trenches, so to speak, and the District Court judges are really in the front lines of the judicial process. It is at the District Court level that most citizens come into contact with the Alaska Court System.

And, there is a lot of contact. Last year, over 115,000 cases were filed in the District Court alone, an increase of 4 percent over 1977. Non-traffic filings increased even more, by 12 percent over last year. Most of the substantial increases came in Barrow, Kotzebue, Wrangell, and Petersburg, though there was a substantial increase in

the misdemeanor trial rate in Anchorage. Small claims filings statewide increased by one-third over what they were in 1977, probably partially as a result of the expansion of the small claims limit from \$1,000 to \$2,000, which you made effective last year. Still, District Court civil filings in 1978, other than small claims matters, increased 10 percent over 1977. In light of these statistics, we are requesting the addition of one District Court judge for Anchorage in order that the pending civil litigation be more expeditiously addressed.

At the Superior Court level, there were over 13,000 cases filed in 1978, a slight decrease from 1977. There was a slight increase in civil filings and in probate cases, but all other categories were down. On the criminal side, 1,066 felony prosecutions were commenced and 1,024 felony dispositions entered in 1978. I should advise at this point that we are asking for your approval of an additional Superior Court judge for Anchorage. We believe this request is warranted due to the fact that there has been an approximate 25 percent increase in the overall workload of the Superior Court in Anchorage since 1975. Given this increased case load and the priority which must be given criminal trials, under constitutional and rule mandates providing for a speedy trial, it is imperative that we have this additional judicial officer in order to prevent further

delays in the resolution of important civil litigation. For it cannot be denied that there is a problem of delay in the processing of civil litigation in the Superior Court at Anchorage.<sup>3</sup>

We are also requesting that you approve the creation of a Superior Court judgeship in Kotzebue. This proposal has minimal budgetary consequences since, if you approve this request, it is our intent to abolish the District Court judgeship which is presently located in Nome. As we view it, the presence of two Superior Court judges in Northwestern Alaska will give both urban and rural citizens residing there improved judicial services and should result in less of a loss of judicial time than formerly resulted when the resident Superior Court judge was peremptorily disqualified from a given case.

Further, I should mention two projects which our able Administrative Director and his staff are presently studying. One is a proposal, which will be submitted to you

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3. A facet of the delay problem is the fact that trial length increased substantially in 1978. Civil cases increased in length in the Anchorage Superior Court by 50 percent, going from an average two days in 1977 to three days in 1978. There was also a telling increase in the length of time for criminal trials in the Anchorage Superior Court, going from an average of 3.7 days in 1977 to 6.9 days in 1978.

We are investigating this problem of delay as part of a full-fledged study of the Anchorage trial courts' calendaring practices.

at the outset of your next legislative session, to remove from the Alaska Court System the responsibility for the evaluation and payment of attorney's fees claims for services rendered by members of the private bar in conflict cases in those instances where the Public Defender Agency is ethically precluded from representing the indigent defendant. Under this proposal, it is further contemplated that the Court System would be relieved of similar responsibilities in those cases where it is necessary to appoint members of the private bar as guardians ad litem for indigent civil litigants. Our present thinking is that a conflicts office should be created within the Governor's Office to handle these types of cases as well as guardian ad litem appointments. The virtues of this proposal are an estimated \$400,000 annual savings in legal fees, as well as a savings in administrative and judicial time which is presently being invested in the evaluation of conflict and guardian ad litem bills presented by the attorneys involved.

The second development which I think you should be apprised of is the fact that Mr. Snowden is presently negotiating with the federal government for rental of space in the soon to be vacated federal court facilities in Anchorage. The existing state courthouse facilities in Anchorage not only house court personnel but also the Public

Defender's Office and portions of the Anchorage Attorney General's staff. These physical facilities are now inadequate in light of current demands. In the event a fair lease arrangement can be arrived at with the federal government, we intend to seek your fiscal support to obtain these highly suitable and needed court facilities.

#### JUDICIAL SALARIES

The Salary Commission has recommended pay increases of 8 percent for judges for the next fiscal year and cost-of-living increases for the following fiscal year. It is my belief that these recommendations are eminently appropriate and fully justified for the following reasons: Firstly, the Salary Commission's proposals are within the President of the United States' voluntary wage and salary anti-inflation guidelines. Secondly, unlike other components of Alaska's state government, no judicial officer has received a salary increase since 1975. Given the extent of inflation that has taken place since 1975, passage of the Salary Commission's recommendations will not even completely remedy the diminution in effective purchasing power caused by inflation. In the event the Salary Commission's recommendations are rejected and no salary increases are granted to the judiciary, it will mean that by January 1, 1981, there will have taken place an unremedied 42 percent increase in the cost of

living since July 1975.<sup>4</sup> This will result in vastly diminished salaries for all levels of judges within the Court System. For instance, a total rejection of the Salary Commission's recommendation will have the consequence of reducing a justice's effective salary to approximately \$32,000 as of January 1, 1981. Thirdly, it is of the utmost importance that Alaska's judiciary continue to attract and retain the most experienced and best qualified lawyers in the state. In assessing the merits of the Salary Commission's proposal, I urge you not to lose sight of the fact that the potential source of judicial candidates comes from a limited resource, namely, duly qualified Alaskan lawyers. Given the necessary qualifications for judicial office, it should be apparent to you that existing judicial salaries are not comparable with what the experienced and skilled successful attorney can earn in Alaska today. I've previously alluded to the wide range of complex litigation that comes before Alaska's tribunals. In order to insure that these important matters will continue to be decided by judges of outstanding legal qualifications, I urge you to adopt the Salary Commission's recommendations.

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4. This assumes a rate of inflation of 7 percent over the next two years.

RACIAL BIAS, THE ALASKA JUDICIAL  
COUNCIL, AND THE ALASKA COURT SYSTEM

For approximately the last three years the Alaska Judicial Council has been studying the effects of the Attorney General's ban on both charge and sentence bargaining in felony prosecutions. At a meeting of the Governor's Commission on the Administration of Justice in July 1978, the Judicial Council released a preliminary study. This study analyzed felony sentences imposed between 1974 and 1976 by the Superior Courts in Juneau, Fairbanks, and Anchorage. For the crimes of burglary, fraud (and related bad check crimes), and drug cases, the study indicated that the sentences imposed upon Blacks and Alaska Natives were substantially longer than those meted out to Caucasians with similar backgrounds and for similar crimes. The Alaska Court System's own review of the Judicial Council's statistical data indicated that for certain categories of crimes Blacks did receive lengthier sentences, and that Alaska Natives are less likely to receive probation. At this time I can advise you of the steps we have taken in light of the Judicial Council's study.

Firstly, the Supreme Court has agreed to posit the existence of racial bias, either overt or unintentional, at every discretionary stage in the judicial process. Given

this fundamental premise, the Supreme Court has requested that the Judicial Council monitor, on an annual basis, all sentences imposed both at the superior court and district court levels. We have further requested that this monitoring not be limited to Juneau, Fairbanks, and Anchorage but that it be expanded to include all other urban centers as well as significant rural locations such as Bethel, Barrow, Kotzebue, and Dillingham. An expanded annual review of sentences will enable all concerned to have an accurate and current record of what is happening through the state in our criminal courts. It will also assist the Sentencing Guidelines Committee in formulating appropriate criteria to be used in sentencing and will present it with a broader statistical base from which it will be possible to evaluate the sentencing patterns of individual judges.

Secondly, in conjunction with your recently enacted comprehensive Criminal Code, the Supreme Court of Alaska appointed a Sentencing Guidelines Committee. The Committee's task is to articulate relevant and racially neutral factors which are to be taken into consideration by the sentencing courts in conjunction with your previous determination to adopt a presumptive sentencing system for the imposition of criminal sanctions. To this Sentencing Guidelines Committee, which is composed of judges and lawyers, the Supreme Court has appointed representatives from the Anchorage Native Caucus, NAACP,

and the Alaska Federation of Natives. For it is our belief that strong minority representation is necessary on the Sentencing Guidelines Committee to insure that relevant and unbiased sentencing standards are developed.

Thirdly, the Alaska Court System, through its representatives on the Governor's Commission on the Administration of Justice, is actively supporting the request of the Anchorage Native Caucus for a system-wide study of the criminal justice system. The goal of such a study would be to determine at what points, if any, racial discrimination exists, in order that appropriate remedial measures can be fashioned.

Fourthly, aside from the diagnostic efforts of the research and analysis that I have described, the Alaska Court System is attempting to take steps in other areas. We continue to open all of our administrative support positions at all levels to equal employment opportunity and to expose personnel to seminars on related problems, and we have allocated a major portion of our annual Judicial Conference, which is scheduled to be held in June at Sitka, to the subject of racial bias.

To that end, we have been working closely with the Community Relations Service of the United States Department of Justice and the Alaska Human Rights Commission. We are

also in contact with national experts, who, with the involvement of Alaska Natives and Blacks, will present a program to the June Judicial Conference designed to increase the cultural and sociological awareness of the judges and justices of the Alaska Court System.

The foregoing is a summary of the actions the Alaska Supreme Court has taken in response to the Judicial Council's findings. I would be less than candid if I failed to discuss additional facets of the problem of racial bias. The Judicial Council's study has had the effect, in the minds of many, of indicting and convicting every Superior Court judge of racial bias. This is so despite the fact that the Council's own study shows that for certain crime categories, such as homicides or rapes, no racial biases could be detected in the sentencing patterns of the Superior Courts for the years involved in the study. The same data also disclose that for some categories of crimes minorities do, in fact, receive lighter sentences than their Caucasian counterparts. I think it of further significance that the Judicial Council has advised that, because of the insufficient number of cases involved in the study, it is unable to particularize which judges are racially biased.

On the other hand, we must consider the members of the minority groups who have allegedly been discriminated against in sentencing. As to these defendants, the Public

Defender Agency and various civil liberty groups are aware that the Judicial Council's findings and research materials are all matters of public record, and that there are existing legal avenues through which judicial relief may be obtained for those individuals who demonstrate that they are serving sentences which are reflective of racial bias.

Racism is an insidious phenomenon. It is a subject that does not lend itself to detached discussion. I can well appreciate the concern, if not rage, of affected minorities who have suffered from the various ways in which racial bias can manifest itself. Thus, I wish to assure all Alaskans that the Alaska Court System is and will continue to undertake efforts and devise procedures to insure that all litigants in the courts of Alaska do in fact receive equality of treatment under the law. Further, I have full confidence in the integrity, honesty, and sincerity of my colleagues in Alaska's Judiciary, and pledge that we will continue our efforts to fulfill Alaska's constitutional mandate that all persons are equal and entitled to equal rights, opportunities, and protection under the law.

#### CONCLUSION

Just two months ago, on January 3rd, Alaska celebrated the twentieth anniversary of its admission into the Union. I think it an accurate assessment that we have come of age during this period and that Alaska's judiciary

has played a vital role in that maturation process.

Although the emphasis of this address has been focused upon the warts and wens of the Alaska Court System and the need for reforms and safeguards, it remains a reality that many of our sister states and bar organizations view Alaska's judiciary as a model judiciary. What is of enduring significance is that our democratic form of government in Alaska has the capacity for self criticism and to undertake ongoing reforms in response to the felt and demonstrated needs of its citizens. This is what truly distinguishes life in the United States and in Alaska from most other political societies on this planet. For the end of Alaska's government is justice for all its citizens, and we in the judiciary shall constantly strive towards making this goal a reality.

## planning in state courts

trends and  
developments  
1976-1978

NCSC

### PLANNING IN STATE COURTS

**Trends and  
Developments, 1976-78**

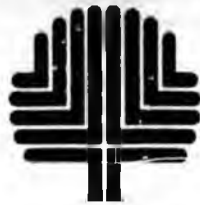
*by the NCSC Court  
Planning Capabilities  
Project Staff.*

*Robert W. Tobin, director*

Faced with a growing backlog of cases to process and with legislatures increasingly reluctant to automatically approve budget increases, state courts across the nation have begun turning to a practice that has proved profitable for modern business—long-range planning. The growing interest among court officials in planning and the future trends that will affect court planning are discussed by researchers on the Court Planning Capabilities Project. Initiated in 1975, the project is designed to enhance the planning capabilities of state court systems through technical assistance and publications.

The book focuses on court planning since the enactment of the federal Crime Control Act of 1976, which fostered the creation of broad-based judicial planning committees supported by federal funds. It summarizes the history of court planning and describes the impact of federal legislation and federal funding on those efforts. It also compares the way planning units are organized from state to state and the specific planning approaches chosen by various states.

\$5.50/R0040. Paperback,  
48 pp.



### STATE COURTS: A BLUEPRINT FOR THE FUTURE

*edited by  
Theodore J. Fetter*

A complete record of the proceedings of the National Center's conference on the judiciary held in Williamsburg, Virginia, in March 1978, the book covers a variety of issues critical to the courts. Results of a public opinion survey, announced at the conference, give perspective to the issues. The survey revealed that the American public expects its state and local courts to protect society, show equality and fairness in their decisions, and demonstrate quality in their performance by being responsive, competent, and accessible. Such aspects of courts as their relations with the community and with the American system of government, their internal organization and procedures, and alternatives to the traditional system are considered. Strategies for implementing proposed changes are discussed. The volume also includes addresses by such leaders in the courts as Chief Justice Burger, Attorney General Bell, and Senator Edward Kennedy. While the conference sought no formal consensus of views, several conclusions stand out that may help to chart the course of court improvement in the years ahead: 1) greater education about the judicial system; 2) improved access to the courts; 3) developments of alternative techniques of dispute resolution; and 4) improved procedures for accountability to the public.

\$12.50/R0038. Hardbound,  
335 pp.



Small  
Claims Courts

### SMALL CLAIMS COURTS

**A National Examination**

*by John C. Ruhnka and  
Steven Weller with  
John A. Martin*

Can citizens using small claims courts expect to find quick, inexpensive, fair, and effective resolution of their claims? Yes, concluded these experts following an intensive two-and-a-half-year examination of 15 different small claims courts across the nation. Their study found that such courts were meeting the goals of speedy and inexpensive justice far better than previous literature on small claims courts had led them to expect. The courts, however, are not without problems. Costs become substantial in cases where fee-charging attorneys are used or wages are lost in pursuing a claim. Little pretrial assistance or information is provided to defendants, and the complaint process could well produce the impression that the judicial system favored the plaintiff. The report highlights six major recommendations to improve the small claims process.

\$6.00/R0039. Paperback,  
219 pp.



JUSTICE  
DELAYED  
THE PACE OF LITIGATION IN URBAN TRIAL COURTS

### JUSTICE DELAYED

**The Pace of Litigation  
in Urban Trial Courts**

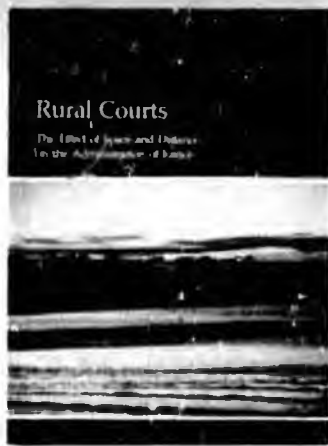
*by Thomas Church, Jr.,  
Alan Carlson,  
Jo-Lynne Lee, and  
Teresa Tan*

Trial court delay is one of the most pervasive problems that judicial reformers face today. Contrary to widespread belief, however, delay is not inevitable, say these National Center researchers. Their conclusion is based on an 18-month study that involved 21 urban trial courts across the nation. They found that informal expectations, attitudes, and practices of attorneys and judges have a great deal more to do with trial delay than the aspects of a court system that can be gleaned from an annual report, organization chart, or compilation of local rules. If any one element is essential to the effort to reduce trial delay, it is concern by the court with delay as an institutional and social problem. A strong system of managing case progress from filing to disposition, researchers found, is the most promising technique for reducing delay.

\$5.00/R0041. Paperback,  
105 pp.

## National Center for State Courts

Publications Department, 300 Newport Avenue  
Williamsburg, Virginia 23185 Tel 804/253-2000



## Rural Courts

The Effect of Space and Distance  
on the Administration of Justice

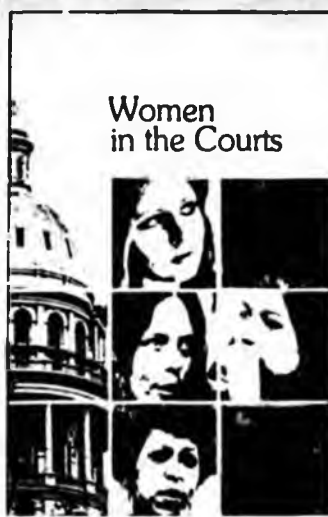
### RURAL COURTS

**The Effect of Space and Distance on the Administration of Justice**

by *L. Keith Stott, Jr., Theodore J. Fetter, and Laura L. Crites*

A variety of characteristics that distinguish rural from urban areas significantly affect the operation of courts in rural areas. Among them are small communities, concomitant personal familiarity, absence of serious crime, lack of social services, frequently lower tax base, and in some rural areas, geographical isolation. The relatively lower tax base, for example, may affect the quality of court personnel, the amount or frequency of training for these personnel, and the availability of court-related services to offenders. The characteristics and particular demands of rural courts are examined in this report, the outcome of a series of workshops by the National Center on rural courts. Researchers note that "the millions of Americans in rural areas deserve the services of a sound, well-managed judicial system just as urban residents do."

Yet rural characteristics often work against the imposition of programs designed for a more heavily populated environment." It is vital, they assert, for both court managers and state and federal policymakers to realize the particular needs and distinctive qualities of rural courts. \$8.50/R0032. Paperback, 113 pp.

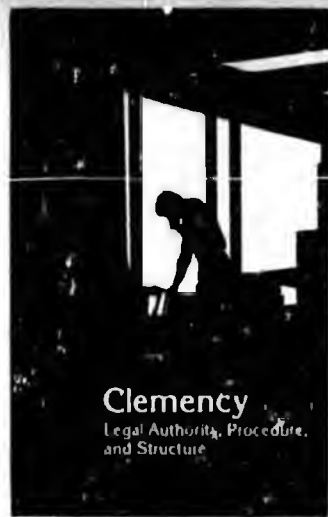


## Women in the Courts

### WOMEN IN THE COURTS

edited by  
*Winifred L. Hepperle and Laura L. Crites*

Influenced by economic pressures and changing attitudes toward traditional sex roles, many women have begun to challenge the adage that their place is in the home. This anthology dramatizes the change in women's roles that is gradually—but surely—taking place in the American court system. It documents both the progress women have made in achieving equality in the court system and the resistance to change that they continue to face. In a collection of 10 articles and a foreword by Rose Elizabeth Bird, chief justice of California, leading women in the courts take a hard look at the place women have begun to make for themselves in the judicial system—as lawyers and judges, increasingly as offenders, and as people whose rights are sometimes defined by court action. \$5.95/R0037. Paperback, 232 pp.



## Clemency

Legal Authority, Procedure, and Structure

### CLEMENCY

**Legal Authority, Procedure, and Structure**

by *Samuel P. Stafford II*

President Carter's controversial decisions to grant amnesty to Viet Nam draft evaders and pardon Patricia Hearst, as well as recent allegations in Tennessee of abuse of a governor's authority to pardon convicted criminals, have drawn attention to executive exercise of clemency power. Clemency administration in the 50 states is examined in this publication, prepared by the National Center's Research and Information Service. The publication is divided into two major sections. The first discusses the interaction among the branches of government, the limitations on clemency power, the civil and political disabilities of offenders, and the emerging legal trends in clemency grants. The second section is a descriptive and functional analysis of the clemency-granting authorities, structures, and procedures in the 50 states. Four states representing different approaches and attitudes toward clemency—Colorado, Florida, Pennsylvania, and Wisconsin—are reported in greater depth.

\$7.00/R0035. Paperback, 98 pp.

### OTHER PUBLICATIONS

**Outside the Courts: A Survey of Diversion Alternatives in Civil Cases.** \$6.50/R0023. Paperback, 107 pp.

**Parajudges: Their Role in Today's Court System.** \$4.50/R0027. Paperback, 73 pp.

**Facets of the Jury System: A Survey.** \$5.50/R0028. Paperback, 114 pp.

**Manual Case Processing: A Model System.** A 12-page research essay with separate multipart forms, overlays, and cost comparison chart. \$3.25/E007.

**Microfilm and the Courts: Guide for Court Managers.** \$4.50/R0026g. Paperback, 52 pp.

**Microfilm and the Courts: Reference Manual.** \$45.00/R0026. Looseleaf notebook, 730 pp.

**Business Equipment and the Courts: Guide for Court Managers.** \$4.50/R0030g. Paperback, 46 pp.

**Business Equipment and the Courts: Reference Manual.** \$35.00/R0030. Looseleaf notebook, 330 pp.

**Data Processing and the Courts: Guide for Court Managers.** \$5.50/R0033g. Paperback, 44 pp.

**Data Processing and the Courts: Reference Manual.** \$35.00/R0033. Looseleaf notebook, 478 pp.

**Audio-Video Technology and the Courts: Guide for Court Managers.** \$5.50/R0034. Paperback, 59 pp.

**Users' Guidebook to Computer-Aided Transcription.** \$6.50/R0031. Paperback, 91 pp.

**Planning in State Courts: A Survey of the State of the Art.** \$5.50/R0029. Paperback, 55 pp.

**Pretrial Delay: A Review and Bibliography.** \$4.00/R0036. Paperback, 77 pp.

# National Center for State Courts

# REPORT



VOLUME 6 NUMBER 3

MARCH 1979

## Virgin Islands court conducts first jury trial

The first jury trial ever in the territorial court of the Virgin Islands was held January 22, using a jury system the National Center had helped design. Center staff members Ingo Keilitz and C. Mae Kuykendall, who worked on the project, were among observers at the two-day trial.

Presiding Judge Verne A. Hodge of the St. Thomas Division of the court impaneled the jury and conducted the trial, in which the defendant was acquitted of assault charges. The St. Croix Division of the court is expected to conduct its first jury trial soon.

Created by the island's legislature in 1976, the territorial court was

*Continued on page 3*

## CCJ urges Congress to support state court improvement efforts

The Conference of Chief Justices called on Congress to recognize "the unique role of the National Center in state court reform" and to provide for continued funding by the Law Enforcement Assistance Administration or its successor agency at not less than the level it currently receives.

The action came at the CCJ midyear meeting, February 12-13 in Atlanta, in the face of proposed drastic cuts in the LEAA budget that would directly affect the National Center.

The chief justices also adopted in principle a preliminary report of the 17-member task force headed by Chief Justice Robert Utter of Washington studying state-federal relations in providing forums for dispute resolution. Sponsored jointly by the CCJ

and the Conference of State Court Administrators, the task force is also drafting legislation for a State Court Improvement Act in which the National Center would figure prominently.

U.S. Attorney General Griffin Bell was conference keynote speaker.

In other action the chief justices urged "serious and immediate attention" to the need for improved legal education in the U.S. The justices established a special committee, to be appointed by Conference Chairman James Duke Cameron, chief justice of Arizona, to conduct a comprehensive study of the problem and present its conclusions and recommendations at the 1981 annual meeting.

The Conference also began a study of the feasibility of a unified appeal procedure in criminal cases in which a sentence of life imprisonment or death has been imposed. Chief Justice H.E. Nichols of Georgia was appointed chairman of the five-member committee, which will give its final report at the conference's annual meeting in August.

Currently three means exist for postconviction review of criminal convictions: direct appeal, state postconviction review or habeas corpus, and federal habeas corpus. The unified procedure provides a defendant with an opportunity to present to the sentencing court and the reviewing court all challenges to his conviction.

*Continued on page 2*

## Court statistics report issued

A document being released this month by the Law Enforcement Assistance Administration (LEAA) is the first step toward developing a national data base of state court caseload statistics. Prepared by the National Court Statistics Project of the National Center for State Courts, the 221-page "State Court Caseload Statistics: The State of the Art" is a comprehensive, documented report on historical and contemporary national attempts to collect and report state-level caseload statistics.

The report is available free through the National Criminal Justice Reference Service in Washington, D.C.

In addition to outlining the problems in collecting and reporting such statistics, the book formulates recommendations and sets priorities for the types of caseload information that should be collected and reported by state court administrative offices in order to gain the greatest benefits in improved management control, planning, and sharing technology.

"State Court Caseload Statistics: State of the Art" is the first of several documents soon to be released by the National Court Statistics project.

Funded by LEAA, the project is a cooperative effort of the National

*Continued on page 2*

# Effective use of court facilities is aim of new study in Iowa

The North Central Regional Office, in association with Space Management Consultants, Inc., is undertaking a space utilization study of the Polk County Courthouse in Des Moines, Iowa.

Built in 1907, the courthouse has housed both county government and court functions. Competition for space has become an increasing problem in recent years as the need for and number of courts and court agencies has grown. In addition, limited jurisdiction courts located throughout the county became a part of the district court system during a 1973

## Deputy director for administration resigns from post

Arne L. Schoeller, deputy director for administration of the National Center, recently announced his resignation, effective in mid-April.

A member of the Center staff since 1974, Schoeller from 1971 was Special Assistant to the Attorney General of the United States charged with development of adjudication programs in the then new Law Enforcement Assistance Administration. Prior to 1971 he served as Chief Deputy Attorney General of Minnesota, as research director of a Minnesota nonprofit citizens action group, and in the private practice of law in Minneapolis. He has AB and LL.B. degrees from Harvard University.

Center Director Edward B. McConnell praised Schoeller's work, citing his assistance in matters of policy, in overseeing the development of the permanent headquarters building in Williamsburg, in areas of foundation and other private fund raising for the Center, and in maintaining beneficial relationships with business, federal agencies, and the Congress. McConnell said the Center will soon begin a nationwide search for candidates to fill Schoeller's position.

trial court reorganization, although space was not then available for the courts to be relocated in the courthouse. To accommodate this growth—and a similar expansion in county government—county administrative functions are being moved this spring to a new location.

The National Center was asked to develop an interim plan for locating these courts and a number of court-related agencies within the building, along with court functions currently housed there. The plan will take into account working relations between the agencies to make the most effective use of the space available. Staff members will also assist in implementing the plan in May to allow for a smooth transition. The study is the first of a proposed three-phase effort to develop long-range plans for the courthouse use and to determine major remodeling needs.

## STATISTICS REPORT

*Continued from first page*

Center and the Conference of State Court Administrators. It is expected that subsequent documents will create a permanent national data base of state court caseload statistics that will permit compilation of information on trial and appellate court caseloads and will make possible analysis and identification of national trends in court activities. Both prevalent and isolated court problems should become more readily apparent.

A national statistical data base will provide each state court with a means of measuring the effects of specific legislation on total court caseload, thus enabling each court system to anticipate the possible effects future legislation may have on case activity and to better meet the needs of the community. In addition, the availability of comparable state court data will permit an objective assessment of existing standards for court administration, will aid in the evaluation of existing court organizations,

## B&PF Committee raises \$250,000

The Business and Professional Friends Committee of the National Center has met its 1978 goal of \$250,000 raised in the private sector.

Composed of 22 corporate executives and 15 prominent lawyers under the chairmanship of George A. Stinson, chairman of National Steel Corp., the committee provides the means for advisory and financial support for judicial improvement through the Center.

Of the 99 corporations and corporate foundations that made contributions in 1978, 20 were new contributors. Eight increased their gifts from the previous year.

Eight corporations gave \$10,000 each in 1978: American Telephone and Telegraph Company, Exxon Corporation, Ford Motor Company Fund, General Electric Company, General Motors Foundation, Inc., General Telephone & Electronics Foundation, National Steel Corporation, and Procter & Gamble Fund.

and will assist in educating the public about court problems. This information should help to identify court systems that are operating effectively and to inform other courts about successful programs and procedures.

## CHIEF JUSTICES

*Continued from first page*

tion, sentence, and detention. At the same time the unified procedure reduces the extensive amount of time that may lapse before a conviction can be either reversed or affirmed, when the several appellate procedures are pursued.

The chief justices endorsed programs under which interest earned on attorneys' trust accounts is, with clients' consent, used to improve the administration of justice. They cited such a program in Florida and called on other states to adopt similar programs.

The National Center is secretariat to the CCJ, as well as to seven other court organizations.

## Courts staffing service

Advertisements for positions available in state courts or court-related organizations are listed free of charge on a space-available basis. Listings must be received by the Publications Department, NCSC, 300 Newport Avenue, Williamsburg, VA 23185, by the 15th of the month preceding the month of publication. The editor reserves the right to edit announcements when space is limited.

**Project Analyst**—Montgomery County, Ohio, Adult Probation Department. Responsibilities include systems assessment, systems documentation, information transfer and technical assistance activities for the county justice information system. Requires bachelor's degree or equivalent and minimum of three years of experience in developing and implementing information systems, two years of which must be in a supervisory capacity directing both professional and clerical staff. Managerial experience to assist the project director in project development and management is needed. Knowledge of the criminal justice system required. Salary: \$22,000-\$25,000. Submit resume to Cathie Johnson, Personnel Director, County Administration Building, 451 West Third Street, Dayton, Ohio 45422.

**Senior Staff Attorney/Associate**—Northeastern Regional Office, National Center for State Courts, North Andover, Mass. Responsibilities include research, proposal development, and performance of regional projects. Desired qualifications: at least three years of experience in research design and grants administration, and ability to conduct analytic studies of court operations with emphasis on trial court administration. Salary negotiable, based on qualifications; maximum of \$30,000. Applicant should possess JD, MBA, MPA, or PhD degree. Immediate starting date. Submit resume to Regional Director, Northeastern Regional Office, National Center for State Courts, 723 Osgood Street, North Andover, MA 01845. EEO/ME.

**Staff Attorney/Associate**—Northeastern Regional Office, National Center for State Courts, North Andover, Mass., seeks person with background in law or business/public administration who is able to conduct analytic studies of court operations. One or more years of experience in court administration preferred. Salary negotiable based on qualifications; maximum of \$18,000. Immediate starting date. Send resume to Regional Director, Northeastern Regional Office, National Center for State Courts, 723 Osgood Street, North Andover, MA 01845. EEO/ME.

### VIRGIN ISLANDS JURY TRIAL

*Continued from first page*

authorized to begin conducting jury trials in January 1979. Last summer the court engaged the Mid-Atlantic Regional Office of the National Center to assist in writing a plan for jury selection and service and to train the court clerks and marshals to perform jury-related duties.

In November the territorial court adopted the Jury Service and Selection Plan, based on drafts by the project staff. The plan specifies standards to be met with respect to key elements of the jury system and is augmented by a series of procedural and technical memoranda from the presiding judge to the court staff.

The plan requires that the territorial court supplement the traditional source list of voters with the list of licensed drivers, a requirement that is expected to increase the number of younger citizens called for jury service. A juror pooling system is used, with staggered voir dices conducted among an estimated "safe" number of jurors summoned for the day. Trials commence on the same day as voir dire. A coded telephone message is recorded to inform groups of jurors whether to appear for jury service on

a particular day. Jurors are paid a fee of \$30 for one day of service or \$15 for a half day. Preliminary measures of juror usage indicate an efficient use.

The National Center will submit a final report to the territorial court in April with evaluations and suggestions for improvement.

## Meet the National Center staff

Linda R. Caviness is a statistical analyst for the headquarters-based project evaluating the effectiveness of modern jury utilization and management techniques. She was previously assistant professor of sociology at Christopher Newport College and at the College of William and Mary. She has also been a research and analysis coordinator for the justice departments of the states of Virginia and North Carolina. She holds BA and MA degrees in sociology from North Carolina State University.

David F. Halbach is a member of the Gault Revisited Project studying urban juvenile courts. Before joining the National Center he was a juvenile justice specialist for the Illinois Law

## S.D. records management study begins

A preliminary examination of circuit court records-management practices is underway in South Dakota. North Central Regional Office staff, with the assistance of the Center's Court Improvement Through Applied Technology staff, are looking at records needs in the court, especially in view of operational changes brought about by recent legislative and constitutional initiatives in court reform.

The current records-management system is the result of individual court practices and policies developed on an ad hoc basis over the years. The number, type, and design of forms vary widely from county to county. Some retention periods are mandated by statute, but no comprehensive schedule for destroying outdated records has been developed.

The 10-week study will consider the need for microfilming equipment for the court, develop a limited records retention schedule, suggest inventory procedures, and make recommendations on areas that warrant additional study and improvement.



Caviness



Halbach

Enforcement Commission and served for nine years as a juvenile court judge in Iowa. He served on and chaired the Iowa Bar Association's Judicial Administration Committee and served on the Ad Hoc Committee on Court Reorganization prior to Iowa's court reorganization. He holds a JD and BSC from the University of Iowa and an AM from the University of Chicago.

# National Center news in brief

National Center Director Edward B. McConnell has been named a member of the U.S. Department of Justice Council on the Role of Courts and the American Bar Association Action Commission to Reduce Court Costs and Delay.

The Council was formed to study the role of courts in contemporary American society, determine what empirical research should be con-

ducted in this area, discuss the results of such research, and reach some conclusions that will be of assistance to legislators, judges, and others concerned with this problem.

The ABA Action Commission, working with such organizations as the National Center, will review the causes for high costs and excessive delays in the American court system

and select priority solutions for testing and implementation.

Work has been completed at National Center headquarters on a major reconfiguration of office space to accommodate a rapid growth in programs and staffing. The building was designed with movable walls in anticipation of the expansion. National Center staff now numbers 100 full-time employees in Williamsburg, in addition to the 45 in regional and project offices.

Baron Terence Marne O'Neill, a member of Great Britain's House of Lords and former Prime Minister of Northern Ireland, toured National Center headquarters last month during a visit to Williamsburg. He met briefly with several National Center staff members to discuss the work of the Center and was escorted by Mid-Atlantic Regional Director Douglas C. Dodge.

## National Center publications

**Court Reporting Services in New Jersey** outlines recommendations designed to reduce transcript delay in the appellate process. Northeastern Regional Office project. 215 pp. Manuscript.

**Jury Utilization and Management, Seventh Judicial Circuit, Rapid City, South Dakota**, describes a comprehensive program to effect modern jury procedures in the circuit. North Central Regional Office project. 246 pp. Manuscript.

**Detroit Recorder's Court Court Administrator/Clerk of Court Recruitment Project** outlines steps taken to recruit nationally for this position and to screen applicants. North Central Regional Office project. 89 pp. Manuscript.

**How Much Should We Charge for Justice: Fees and Statutory Costs Paid by Litigants in New York State; The Price of Local Justice: Costs of Operation of the Town and Village Courts in New York State; and New York State Court Budget Review Manual** constitute a three-volume report on New York's implementation of state financing of its courts. Northeastern Regional Office project. Reports are \$4.50 each.

*Project report manuscripts are available for the cost of reproduction, except where noted. Publications may be ordered from the Publications Department, National Center for State Courts, 300 Newport Avenue, Williamsburg, VA 23185. Tel: 804/253-2000.*



300 Newport Avenue  
Williamsburg, Va. 23185  
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National Center for State Courts

## REPORT

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This publication is supported by Grant Number 74-19-AR-0026 awarded to the Law Enforcement Assistance Administration, United States Department of Justice. Points of view or opinions stated in this publication are those of the National Center for State Courts and do not necessarily represent the official position of the United States Department of Justice.

Editor

Margaret Healy

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SAVE



**Survey  
of  
Judicial  
Salaries**



National Center for State Courts

Volume 5 Number 1

January, 1979

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National Center for State Courts

This publication is supported by Grant Number 79-DF-AX-0026, awarded by the Law Enforcement Assistance Administration, United States Department of Justice. LEAA bears no responsibility for the accuracy of the information contained herein.

# Foreword

This survey of judicial salaries lists salary figures as of January 31, 1979. Bold face figures in the salary charts ("Courts of Appellate and General Jurisdictions and State Court Administrators" and "Courts of Special or Limited Jurisdiction") indicate changes since the October 1978 update that appeared in the Winter issue of the *State Court Journal*.

The "Judicial Salaries in Appellate and Trial Courts" table lists the date of last salary change for highest, intermediate appellate or general trial court judges for each state court system. This table, like the "Rank Order of Judicial Salaries" table, utilizes salaries paid to associate justices for the highest court and intermediate appellate courts. The general trial court salaries refer to the state-paid salary without supplements. Salaries including supplements appear in parentheses immediately beneath the figures for the state paid salary.

Appendix I lists salaries scheduled to take effect in the future and pending legislation that could affect judicial salaries. Appendix II indicates the states that provide for "floating" judicial salaries on the consumer price index or other cost of living adjuster.

Every effort has been made to ensure the accuracy of the survey data; figures for each state have been obtained from its office of court administration. If errors have occurred or if the data is not completely accurate, please notify us promptly.

Survey of Judicial Salaries  
National Center for State Courts  
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Survey Editor: Gordon Penman

# The National Center for State Courts

The National Center for State Courts is a nonprofit organization dedicated to the modernization of court operations and the improvement of justice at the state and local level throughout the country. It functions as an extension of the state court systems, working for them at their direction and providing for them an effective voice in matters of national importance.

In carrying out its purpose, the National Center acts as a focal point for state judicial reform, serves as a catalyst for setting and implementing standards of fair and expeditious judicial administration, and finds and disseminates answers to the problems of state judicial systems. In sum, the National Center provides the means for reinvesting in all states the profits gained from judicial advances in any state.

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# Rank Order of Judicial Salaries, Income, and Population

Population and income figures are from the U.S. Department of Commerce and Bureau of Census, *Statistical Abstract of the United States 1978*. Where another state has the same rank, rank is shown in parentheses. The salaries reported for the highest appellate court refer to the salaries paid to associate justices. The general trial court salaries refer to standard state-paid salary for ranking purposes.

Rank	Highest Appellate Court and Salary	General Trial Court and Salary	Per Capita Personal Income	Population
1	California 66,082	California 51,624	Alaska	California
2	New York 60,575	Illinois 50,500	Connecticut	New York
3	Illinois 58,000	South Carolina 49,140	New Jersey	Texas
4	Michigan 56,500	New York 48,998	Nevada	Pennsylvania
5	New Jersey 56,000	Alaska <sup>b</sup> 48,576	California	Illinois
6	Pennsylvania 55,000	New Jersey 48,000	Illinois	Ohio
7	Louisiana 54,000	Louisiana <sup>a</sup> 45,900	Delaware	Michigan
8	Tennessee 53,667	Missouri (8) 45,000	Hawaii	Florida
9	Alaska <sup>b</sup> 52,992	Pennsylvania (8) 45,000	Michigan	New Jersey
10	Texas 51,400	Tennessee 44,722	Maryland	Massachusetts
11	Ohio 51,100	Virginia 44,500	Wyoming	North Carolina
12	Missouri (12) 50,000	Arizona 43,500	New York	Indiana
13	Virginia (12) 50,000	Nevada 43,000	Washington	Virginia
14	South Carolina 49,140	Hawaii (14) 42,500	Massachusetts	Georgia
15	Minnesota 49,000	Maryland (14) 42,500	Colorado	Missouri
16	Wisconsin 48,920	Wyoming (14) 42,500	Kansas	Wisconsin
17	Maryland 47,800	Massachusetts 42,053	Minnesota	Tennessee
18	Arizona 47,500	Minnesota 42,000	Ohio	Maryland
19	Nevada 47,250	Oregon 41,061	Pennsylvania	Minnesota
20	North Carolina 47,000	Mississippi 41,000	Oregon	Louisiana
21	Massachusetts 46,638	Florida 40,850	Indiana	Alabama
22	Georgia (22) 46,000	Iowa 40,000	Wisconsin	Washington
23	Mississippi (22) 46,000	New Hampshire 39,750	Iowa	Kentucky
24	Oregon 45,707	Nebraska <sup>a</sup> (24) 39,500	Virginia	Connecticut
25	Colorado 45,600	North Carolina (24) 39,500	Texas	Iowa
26	Florida 45,350	Rhode Island <sup>b</sup> 39,100	Rhode Island	South Carolina
27	Hawaii (27) 45,000	Delaware (27) 39,000	Nebraska	Oklahoma
28	Iowa (27) 45,000	Washington (27) 39,000	Florida	Colorado
29	Washington (27) 45,000	Connecticut (29) 38,500	Missouri	Mississippi
30	Wyoming (27) 45,000	Georgia <sup>a</sup> (29) 38,500	New Hampshire	Oregon
31	Nebraska 43,000	Colorado 38,350	Arizona	Kansas
32	Delaware 42,000	Wisconsin <sup>a</sup> 36,151	Oklahoma	Arizona
33	Rhode Island <sup>b</sup> 41,300	Texas <sup>a</sup> 35,700	Nebraska	Arkansas
34	New Hampshire 40,810	New Mexico 35,317	Montana	West Virginia
35	Connecticut 40,000	Idaho (35) 35,000	Georgia	Nebraska
36	Alabama 39,500	Kentucky (35) 35,000	West Virginia	Utah
37	Oklahoma 39,200	Montana (35) 35,000	Idaho	New Mexico
38	Kentucky 39,000	North Dakota 34,500	South Dakota	Maine
39	New Mexico 38,165	Arkansas 33,510	Kentucky	Rhode Island
40	Indiana 38,100	Utah 33,500	North Carolina	Hawaii
41	Idaho 38,000	Ohio <sup>b</sup> (41) 33,000	Utah	Idaho
42	North Dakota 36,800	South Dakota (41) 33,000	Louisiana	New Hampshire
43	Kansas 36,250	Kansas <sup>a</sup> 32,625	New Mexico	Montana
44	Arkansas 36,023	Vermont 31,800	Vermont	South Dakota
45	Montana 36,000	Maine (45) 31,500	Tennessee	North Dakota
46	Utah 35,500	West Virginia (45) 31,500	Maine	Nevada
47	South Dakota (47) 35,000	Michigan <sup>a</sup> 30,850	South Carolina	Delaware
48	West Virginia (47) 35,000	Alabama <sup>a</sup> 27,500	Alabama	Vermont
49	Vermont 33,655	Indiana <sup>b</sup> 26,500	Arkansas	Alaska
50	Maine 32,000	Oklahoma <sup>b</sup> 22,080	Mississippi	Wyoming

<sup>a</sup>Local Supplements may be added to state pay

<sup>b</sup>Rank is based on lower figure of salary range

# Judicial Salaries in Appellate and Trial Courts

Salaries including supplements are shown in parentheses immediately beneath the figures for state-paid salaries. Salary ranges can reflect cost of living differences as in Alaska, longevity increases as in Rhode Island, or may be determined by such factors as population or caseload of jurisdiction. National averages for the highest and general trial courts are based on figures for the 50 states. For intermediate appellate court the average is based on the 28 states that have such courts. The figures used for the average are salaries without supplements or the lowest salary of the range.

	Highest Court	Intermediate Appellate Court	General Trial Court	Date of Last Salary Change
Alabama	39,500	38,000	27,500 (42,200)	4-25-78
Alaska	52,992 to 60,410		48,576 to 57,076	7-1-78
Arizona	47,500	45,500	43,500	1-1-79
Arkansas	36,023		33,510	7-1-78
California	66,082	61,952	51,624	7-1-78
Colorado	45,600	41,500	38,350	1-1-79
Connecticut	40,000		38,500	1-1-79
Delaware	42,000		39,000	7-1-75
Florida	45,350	43,050	40,850	1-1-79
Georgia	46,000	45,500	38,500 (52,900)	2-1-78
Hawaii	45,000		42,500	1-1-76
Idaho	38,000		35,000	7-1-78
Illinois	58,000	53,000	50,500	12-1-78
Indiana	38,100	38,100	26,500 to 31,500	6-1-75
Iowa	45,000	42,500	40,000	7-1-77
Kansas	36,250	35,000	32,625 (34,125)	1-1-79
Kentucky	39,000	37,000	35,000	6-30-76
Louisiana	54,000	51,300	45,900 (48,600)	7-1-78
Maine	32,000		31,500	7-1-78
Maryland	47,800	44,900	42,500	7-1-78
Massachusetts	46,638	43,621	42,053	7-1-78
Michigan	56,500	51,500	30,850 (51,850)	1-1-79
Minnesota	49,000		42,000	7-1-77
Mississippi	46,000		41,000	7-1-78
Missouri	50,000	47,500	45,000	1-1-78
Montana	36,000		35,000	7-1-77
Nebraska	43,000		39,500 (41,000)	1-1-79
Nevada	47,250		43,000	1-1-79
New Hampshire	40,810		39,750	6-16-78
New Jersey	56,000	53,000	48,000	1-1-78
New Mexico	38,165	36,456	35,317	7-1-78
New York	60,575	51,627	48,998	7-1-74
North Carolina	47,000	44,500	39,500	7-1-78
North Dakota	36,800		34,500	7-1-77
Ohio	51,000	47,000	33,000 to 41,500	5-1-78
Oklahoma	39,200	36,200	22,080 to 33,200	7-1-78
Oregon	45,707	44,619	41,461	12-1-78
Pennsylvania	55,000	53,000	45,000	7-1-76
Rhode Island	41,300 to 49,560		39,100 to 46,920	7-2-78
South Carolina	49,140		49,140	1-1-79
South Dakota	35,000		33,000	7-1-78
Tennessee	53,667	49,195	44,722	7-1-78
Texas	51,400	45,400 (50,400)	35,700 (49,400)	9-1-78
Utah	35,500		33,500	5-10-77
Vermont	33,655		31,800	7-2-78
Virginia	50,000		44,500	7-1-78
Washington	45,000	42,000	39,000	7-1-77
West Virginia	35,000		31,500	7-1-76
Wisconsin	48,920	44,868	36,151 (42,957)	8-1-78
Wyoming	45,000		42,500	3-10-78
National Average	45,248	45,278	38,971	NA
District of Columbia	51,350		49,050	2-20-77
Federal System	72,000	57,500	44,500	3-1-77
American Samoa	51,244		NA	1-22-78
Commonwealth of Puerto Rico	32,000		26,000	7-31-74
Virgin Islands	NA		45,000	1-10-79

# Key to Abbreviations

<b>AC</b>	Appellate Court	<b>DCA</b>	District Court of Appeals
<b>AdDirCt</b>	Administrative Director of the Court	<b>DistJ</b>	District Judge
<b>ADistJ</b>	Associate District Judge	<b>DpCJ</b>	Deputy Chief Judge
<b>AJ</b>	Associate Judge, Justice	<b>Equity C</b>	Equity Court
<b>AppDiv</b>	Appellate Division	<b>ExecOff</b>	Executive Officer
<b>AssJ</b>	Assistant Judge	<b>GenSessCt</b>	General Sessions Court
<b>CA</b>	Court of Appeals	<b>J</b>	Judge
<b>CC</b>	Circuit Court	<b>JC</b>	Justice Courts
<b>CCivA</b>	Court of Civil Appeals	<b>JDRC</b>	Juvenile and Domestic Relations Court
<b>CCrA</b>	Court of Criminal Appeals	<b>JP</b>	Justice of the Peace
<b>Ch</b>	Chancellor	<b>Juv</b>	Juvenile Court
<b>ChC</b>	Chancery Court	<b>MC</b>	Municipal Court
<b>CirJ</b>	Circuit Judge	<b>MDV</b>	Municipal Division Judges
<b>CJ</b>	Chief Judge, Justice	<b>PC</b>	Probate Court
<b>Co</b>	County	<b>PCirJ</b>	Presiding Circuit Judge
<b>CoC</b>	County Court	<b>PJ</b>	Presiding Judge
<b>CoDC</b>	County District Court	<b>PoC</b>	Police Court
<b>Comm</b>	Commissioner	<b>SC</b>	Superior Court
<b>Comp</b>	Compensation	<b>SCA</b>	State Court Administrator
<b>CP</b>	Court of Common Pleas	<b>SCoC</b>	Superior County Court
<b>CrC</b>	Criminal Court	<b>SpecJ</b>	Special Judge
<b>CrDC</b>	Criminal District Court	<b>SrC</b>	Surrogate Court
<b>CSA</b>	Court of Special Appeals	<b>StIndustCt</b>	State Industrial Court
<b>Ct</b>	Court	<b>SupCt</b>	Supreme Court
<b>DC</b>	District Court	<b>Supp</b>	Supplement
		<b>VCh</b>	Vice Chancellor

**Courts of Appellate and General Jurisdictions  
and State Court Administrators**

# Salaries

	Highest Court CJ	Court AJ	State Court Administrator	Intermediate Appellate Court	General Trial Court
Alabama	40,000	39,500	34,515	CCivA 38,000 CC-A 35,000 PJ 38,500	State CC 27,500 Local supps. 1,200 to 14,700 Authority for local supps is based upon local acts and general acts of local application.
Alaska <sup>a</sup>	52,992	52,992 to 60,410 depending on location and cost of living differentials	50,784		SC 48,576 to 57,076 depending on location and cost of living differentials
Arizona	47,500	47,500	35,677	CA 45,500	SC 43,500 Comm. 34,800, set by Presiding Judge not to exceed 80% salary of the judge
Arkansas <sup>a</sup>	39,297	36,023	28,949		CC 33,510 ChC 33,510
California <sup>b</sup>	70,212	66,082	49,820	CA 61,952	SC 51,624
Colorado	48,600	45,600	39,925	CA CJ 42,300 AJ 41,500	DC 38,350
Connecticut <sup>a</sup>	44,000	40,000	42,000 SCA is also a SupCt AJ		SC J 38,500 or 28,500
Delaware <sup>a</sup>	42,500	42,000	32,200		SC PJ 39,500 AJ 39,000 ChC Ch 39,500 VCh 39,000
Florida	45,350	45,350	35,700	DC A 43,050	CC 40,850
Georgia	46,000	46,000	33,000	45,500	SC 38,500 Local supps to 14,400
Hawaii	47,500	45,000	40,000		CC 42,500
Idaho <sup>a</sup>	38,000	38,000	35,500		DC 35,000
Illinois	58,000	58,000	53,000	AC 53,000	CCJ 50,500 AJ 45,000

<sup>a</sup>See Appendix I

<sup>b</sup>See Appendix II

## Courts of Special or Limited Jurisdiction

Family Courts Juvenile Domestic	Probate Courts Surrogate Courts	Justice Courts Justice of Peace	County Courts	Circuit or District Courts	Municipal Courts Police Courts	Common Pleas Courts
	PC 300 to 45,000			DC 24,750 Local supp up to 11,000	Recorder's Court 500 to 22,000	
			Magistrate Ct. 7,126 to 38,902	DC 41,068 to 48,255 depending on location and cost of living differentials		
		JP 6,900 to 20,500 based on registered voters in precinct			PolC 1,200 to 46,521 set by mayor and city council	
		JP 1,200 to 3,600	9,000 to 24,000		MC 2,400 to 31,500 PolC 1,200 to 3,600* *Beebe County City Court 1,200 to 3,600	CP 100-900 based on cases* *This court is provided over by the CoC judge who receives this in addition to his regular salary.
		JC 3,575 to 38,409			MC 47,497	
Juv* 38,350 SC* 38,350 *Denver	PC* 38,350 *Denver  PC fees up to 38,500		Denver 32,800 Others 3,300 to 32,800		MC 500 to 30,000	
Family Court CJ 38,500 AJ 38,000		JP 11,000			MC Wilmington CJ 32,748 AJ 31,579 AJ part time 13,684	CP CJ 38,500 AJ 38,000
			Pop. less than 40,000: 29,500 Pop. more than 40,000: 38,550			
Juv Full time 18,375 to 42,000 Part time 2,400 to 24,400	PC 5,000 to 42,000		3,600 to 12,000	State Court full time 15,000 to 42,500 part time 2,400 to 18,000  DC 40,000  Magistrate Dis of DC Lawyers full time 26,700 Lay full time 14,000 to 20,000 Lay part time 10,000 to 11,000	MC up to 39,156	

## Courts of Appellate and General Jurisdictions and State Court Administrators

	Highest Court CJ	Court AJ	State Court Administrator	Intermediate Appellate Court	General Trial Court
Indiana <sup>a</sup>	38,100 Subsistence allowance 3,000	38,100 3,000	Sup Ct Adm 34,125 Ex Dir-St. Ct. Administration 34,125	CA 38,100 Subsistence allowance 3,000	CC & SC & Crim C 26,500 to 31,500 depending on county population and assessed valuation
Iowa	50,000	45,000	25,935	CA CJ 43,000 J 42,500	DC CJ 42,000 AJ 40,000
Kansas <sup>a</sup>	37,250	36,250	32,625	CA CJ 36,000 J 35,000	Dist J 32,625 Local supps 1,500 only in certain urban counties A Dist J 30,500 Local supps up to 1,500 Dist Magistrate Judge 14,000 to 16,250
Kentucky	39,500	39,000	34,000	CJ 37,500 J 37,000	CC 35,000
Louisiana	54,000	54,000	48,600	CA 51,300	DC base 45,900 48,600 where population exceeds 225,000
Maine <sup>a</sup>	33,500	32,000	30,000		SC 31,500
Maryland <sup>a, b</sup>	49,000	47,800	42,500	CSA C <sup>1</sup> 46,100 AJ 44,900	CC 42,500
Massachusetts <sup>a</sup>	48,000	46,638	44,500	AC CJ 45,070 AJ 43,621	SC CJ 42,053 AJ 42,053
Michigan	56,500	56,500 Comm. 33,450 to 40,841	51,302	CA 51,500	CC 30,850 Local supps 3,500 to 21,000 Recorders Court (Detroit) 49,414
Minnesota <sup>a</sup>	52,000	49,000	up to 44,100		DC 42,000
Mississippi	CJ 47,000 PJ 46,500	46,000			CC 41,000 ChC 41,000

<sup>a</sup>See Appendix I

<sup>b</sup>See Appendix II

## Courts of Special or Limited Jurisdiction

Family Courts Juvenile Domestic	Probate Courts Surrogate Courts	Justice Courts Justice of Peace	County Courts	Circuit or District Courts	Municipal Courts Police Courts	Common Pleas Courts
	PC 26,500 to 31,500 (St. Joseph County only)		23,500		MC PJ 30,500 AJ 29,500	
				A Dist J 33,000	Ma: rates full time 33,000 part time 8,750	
					MC by city up to 18,678	
Juv 48,000		JP (average) 1,200 to 1,800		DC 27,500		
					New Orleans MC 34,000 Traffic Ct 34,000 City Court 10,000 plus local supps. New Orleans 43,000 Parish Courts 30,000 to 48,100	
	PC 4,500 to 12,020			DC CJ 30,000 DpCJ 29,800 J 29,000		
	Orphans' Court Part time salaried 600 to 22,500 others 15 to 25 per day			DC CJ 44,900 AJ 36,100		
iv CJ 42,053 AJ 36,018	PC CJ 42,053 AJ 37,580		Housing Ct. CJ 42,053 AJ 36,018	DC CJ 42,053 AJ 36,018	MC (Boston) CJ 42,053 AJ 36,018	Land Court CJ 42,053 AJ 42,053
	PC Full time 27,765 Part time 9,450 Local supps up to 21,595			DC 27,765 local supps up to 18,510	MC 3,000 to 15,850 part time	CP Detroit 45,422
Family Court 29,000 Harrison County	PC 42,000 Hennepin and Ramsey Counties only	JP	Earned in the law 42,000 Not learned in the law 27,000		CoMC 42,000 Hennepin and Ramsey Counties only	
			5,400 to 40,000 depends on pop		MC set locally	

## Courts of Appellate and General Jurisdictions and State Court Administrators

	Highest Court CJ	AJ	State Court Administrator	Intermediate Appellate Court	General Trial Court
Missouri	52,500	50,000 Comm. 50,000	40,000	CA 47,500	CC 145,000 AJ 27,000 to 33,000 MDV determined by local ordinance
Montana	37,000	36,000	20,000		DC 35,000
Nebraska	43,000	43,000	33,700		DC 39,500 Local supply 1,500 where population exceeds 150,000
Nevada	47,250	47,250	32,667		DC 43,000
New Hampshire	42,400	40,810	31,190		SC CJ 40,810 AJ 39,750
New Jersey	58,500	56,000	Ad Dir Ct 48,000 Acting Ad Dir Ct 53,000	SC App Div 53,000	SC assignment judges 51,000 SC 48,000
New Mexico <sup>a</sup>	38,165	38,165	34,500	CA 36,456	DC 35,317
New York <sup>a</sup>	63,143	60,575	57,000	App Div Sup Ct 1,2,3,4th Depts PJ 55,266 AJ 51,627	SC 1st through 11th Judicial Districts 48,998
North Carolina	48,000	47,000	42,000	CA CJ 45,500 AJ 44,500	SC 39,500
North Dakota	38,000	36,800	32,659		DC 34,500
Ohio	55,000	51,000	42,369	CA 47,000	CC Pleas 33,000 to 43,500
Oklahoma	39,200 CCrA 39,200	39,200 CCrA 39,200	26,000 to 36,200	CA 36,200	DC Div 33,200 ADivJ Pop. over 400,000 29,200 30,000 to 300,000 27,200 10,000 to 29,999 25,200 under 10,000 22,000 Spec J (lawyer and nonlawyer) 23,000
Oregon	46,847	45,707	41,461	CA CJ 45,707 AJ 44,619 Tax Court 41,985	CC 41,461
Pennsylvania	57,500	55,000	50,000	SC & Commonwealth Ct PJ 54,500 AJ 53,000	CP PJ 45,000 to 47,500 depending on number of judges and population 145,000

<sup>a</sup>See Appendix I

<sup>b</sup>See Appendix II

## Courts of Special or Limited Jurisdiction

Family Courts Juvenile Domestic	Probate Courts Surrogate Courts	Justice Courts Justice of Peace	County Courts	Circuit or District Courts	Municipal Courts Police Courts	Common Pleas Courts	
Juv 39,500 Supp for pop. exceeding 150,000 1,500	PC 28,500 to 34,450 Based on pop. AJ up to 21,375	JP up to 17,400 Yellowstone County			City Ct up to 24,996 Billings MC 35,700	Workmen's Comp. Ct 37,050	
	PC 12,881	JC set locally 434 to 32,000		DC 4,100 to 32,300 depending on pop	MC set locally 1,000 to 32,000 MC 150 to 5,100 depending on pop		
HDRC 48,000	SrC up to 35,000				MC up to 36,000		
	PC 1,000 to 7,040		Magistrate Ct. 4,800 to 22,329		MC Albuquerque 28,139	Small Claim Ct. Albuquerque 20,000	
Family Court NYC 42,451 Other 36,000 to 48,998	SrC NYC 48,998 Other 36,000 to 48,998		(outside NYC) 36,000 to 48,998	Nassau Co DC PJ 44,500 AJ 42,000 Suffolk Co DC 42,451 PJ 45,330 AJ 40,990 DC Ct 33,250 AJ 32,000	NYC Civil Ct 42,451 NYC Crim Ct 42,451 Others 25,000 to 42,000	Ct of Claims PJ 27,000 AJ 48,998	
		CoJC up to 7,000	Of increased jurisdiction 21,000 to 27,600 Others: 9,600 to 10,990		MC set by gov. body of each municipality		
Juv 33,000 to 43,500 DR 33,000 to 43,500	PC 33,000 to 43,500		part time 6,500 to 14,000		MC 28,750 to 38,750 part time 15,000 to 25,000		
Oklahoma has special courts manned by District Judges who receive only expenses. Courts of Tax Review and Bank Review.						MC set locally by ordinance	St Indus Ct 33,200
		JP 1,020 to 16,800		DC 37,163	MC & City Cis 2,100 to 29,664 Some part time		
		JP 10,500 to 19,500 excluding Philadelphia and depending on size of magisterial district			MC Philadelphia PJ 41,500 AJ 40,000 Traffic Ct Philadelphia PJ 22,000 AJ 21,000		

## Courts of Appellate and General Jurisdictions and State Court Administrators

	Highest Court CJ	AJ	State Court Administrator	Intermediate Appellate Court	General Trial Court
Rhode Island <sup>a, b</sup>	42,400 to 50,880	41,300 to 49,560	35,145 to 41,074		SC PJ 40,200 to 48,240 AJ 39,100 to 46,920 Based on longevity
South Carolina <sup>a</sup>	55,827	49,140	35,690		CC 49,140
South Dakota	37,000	35,000	32,000		PCirJ 34,000 CirJ 33,000 Law trained magistrate up to 26,718 Magistrate (part time) up to 10,437
Tennessee <sup>b</sup>	58,100	53,667	49,195	CA & CCrA PJ 50,984 AJ 49,195	CC 44,722 ChC 44,722 CrC 44,722 Equity C 44,722
Texas	51,900 CCrA 51,900	51,400 CCrA 51,400	35,400	CCivA CJ 45,900 AJ 45,400 Local supps to 5,000	DC state salary 35,700 Local supps up to 13,700 Same figures for CrDC
Utah <sup>a</sup>	36,000	35,500	33,500		DC CJ & Chmn. Jud. Cncl. 34,500 J 33,500
Vermont	35,245	33,655	31,800		SCoC 31,800 AssJ .37 per day
Virginia <sup>a</sup>	51,000 plus 4,000 in lieu of travel expense	50,000	44,500		CC 44,500
Washington <sup>a</sup>	45,000	45,000	35,100	CA 42,000	SC ProTemJ 93.60 per day ProTemAtty 156.00 per day
West Virginia	35,000	35,000	33,075		CC 31,500
Wisconsin <sup>a</sup>	55,299	48,920	44,868		CC state pay 36,151 local supps to 6,806
Wyoming	45,000	45,000	26,500		42,500
District of Columbia	52,250 DC Court of Appeals	51,750	49,050 ExecOff of DC Courts		SC CJ 49,550 AJ 49,050
Federal System	75,000	72,000	Ad Dir Ct 54,500	CA 57,500	DC 54,500
American Samoa	58,781	51,244	15,198		
Puerto Rico	32,600	32,000	30,600		SC 26,000 DC 19,300
Virgin Islands	NA	NA			Territorial Ct PJ 47,500 AJ 45,000

<sup>a</sup>See Appendix I

<sup>b</sup>See Appendix II

## Courts of Special or Limited Jurisdiction

Family Courts Juvenile Domestic	Probate Courts Surrogate Courts	Justice Courts Justice of Peace	County Courts	Circuit or District Courts	Municipal Courts Police Courts	Common Pleas Courts
Family CT CJ 40,200 to 46,230 AJ 39,100 to 44,965 Based on longevity	PC up to 11,440 Probate judges are part time			DC CJ 37,472 to 41,219 AJ 36,472 to 43,646 Based on longevity		
Family Ct 39,597	PC set locally		Set locally		MC set locally	
Juv set locally	PC set locally		Gen Sess Ct 1,800 to 36,380		MC set locally	
	PC 5,764 to 48,400	JP 18 to 24,000	"Constitutional" 600 to 49,400 Civil, Crim., Crim Appeals, Statutory 5,764 to 48,400		MC up to 34,000	
Juv 33,500		JP		CC 30,150 DC 30,740		
JDRDC 33,604 to 40,050	PC 6,530 to 24,730			Gen DC 33,604 to 40,050 Part time, 8,396 to 27,830 DC 33,000	MC Seattle 34,250 Other 9,000 not to exceed superior court Magistrates 10,000 to 18,000	
		JP based on pop. If justice receives more than 15,000 is considered full- time 1,000 to 15,000			MC set locally	
		JP 7,500 to 15,000 Ceiling—Board of County Comm. may fix salaries not to exceed	CoC 25,000 to 32,500		MC set locally not to exceed 15,000	
			Court of Claims 57,500	Court of Customs and Patent Appeals 57,500	Customs Court 54,500	
		JP 6,000 to 8,400			MC 12,000 to 13,000	Traffic and Small Claims Ct. 11,000 to 15,958

# Appendix 1

## Future Salaries and Pending Legislation

**Alabama:** The Judicial Compensation Commission is submitting its study of salaries to the legislature. The content of that study is unknown at this time.

**Alaska:** The Alaska Court System has requested increases in judicial salaries of approximately 18 percent over the next two years.

**Arkansas:** The salaries of Supreme Court justices, Circuit Court judges, Chancery Court judges, Municipal Court judges, and the Executive Secretary of the Judicial Department will be increased, effective July 1, 1979. The amount of the increase has yet to be determined by the Arkansas Legislature.

**Connecticut:** Those judges who were promoted from the court of limited jurisdiction on July 1, 1978, will receive a \$6,000 increase on July 1, 1979, and an annual increment of \$1,000 for four years thereafter.

**Idaho:** A 10 percent increase for magistrate salaries has been requested.

**Indiana:** A bill to raise judicial salaries is presently pending in the legislature.

**Kansas:** Legislation enacted in 1978 provides for salary increments through 1982. Supreme Court chief justice: \$39,500—1980; \$41,750—1981; \$44,000—1982. Supreme Court jus-

tices: \$38,500—1980; \$40,750—1981; \$43,000—1982. Court of Appeals chief judge: \$38,000—1980; \$40,000—1981; \$42,000—1982. Court of Appeals judges: \$37,000—1980; \$39,000—1981; \$41,000—1982. District Court judges: \$34,750—1980; \$36,875—1981; \$39,000—1982. District Court associate judges: \$32,667—1980; \$34,834—1981; \$37,000—1982. In addition, county supplements to district judges and associate judges salaries will be phased out during this time period; supplements are not to exceed \$1,000 during 1980, \$500 during 1981, and no such supplements are to be paid after 1981. Salary changes will occur on January 1 of each year.

**Maine:** Legislation is being introduced that would increase judicial salaries by seven percent.

**Maryland:** The budget bill for fiscal 1980 calls for an increase in judicial salaries.

**Massachusetts:** The following salary changes will take effect July 1, 1979: Supreme Court chief justice \$52,000, associate justices \$50,000; Appeals Court chief judge \$47,000, associate judges \$45,000; Superior Court chief judge \$44,500, associate judges \$42,500; chief judges of Probate Court, Land Court, Municipal Court (Boston), Juvenile Court, District Court, and Housing Court \$44,500, associate judges of these courts \$42,500; Chief Administrative Justice of the Trial Court \$47,000. In addition, the classification of part-time or special judges in the District Court will be eliminated on this date.

**Minnesota:** Legislation to increase judicial salaries by approximately seven

percent is being introduced to the legislature.

**New Mexico:** Requests for increases in judicial salaries are being presented to the legislature.

**New York:** The Judiciary Budget proposes a minimum salary for full-time city court judges of \$36,000; a minimum salary of \$40,000 for County, Family, and Surrogate judges; and a 20 percent increase for all state-paid judges.

**Oklahoma:** Legislation to increase all judicial salaries by eight percent is pending.

**Rhode Island:** Legislation to increase all judicial salaries by 5½ percent is pending.

**Utah:** Senate Bill #49 is now pending. The bill calls for the following increases: Supreme Court chief justice \$42,300, associate justices \$41,625; District Court judges and Juvenile Court judges \$39,363.

**Virginia:** The following salary changes will take effect January 1, 1980: Circuit Court judges \$47,000; District Court judges \$42,300; Juvenile and Domestic Relations Court judges \$42,300.

**Washington:** The State Salary Commission is considering increases in salaries for the judiciary.

**Wisconsin:** The local supplement to Circuit Court judges will be assumed in two phases by the state, so that these judges will be paid entirely by the state as of August 1, 1980.

**Puerto Rico:** Legislation that would increase the salaries of general jurisdiction and limited jurisdiction judges is now pending in the legislature.

## Appendix II Floating Salary Statutes

California and Tennessee provide for judicial salary increases based on a consumer price index. California utilizes the California consumer price index while Tennessee uses the U.S. consumer price index. Maryland provides automatic salary increases for the judiciary based on general salary increases awarded to all state employees. Rhode Island provides for longevity increases as shown in this section. The statutory authority for these automatic salary increases follows.

**California:** The California Government Code § 68203, 1964, as amended, (Supp 1976) provides:

"In addition to the increase provided under this section on September 1, 1968, on the effective date of the 1969 amendments to this section and on September 1 of each year thereafter, the salary of each justice and judge named in Sections 68200 to 68202, inclusive, shall be increased by that amount which is produced by multiplying the then current salary of each justice or judge by the percentage by which the figure representing the California consumer price index as compiled and reported by the California Department of Industrial Relations has increased in the previous calendar year."

The judges named in 68200 to 68202 include the Chief Justice of California, associate justices of the Supreme Court, justices of courts of appeal, superior court judges and municipal court judges.

Assembly Bill 3644, enacted as Chapter 1183, Statutes of 1976, amends Government Code 68203 to freeze judicial salaries (for all but justice court judges) at the September 1, 1976, level (as reflected in this survey) until July 1, 1978, at which time judicial salaries will be increased by the Consumer Price Index (cost of living) for the preceding calendar year (1977) but not to exceed 5 per cent. Annual adjustments per this formula will thereafter be made on July 1 of each year.

**Maryland:** Maryland Code, Courts and Judicial Proceedings, § 1-703, 1974, Pay Plan: Automatic Salary Increases, provides:

"(a) Pay plan.—Section 27, Article 64A of the Code applies to judicial

salaries, except for its provisions authorizing emergency salary increases with approval of the Board of Public Works.

"(b) Automatic salary increases.—Whenever a general salary increase is awarded to state employees, each judge shall receive the same percentage increase in his salary as awarded to the lowest step of the highest salary grade for classified employees in the state salary plan."

**Rhode Island:** Personnel Rules and Regulations of the State of Rhode Island provide:

Judges as well as all other court personnel are entitled to longevity increments. Longevity after seven years 5%, after eleven years 10%, after fifteen years 15%, after twenty-five years 20%.

**Tennessee:** Tennessee Code Annotated, § 8-2303, 1973, as amended (Supp 1977) provides:

"On July 1, 1975, the base salaries provided in this section, as adjusted, shall be adjusted to reflect the percent of change in the average consumer price index (all items-city average) as published by the United States department of labor, bureau of labor statistics between that figure for the calendar year 1974 and the calendar year 1973. Each succeeding July 1, a similar adjustment shall be made, based on the percent of change in the average consumer price index between the two (2) calendar years preceding July 1 of the year in which the adjustment is made

...  
No annual salary adjustment as provided by this section shall be made after July 1, 1982. No annual salary adjustment made as provided by this section shall exceed five percent (5%)."

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# Survey of Judicial Salaries



National Center for State Courts

Volume 5 Number 2

September 1979

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This publication is supported by Grant Number 79-DF-AX-0026, awarded by the Law Enforcement Assistance Administration, United States Department of Justice. LEAA bears no responsibility for the accuracy of the information contained herein.

# Foreword

This survey of judicial salaries lists salary figures as of July 31, 1979. Bold face figures in the salary charts ("Courts of Appellate and General Jurisdictions and State Court Administrators" and "Courts of Special and Limited Jurisdiction") indicate changes since the April 1979 update that appeared in the summer issue of the *State Court Journal*.

The "Judicial Salaries in Appellate and Trial Courts" table lists the date of last salary change for highest, intermediate appellate or general trial court judges for each state court system. This table, like the "Rank Order of Judicial Salaries" table, utilizes salaries paid to associate justices for the highest court and intermediate appellate courts. The general trial court salaries refer to the state-paid salary without supplements. Salaries including supplements appear in parentheses immediately beneath the figures for the state-paid salary.

Appendix I lists salaries scheduled to take effect in the future and pending legislation that could affect judicial salaries. Appendix II indicates the states that provide for "floating" judicial salaries on the consumer price index or other cost of living adjuster.

Every effort has been made to ensure the accuracy of the survey data; figures for each state have been obtained from its office of court administration. If errors have occurred, or any of the figures are in any way misleading, please let us know promptly, so that correction can be made before the next publication of judicial salary information.

Survey of Judicial Salaries  
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# The National Center for State Courts

The National Center for State Courts is a nonprofit organization dedicated to the modernization of court operations and the improvement of justice at the state and local level throughout the country. It functions as an extension of the state court systems, working for them at their direction and providing for them an effective voice in matters of national importance.

In carrying out its purpose, the National Center acts as a focal point for state judicial reform, serves as a catalyst for setting and implementing standards of fair and expeditious judicial administration, and finds and disseminates answers to the problems of state judicial systems. In sum, the National Center provides the means for reinvesting in all states the profits gained from judicial advances in any state.

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# Rank Order of Judicial Salaries, Income, and Population

Population and income figures are from the U.S. Department of Commerce and Bureau of Census, *Statistical Abstract of the United States 1978*. Where another state has the same rank, rank is shown in parentheses. The salaries reported for the highest appellate court refer to the salaries paid to associate justices. The general trial court salaries refer to standard state-paid salaries for ranking purposes.

Rank	Highest Appellate Court and Salary	General Trial Court and Salary	Per Capita Personal Income	Population		
1	California	69,386	California	54,205	Alaska	California
2	New York	60,575	South Carolina	52,088	Connecticut	New York
3	Illinois	58,000	New York	48,998	New Jersey	Texas
4	Tennessee	57,799	Alaska	48,576	Nevada	Pennsylvania
5	Michigan	56,500	Tennessee	48,166	California	Illinois
6	New Jersey	56,000	New Jersey	48,000	Illinois	Ohio
7	Pennsylvania	55,000	Delaware	46,000	Delaware	Michigan
8	Louisiana	54,000	Louisiana	45,900	Hawaii	Florida
9	Alaska <sup>b</sup>	52,992	Illinois (9)	45,000	Michigan	New Jersey
10	Minnesota	52,500	Minnesota (9)	45,000	Maryland	Massachusetts
11	South Carolina	52,088	Missouri (9)	45,000	Wyoming	North Carolina
12	Texas	51,400	Pennsylvania (9)	45,000	New York	Indiana
13	Ohio	51,000	Virginia	44,500	Washington	Virginia
14	Maryland	50,700	Oregon	43,949	Massachusetts	Georgia
15	Missouri (15)	50,000	Arizona (15)	43,500	Colorado	Missouri
16	Massachusetts (15)	50,000	Iowa (15)	43,500	Kansas	Wisconsin
17	Virginia (15)	50,000	Nevada	43,000	Minnesota	Tennessee
18	North Carolina	49,356	Maryland (18)	42,500	Ohio	Maryland
19	Delaware (19)	49,000	Massachusetts (18)	42,500	Pennsylvania	Minnesota
20	Iowa (19)	49,000	Wyoming (18)	42,500	Oregon	Louisiana
21	Wisconsin	48,920	Hawaii (18)	42,500	Indiana	Alabama
22	Georgia	48,530	Washington	41,700	Wisconsin	Washington
23	Oregon	48,449	North Carolina	41,484	Iowa	Kentucky
24	Washington	48,200	Rhode Island <sup>b</sup>	41,251	Virginia	Connecticut
25	Arizona	47,500	Mississippi	41,000	Texas	Iowa
26	Nevada	47,250	Florida	40,850	Rhode Island	South Carolina
27	Mississippi	46,000	Georgia	40,617	Nebraska	Ohio
28	Colorado	45,600	New Hampshire	39,750	Florida	Colorado
29	Florida	45,350	Nebraska	39,500	Missouri	Mississippi
30	Wyoming (30)	45,000	Wisconsin	39,414	New Hampshire	Oregon
31	Hawaii (30)	45,000	Colorado	38,350	Arizona	Kansas
32	Rhode Island <sup>b</sup>	43,572	Montana	37,000	Oklahoma	Arizona
33	Nebraska	43,000	North Dakota	36,750	North Dakota	Arkansas
34	Indiana	42,000	Utah	36,000	Montana	West Virginia
35	New Hampshire	40,810	Arkansas	35,858	Georgia	Nebraska
36	Oklahoma	40,700	Texas	35,700	West Virginia	Utah
37	Connecticut	40,000	West Virginia	35,500	Idaho	New Mexico
38	Alabama	39,500	New Mexico	35,317	South Dakota	Maine
39	North Dakota	39,200	Kentucky (39)	35,000	Kentucky	Rhode Island
40	Kentucky	39,000	Indiana (39)	35,000	North Carolina	Hawaii
41	Arkansas	38,545	Idaho (39)	35,000	Utah	Idaho
42	New Mexico	38,165	Maine	33,705	Louisiana	New Hampshire
43	Idaho (43)	38,000	Vermont	33,540	New Mexico	Montana
44	Montana (43)	38,000	South Dakota (44)	33,000	Vermont	South Dakota
45	Utah (43)	38,000	Ohio (44) <sup>b</sup>	33,000	Tennessee	North Dakota
46	West Virginia (43)	38,000	Kansas	32,625	Maine	Nevada
47	Kansas	36,250	Michigan	30,850	South Carolina	Delaware
48	Vermont	35,300	Connecticut	28,500	Alabama	Vermont
49	South Dakota	35,008	Alabama	27,500	Arkansas	Alaska
50	Maine	34,240	Oklahoma	23,400	Mississippi	Wyoming

<sup>a</sup> Local Supplements may be added to state pay.

<sup>b</sup> Rank is based on lower figure of salary range.

# Judicial Salaries in Appellate and Trial Courts

Salaries including supplements are shown in parentheses immediately beneath the figures for state-paid salaries. Salary ranges can reflect cost-of-living differences as in Alaska, longevity increases as in Rhode Island, or may be determined by such factors as population or caseload of jurisdiction. The national average for each level of court is shown following Wyoming. For the highest and the general trial courts these averages are based on figures for the 50 states. For intermediate appellate courts the average is that of the 30 states that have such courts. All averages are based on the lowest salary of the range or on salaries without supplements.

	Highest Court	Intermediate Appellate Court	General Trial Court	Date of Last Salary Change
Alabama	39,500	38,000	27,500 (42,200)	4-25-78
Alaska	52,992 to 60,410		48,576 to 57,076	7-1-78
Arizona	47,500	45,500	43,500	1-1-79
Arkansas	38,545	39,803	35,856	7-1-79
California	69,386	65,050	54,205	
Colorado	45,600	41,500	38,350	1-1-79
Connecticut	40,000		28,500	1-1-79
Delaware	49,000		46,000	3-1-79
Florida	45,350	43,050	40,850	1-1-79
Georgia	48,530	48,002	40,617 (54,617)	7-1-79
Hawaii	45,000	43,750	42,500	1-1-76
Idaho	38,000		35,000	7-1-78
Illinois	58,000	53,000	45,000	12-1-78
Indiana	42,000 (45,000)	42,000 (45,000)	35,000 to 37,500	7-1-79
Iowa	49,000	46,500	43,500	7-1-79
Kansas	36,250	35,000	32,625 (34,125)	1-1-79
Kentucky	39,000	37,000	35,000	6-30-76
Louisiana	54,000	51,300	45,900 to 48,600	7-1-78
Maine	34,240		33,705	7-1-79
Maryland	50,700	47,600	42,500	7-1-79
Massachusetts	50,000	45,000	42,500	7-1-79
Michigan	56,500	51,500	40,850 (52,005)	1-1-79
Minnesota	52,500		45,000	7-1-79
Mississippi	46,000		41,000	7-1-78
Missouri	50,000	47,500	45,000	1-1-78
Montana	38,000		37,000	7-1-79
Nebraska	43,000		39,500	1-1-79
Nevada	47,250		43,000	1-1-79
New Hampshire	40,810		39,750	6-16-78
New Jersey	56,000	53,000	48,000	1-1-78
New Mexico	38,165	36,456	35,117	7-1-78
New York	60,575	51,627	48,998	10-1-78
North Carolina	49,356	46,728	41,484	7-1-79
North Dakota	39,200		36,750	7-1-79
Ohio	51,000	47,000	33,000 to 43,500	5-1-78
Oklahoma	40,700	37,700	23,400 to 34,700	7-1-79
Oregon	48,449	47,296	43,949	7-1-79
Pennsylvania	55,000	53,627	45,000	7-1-76
Rhode Island	43,572 to 52,286		41,251 to 49,501	7-1-79
South Carolina	52,088		52,088	7-10-79
South Dakota	35,000		33,000	7-1-78
Tennessee	57,799	52,983	48,166	7-1-79
Texas	51,400	45,400 (50,400)	35,700 (49,400)	9-1-78
Utah	38,000		36,000	7-1-79
Vermont	35,300		33,540	7-1-79
Virginia	50,000		44,500	7-1-78
Washington	48,200	44,900	41,700	7-1-79
West Virginia	38,000		35,500	7-1-79
Wisconsin	48,920	44,804	39,414 (42,957)	7-1-79
Wyoming	45,000		42,500	3-10-78
National Average	46,568	46,067	39,951	
District of Columbia	51,750		49,050	3-27-77
Federal System	72,000	57,500	54,500	3-1-77
American Samoa	51,244		NA	10-1-78
Commonwealth of Puerto Rico	36,000		26,000	7-1-79
Virgin Islands	NA		45,000	1-10-79

# Key to Abbreviations

<b>AC</b>	Appellate Court	<b>DCA</b>	District Court of Appeals
<b>AdDirCt</b>	Administrative Director of the Court	<b>DisJ</b>	District Judge
<b>ADistJ</b>	Associate District Judge	<b>DpCJ</b>	Deputy Chief Judge
<b>AJ</b>	Associate Judge, Justice	<b>Equity C</b>	Equity Court
<b>AppDiv</b>	Appellate Division	<b>ExecOff</b>	Executive Officer
<b>AssJ</b>	Assistant Judge	<b>GenSessCt</b>	General Sessions Court
<b>CA</b>	Court of Appeals	<b>J</b>	Judge
<b>CC</b>	Circuit Court	<b>JC</b>	Justice Courts
<b>CCivA</b>	Court of Civil Appeals	<b>JDRC</b>	Juvenile and Domestic Relations Court
<b>CCrA</b>	Court of Criminal Appeals	<b>JP</b>	Justice of the Peace
<b>Ch</b>	Chancellor	<b>Juv</b>	Juvenile Court
<b>ChC</b>	Chancery Court	<b>MC</b>	Municipal Court
<b>CirJ</b>	Circuit Judge	<b>MDV</b>	Municipal Division Judge
<b>CJ</b>	Chief Judge, Justice	<b>PC</b>	Probate Court
<b>Co</b>	County	<b>PCirJ</b>	Presiding Circuit Judge
<b>CoC</b>	County Court	<b>PJ</b>	Presiding Judge
<b>CoDC</b>	County District Court	<b>PoC</b>	Police Court
<b>Comm</b>	Commissioner	<b>SC</b>	Superior Court
<b>Comp</b>	Compensation	<b>SCA</b>	State Court Administrator
<b>CP</b>	Court of Common Pleas	<b>SCoC</b>	Superior County Court
<b>CrC</b>	Criminal Court	<b>SpecJ</b>	Special Judge
<b>CrDC</b>	Criminal District Court	<b>SrC</b>	Surrogate Court
<b>CSA</b>	Court of Special Appeals	<b>StIndustCt</b>	State Industrial Court
<b>Ct</b>	Court	<b>SupCt</b>	Supreme Court
<b>DC</b>	District Court	<b>Supp</b>	Supplement
		<b>VCh</b>	Vice Chancellor

**Courts of Appellate and General Jurisdictions  
and State Court Administrators**

# Salaries

	Highest Court CJ	Court AJ	State Court Administrator	Intermediate Appellate Court	General Trial Court
Alabama <sup>b</sup>	40,000	39,500	34,515	CCivA 38,000 CCrA 38,000 PJ 38,500	State CC 27,500 Local supps. 1,200 to 14,700 Authority for local supps is based upon local acts and general acts of local application.
Alaska <sup>a</sup>	52,992	52,992 to 60,410 depending on location and cost of living differentials	50,784		SC 48,576 to 57,076 depending on location and cost of living differentials
Arizona	47,500	47,500	40,280	CA 45,500	SC 43,500 Comm. 34,800, set by Presiding Judge, not to exceed 80% salary of SC Judge
Arkansas <sup>a</sup>	42,048	38,545	30,975	39,803	CC 35,856 ChC 35,856
California <sup>b</sup>	73,723	69,386	57,305	CA 65,050	CA 54,205
Colorado	48,400	45,600	39,925	CA CJ 42,300 AJ 41,500	DC 38,350
Connecticut <sup>a</sup>	44,000	40,000	42,000 SCA is also a Sup Ct AJ		SC J 38,500 or 28,500 <sup>a</sup>
Delaware <sup>a</sup>	49,500	49,000	34,500		SC PJ 46,500 AJ 46,000 ChC Ch 46,500 VCh 46,000
Florida <sup>a</sup>	45,350	45,350	35,700	DCA 43,050	CC 40,850
Georgia <sup>a</sup>	48,530	48,530	34,815	48,002	SC 40,617 Local supps to 14,000
Hawaii	47,500	45,000	40,000	CJ 45,000 AJ 43,750	CC 42,500
Idaho <sup>a</sup>	38,000	38,000	37,250		DC 35,000
Illinois	58,000	58,000	53,000	AC 53,000	CCJ 50,500 AJ 45,000

<sup>a</sup>See Appendix I

<sup>b</sup>See Appendix II

## Courts of Special or Limited Jurisdiction

Family Courts Juvenile Domestic	Probate Courts Surrogate Courts	Justice Courts Justice of Peace	County Courts	Circuit or District Courts	Municipal Courts Police Courts	Common Pleas Courts
	PC 300 to 45,000			DC 24,750 Local supp up to 11,000	Recorders Court 500 to 22,000	
			Magistrate Ct. 7,126 to 38,902	DC 41,068 to 48,255 depending on location and cost of living differentials		
		JP 6,900 to 20,500 based on registered voters in precinct			PoC 1,200 to 46,521 set by mayor and city council	
		JP 1,200 to 3,600	9,000 to 24,000		MC 2,400 to 35,500 City Court 1,200 to 3,600	CP 100,900 based on cases.* *This court is presided over by the CoC judge who receives this in addition to his regu salary
		JC 3,300 to 40,329			MC 49,872	
Juv* 38,350 SC* 38,350 *Denver	PC* 38,350 *Denver  PC fees up to 38,500		Denver 32,800 Others 3,300 to 20,850		MC 500 to 20,850	
Family Court CJ 45,500 AJ 45,000		JP 16,000			MC Wilmington CJ 32,748 AJ 31,579 AJ part time 13,684	CP CJ 45,500 AJ 45,000
			Pop. less than 40,000) 29,500 Pop. more than 40,000) 38,550			
Juv Full time 18,375 to 42,000 Part time 2,400 to 24,400	PC 5,000 to 42,000		3,600 to 12,000	State Court full time 15,000 to 42,500 part time 2,400 to 18,000  DC 40,000  Magistrate Dis of DC Lawyers full time 28,635 Lay full time 14,700 to 21,000 Lay part time 10,500 to 13,000	MC up to 39,156	

## Courts of Appellate and General Jurisdictions and State Court Administrators

	Highest Court		State Court Administrator	Intermediate Appellate Court	General Trial Court
	CJ	AJ			
Indiana <sup>a</sup>	42,000 Subsistence allowance 3,000	42,000 3,000	Sup Ct Adm 37,550 Ex Dir-St. Ct. Administration 37,550	CA 42,000 Subsistence allowance 3,000	CC & CS & Crim C 35,500 to 37,500 depending on county population and assessed valuation
Iowa	54,000	49,000	35,000	CA CJ 47,500 J 46,500	DC CJ 45,500 AJ 43,500
Kansas <sup>a</sup>	37,250	36,250	32,625	CA CJ 36,000 J 35,000	Dist J 32,625 Local supps 1,500 only in certain urban counties A Dist J 30,500 Local supps up to 1,500 Dist Magistrate Judge 14,000 to 16,250
Kentucky	39,500	39,000	42,000	CJ 37,500 J 37,000	CC 35,000
Louisiana <sup>a</sup>	54,000	54,000	48,600	CA 51,300	DC base 45,900 48,600 where population exceeds 225,000
Maine <sup>a</sup>	35,845	34,240	32,100		SC 33,705
Maryland <sup>a, b</sup>	52,500	50,700	45,500	CSA CJ 49,300 AJ 47,600	CC CJ 45,500 CC AJ 42,500
Massachusetts <sup>a</sup>	52,000	50,000	47,000	AC CJ 47,000 AJ 45,000	SC CJ 44,500 AJ 42,500
Michigan <sup>a</sup>	56,500	56,500 Comm. 33,450 to 40,841	51,302	CA 51,500	CC 30,850 Local supps 5,500 to 21,155 Recorders Court (Detroit) 48,772 plus \$2.00 cost of living adjustment
Minnesota <sup>a</sup>	56,000	52,500	44,500		DC 45,000
Mississippi	CJ 47,000 PJ 46,500	46,000	41,000		CC 41,000 ChC 41,000

<sup>a</sup>See Appendix I

<sup>b</sup>See Appendix II

## Courts of Special or Limited Jurisdiction

Family Courts Juvenile Domestic	Probate Courts Surrogate Courts	Justice Courts Justice of Peace	County Courts	Circuit or District Courts	Municipal Courts Police Courts	Common Pleas Courts
	PC 35,500 to 37,500		30,500		MC PJ 35,500 to 37,500 AJ 29,500	
				A Dist 36,000	Magistrates full time 36,000 part time 10,000	
					MC by city up to 18,678	
				DC 27,500		
Jw 48,600		JP (average) 1,200 to 1,800			New Orleans MC 34,000 Traffic Ct 34,000 City Court 10,000 plus local supps New Orleans 43,000 Parish Courts 30,000 to 48,100	
	PC 4,500 to 12,020			DC CJ 32,100 DpCJ 31,600 131,030		
	Orphans' Court Part time salaried 600 to 22,500 others 20 to 25 per day			DC CJ 47,600 AJ 40,900		
Jus CJ 44,500 AJ 42,500	PC CJ 44,500 AJ 42,500		Housing Ct CJ 44,500 AJ 42,500	DC CJ 44,500 AJ 42,500	MC (Boston) CJ 44,500 AJ 42,500	Land Court CJ 44,500 AJ 42,500
	PC Full time 27,765 Part time 9,000 Local supps up to 21,595			DC 27,765 local supps up to 18,510	MC 2,700 to 15,850 part time	CP Detroit 45,422 including cost of living adjustment
	PC 45,000 Hennepin and Ramsey Counties only		Learned in the law 45,000 Not learned in the law 29,500		CoMC 45,000 Hennepin and Ramsey Counties only	
Family Court 29,000 Harrison County		JP	5,400 to 40,000 depends on pop.		MC set locally	

## Courts of Appellate and General Jurisdictions and State Court Administrators

	Highest Court CJ	AJ	State Court Administrator	Intermediate Appellate Court	General Trial Court
Missouri <sup>a</sup>	52,500	50,000 Comm. 50,000	40,000	CA 47,500	CC J 45,000 AJ 27,000 to 33,000 MDV determined by local ordinance
Montana <sup>a</sup>	39,000	38,000	21,200		DC 37,000
Nebraska <sup>b</sup>	43,000	43,000	36,500		DC 39,500 Local supps 1,500 where population exceeds 150,000
Nevada	47,250	47,250	27,672		DC 43,000
New Hampshire	42,400	40,810			SC CJ 40,810 AJ 39,750
New Jersey <sup>a</sup>	58,500	56,000	Ad Dir Ct 48,000 Acting Ad Dir Ct 53,000 JAd Dir limited to judicial salary	SC App Div 53,000	SC assignment judges 51,000 SC 48,000
New Mexico <sup>a</sup>	38,165	38,165	34,500	CA 36,450	DC 35,317
New York <sup>a</sup>	63,141	60,575	57,000	AppDiv Sup Ct 1,2,3,4th Depts PJ 55,266 AJ 51,627	SC 1st through 11th Judicial Districts 48,998
North Carolina	50,400	49,356	44,100	CA CJ 47,784 AJ 46,728	SC 41,484
North Dakota	38,300	36,800	32,659		DC 34,500
Ohio	55,000	51,000	42,369	CA 47,000	CC Pleas 33,000 to 43,500
Oklahoma	40,700 CCrA 40,700	40,700 CCrA 40,700	26,000 to 37,700	CA 37,700	DC Divd 34,700 ADivd Pop. over 300,000 30,700 30,000 to 300,000 28,700 10,000 to 29,999 26,700 under 10,000 23,400 Spec J (lawyer and nonlawyer) 24,460
Oregon <sup>a</sup>	49,658	48,499	41,461	CA CJ 49,658 AJ 48,449 Tax Court 44,504	CC 43,949
Pennsylvania <sup>a</sup>	57,500	55,000	50,000	SC & Commonwealth Ct PJ 54,500 AJ 53,000	CP PJ 45,000 to 47,500 depending on number of judges and population J 45,000

<sup>a</sup>See Appendix I

<sup>b</sup>See Appendix II

## Courts of Special or Limited Jurisdiction

Family Courts Juvenile Domestic	Probate Courts Surrogate Courts	Justice Courts Justice of Peace	County Courts	Circuit or District Courts	Municipal Courts Police Courts	Common Pleas Courts
		JP up to 17,400 Yellowstone County			City Ct up to 24,996 Billings MC 35,700	Workmen's Comp. Ct 37,050
Juv 39,500 Supp for pop. exceeding 150,000 1,500	PC 28,500 to 34,450 Based on pop. AJ up to 21,375	JC set locally 4,34 to 32,000			MC set locally 1,080 to 32,000 MC 150 to 5,100 depending on pop.	
	PC (part-time) 12,881			DC 4,100 to 39,750 depending on caseload		
IDRC 48,000	SrC up to 35,000				MC up to 36,000	
	PC 1,000 to 7,040		Magistrate Ct 4,800 to 22,329		MC Albuquerque 28,139	Small Claim Ct Albuquerque 20,000
Family Court NYC 42,451 Other 36,000 to 48,998	SrC NYC 48,998 Other 36,000 to 48,998		(outside NYC) 36,000 to 48,998	Nassau Co DC PJ 44,500 AJ 42,000 Suffolk Co DC 42,451 PJ 45,330 AJ 40,990 DC CJ 34,920 AJ 33,600	NYC Civil Ct 42,451 NYC Crim Ct 42,451 Others 25,000 to 42,000	Ct of Claims PJ 51,627 AJ 48,998
		CoC up to 7,000	Of increased jurisdiction 21,000 to 27,600 Others 9,600 to 10,990		MC set by gov. body of each municipality	
Juv 33,000 to 43,500 DR 33,000 to 43,500	PC 33,000 to 43,500		part time 6,500 to 14,000		MC 28,750 to 36,750 part time 15,000 to 25,000	
Oklahoma has special courts manned by District Judges who receive only expenses. Courts of Tax Review and Bank Review.					MC set locally by ordinance	S Indust Ct 34,700
		JP 1,070 to 16,800 Subject to local ordinance		DC 39,393	MC & City Ct 2,100 to 29,664 Some part time Subject to local ordinance	
		JP 10,500 to 19,500 excluding Philadelphia and depending on size of magisterial district			MC Philadelphia PJ 41,500 AJ 40,000 Traffic Ct Philadelphia PJ 22,000 AJ 21,000	

## Courts of Appellate and General Jurisdictions and State Court Administrators

	Highest Court CJ	AJ	State Court Administrator	Intermediate Appellate Court	General Trial Court
Rhode Island <sup>a, b</sup>	44,732 to 53,678	43,572 to 52,286	32,271 to 37,078		SC PJ 42,411 to 50,893 AJ 41,251 to 49,501 Based on longevity
South Carolina <sup>a</sup>	59,177	52,088	37,831		52,088
South Dakota	37,000	35,000	32,000		PCrJ 34,000 CrJ 33,000 Law trained magistrate up to 28,588 Magistrate (part time) up to 11,167
Tennessee <sup>b</sup>	62,616	57,799	52,983	CA & CCrA PJ 54,909 AJ 52,983	CC 48,166 ChC 48,166 CrC 48,166 Equity C 48,166
Texas <sup>d</sup>	51,900 CCrA 51,900	51,000 CCrA 51,400	38,400	CCrA CJ 45,900 AJ 45,400 Local supps to 5,000	DC state salary 35,700 Local supps up to 13,700 Same figures for CrDC
Utah <sup>a</sup>	38,500	38,000	36,000		DC CrA Chmn. Just. Cnel. J 37,000 36,000
Vermont	37,180	35,500	33,550		SCCr 33,540 AssJ 30 <sup>00</sup> per day
Virginia <sup>a</sup>	51,000 plus 4,000 in lieu of travel expense	50,000	44,500		CC 44,500
Washington <sup>a</sup>	48,200	48,200	37,500	CA 44,900	SC 41,700 Pro Tem 99.60 per day Pro Tem Actv 166.00 per day
West Virginia	38,000	38,000	35,500		CC 35,500
Wisconsin <sup>a</sup>	55,299	48,920	44,868		CC state pay 39,414 Local supps to 3,543
Wyoming	45,000	45,000	30,000		42,500
District of Columbia	52,250 DC Court of Appeals	51,750	49,050 Exec Off of DC Courts		SC CJ 49,550 AJ 49,050
Federal System	75,000	72,000	Ad Dir Ct 54,500	CA 57,500	DC 54,500
American Samoa	58,781	51,344	15,198		Handled by CJ
Puerto Rico	36,600	36,000	30,000		SC 30,000 DC 24,000
Virgin Islands	NA	NA			Territorial Ct PJ 47,500 AJ 45,000

<sup>a</sup>See Appendix I  
<sup>b</sup>See Appendix II

## Courts of Special or Limited Jurisdiction

Family Courts Juvenile Domestic	Probate Courts Surrogate Courts	Justice Courts Justice of Peace	County Courts	Circuit or District Courts	Municipal Courts Police Courts	Common Pleas Courts
Family CT CJ 42,411 to 48,772 AJ 41,251 to 47,438 Based on longevity	PC up to 12,089 Probate judges are part time			DC CJ 39,533 to 43,486 AJ 38,372 to 46,046 Based on longevity		
Family Ct 44,275	PC set locally		Set locally		MC set locally	
Juv set locally	PC set locally		Gen Sess Ct 1,800 to 36,380		MC set locally	
	PC 5,764 to 48,400	JP 18 to 24,000	"Constitutional" 600 to 49,400 Civil, Crim., Crim Appeals Statutory 5,764 to 48,400		MC up to 34,000	
Juv 36,000		JP set locally on rec SCA		CC 32,400  DC 32,430		
JD/DC 33,604 to 40,050	PC 6,880 to 26,090			Gen DC 33,604 to 40,050 Part time 8,396 to 27,830  DC 33,000	MC Seattle 34,250 Other 9,000 not to exceed superior court Magistrates 10,000 to 18,000  MC set locally	
		JP based on pop. If justice receives more than 12,500 is considered full- time. 1,500 to 22,500			MC set locally not to exceed 15,000	
		JP 7,500 to 15,000 Ceiling—Board of County Comm may fix salaries not to exceed	CoC 25,000 to 32,500			
			Court of Claims 57,500	Court of Customs and Patent Appeals 57,500	Customs Court 54,500	U.S. Magistrates \$42,500 or \$48,500 U.S. Bankruptcy \$50,000
Juv. Ct handled by CJ, Dom Ct by AJ				Land and Title Ct handled by AJ		Tr. Sn. DC
		JP 6,000 to 8,400			MC 12,000 to 13,000	

# Appendix 1

## Future Salaries and Pending Legislation

**Alabama:** The 1979 legislature approved a cost-of-living increase of 0 to 7 percent to be reviewed and adjusted quarterly according to funds in the state treasury. Circuit Court judges will receive an increase to \$34,000 effective October 1, 1979.

**Arkansas:** As of July 1, 1980, salaries will be as follows: Supreme Court chief justice: \$46,253; associate justices \$42,399; Appeals Court, each judge \$39,903; Circuit Court \$39,441, Chancery Court, \$39,441; County Court \$9,000 to \$24,000; Court of Common Pleas \$100 to \$900; Municipal Court \$2,400 to \$35,500; City Court \$1,200 to \$3,600 Justice of the Peace Court \$1,200 to \$3,600; executive secretary \$33,143.

**Connecticut:** Judges who were members of Superior Court on June 30, 1978, receive \$38,500; those appointed on or after July 1, 1978, receive \$28,500, in second year of service \$34,500, and annual increments of \$1,000 thereafter up to \$38,500. Effective January 1, 1980, Supreme Court chief justice \$46,640, associate justices \$42,400; Superior Court judges serving on June 30, 1978, \$40,810, Superior Court judges appointed on or after July 1, 1978, \$30,210 for first year and increase to \$36,570 for second year, with annual increments up to \$40,810; chief court administrator \$44,520.

**Delaware:** Justices of the Peace will receive \$17,000 effective January 1, 1980.

**Florida:** As of September 1, 1979, Supreme Court justices \$48,525; \$51,921—9/1/80. District Courts of Appeal \$46,063; \$49,287—9/1/80. Circuit Court judges \$43,709; \$46,769—9/1/80. County Court judges \$41,248, 44,135—9/1/80.

**Georgia:** State Court full-time judges' salaries will increase in either October, 1979, or January, 1980, to a range of \$15,000 to \$44,310; and Probate Court judges to \$44,310.

**Kansas:** Legislation enacted in 1978 provides for salary increments through 1982. Supreme Court chief justice \$39,500 — 1980; \$41,750 — 1981; \$44,000—1982. Supreme Court justices \$38,500 — 1980; \$40,750 — 1981; \$43,000—1982. Court of Appeals chief judge \$38,000—1980; \$40,000—1981; \$41,000—1982. District Court judges \$34,750 — 1980; \$36,875 — 1981; \$39,000—1982. District Court associate judges \$32,667—1980; \$34,834—1981; \$37,000—1982. County supplements to district judges and associate judges will be phased out during this period; supplements may not exceed \$1,000 during 1980, \$500 during 1981, and no supplements may be paid after 1981. All salary changes will be effective January 1.

**Louisiana:** Effective September 1, 1979, Supreme Court chief justice and associate justices \$56,200; Courts of Appeal judges \$53,500; District Court judges \$48,100, and where population exceeds 225,000 \$50,800; Municipal Court (New Orleans) judges \$35,000; Traffic Court (New Orleans) \$35,000; Juvenile and Family Court \$50,800; City Courts \$11,000 plus local supplements; New Orleans City Court \$43,000; Parish

Courts \$35,000 to \$50,300; judicial administrator \$50,800.

**Maine:** On July 1, 1981, a 7 percent increase for all state court judges and the state court administrator will go into effect.

**Michigan:** As of January 1, 1980, Supreme Court chief justice and associate justices \$60,500.

**Minnesota:** As of July 1, 1980, Supreme Court chief justice \$59,000, associate justices \$56,000; District Court judges \$48,000; County Court judges learned in the law \$48,000, not learned in the law \$31,500; Probate Courts (Hennepin and Ramsey Counties only) \$48,000; County Municipal Courts (Hennepin and Ramsey Counties only) \$48,000; state court administrator \$47,000.

**Missouri:** Effective July 1, 1980, Circuit Court associate judges \$32,500-\$38,500.

**Montana:** As of July 1, 1980, Supreme Court chief justice \$41,000, associate justices \$40,000; District Court judges \$39,000; state court administrator \$22,400.

**Nebraska:** As of January 1, 1981, Supreme Court justices \$48,314; District Court justices \$44,382; Juvenile Court judges \$44,382; Metro County judges \$41,517; other county courts \$40,112; Workmen's Compensation courts \$41,517.

**New Jersey:** The Supreme Court has limited the salary of a nonjudge Administrative Director to that of a trial judge, at present \$48,000. A judge holding this position is limited to his judicial salary.

**New Hampshire:** Effective August 22, 1979, full-time District Court judges will receive \$39,750. Effective January

1, 1980, District and Municipal judges will receive a 50 percent increase based on caseload, determined from October 1 of previous year through September 30.

**New Mexico:** An increase in salary of Director, Administrative Office of the Courts, to \$35,000 is pending.

**New York:** On April 6, 1979, salary increases to be effective October 1, 1979, were passed by the legislature. Court of Appeals chief judge \$67,563, associate judges \$64,815; Appellate Division, Supreme Court (1st, 2nd, 3rd, and 4th Departments) presiding justice \$59,135, associate justices \$55,241; Supreme Court (1st through 11th Judicial Districts) judges \$52,428. County and city-level judges received salary adjustments effective April 1 as part of the court-unification plan, which established two minimum salaries: \$42,520 for county-level judges and \$38,240 for full-time city-court judges. State administrative judge \$60,990 effective October 1, 1979.

**Oregon:** A 6 percent salary increase will go into effect July 1, 1980. Up to 3.8 percent salary increase will be effective July 1, 1981.

**Pennsylvania:** Legislation and a lawsuit concerned with judicial salaries are pending.

**Texas:** Legislation has been passed establishing salaries through fiscal 1980 (beginning September 1). Supreme Court chief justice \$57,200—1979; \$60,100—1980; justices \$56,700—1979; \$59,600—1980. Court of Criminal Appeals presiding judge \$57,200—1979; \$60,100—1980; judges \$56,700—1979; \$59,600—1980. Court of Civil Appeals chief justice \$48,200—1979; \$50,700—1980; associate justices \$47,700—1979; \$50,200—1980 (subject to local supplementation to within \$1,000 of higher courts). District Court judges \$40,500—1979; \$42,500—1980 (subject to local supplementation to within \$1,000 of Court of Civil Appeals salaries).

**Virginia:** As of January 1, 1980, Circuit Court judges \$47,000; General District Court judges \$42,300; Juvenile and Domestic Relations judges \$42,300.

**Washington:** Effective July 1, 1980, Supreme Court \$48,200; Court of Appeals judges \$44,900; Superior Court judges \$41,700; District Court (full-time) \$35,000; state court administrator \$40,200.

**Wisconsin:** A 7 percent increase in fiscal 1980-81 is pending. Increase would be effective by statute "when a judge of the same court takes the oath of office." Effective dates would be August 1, 1980, or first Monday in January, 1981 (depending on interpretation of constitution) for Supreme Court; August 1, 1980, for Court of Appeals; first Monday in January 1981 for Circuit Court; and August 1, 1981, for director of courts.

## Appendix II Floating Salary Statutes

California and Tennessee provide for judicial salary increases based on a consumer price index. California utilizes the California consumer price index while Tennessee uses the U.S. consumer price index. Maryland provides automatic salary increases for the judiciary based on general salary increases awarded to all state employees. Rhode Island provides for longevity increases as shown in this section. The statutory authority for these automatic salary increases follows.

**California:** The California Government Code § 68203, 1964, as amended, (Supp 1976) provides:

"In addition to the increase provided under this section on September 1, 1968, on the effective date of the 1969 amendments to this section and on September 1 of each year thereafter, the salary of each justice and judge named in Sections 68200 to 68202, inclusive, shall be increased by that amount which is produced by multiplying the then current salary of each justice or judge by the percentage by which the figure representing the California consumer price index as compiled and reported by the California Department of Industrial Relations has increased in the previous calendar year."

The judges named in 68200 to 68202 include the Chief Justice of California, associate justices of the Supreme Court, justices of courts of appeal, superior court judges and municipal court judges.

Assembly Bill 3844, enacted as Chapter 1183, Statutes of 1976, amends Government Code 68203 to freeze judicial salaries (for all but justice court judges) at the September 1, 1976, level (as reflected in this survey) until July 1, 1978, at which time judicial salaries will be increased by the Consumer Price Index (cost of living) for the preceding calendar year (1977) but not to exceed 5 per cent. Annual adjustments per this formula will thereafter be made on July 1 of each year.

**Maryland:** Maryland Code, Courts and Judicial Proceedings, § 1-703, 1974, Pay Plan: Automatic Salary Increases, provides:

"(a) Pay plan.—Section 27, Article 64A of the Code applies to judicial

salaries, except for its provisions authorizing emergency salary increases with approval of the Board of Public Works.

"(b) Automatic salary increases.—Whenever a general salary increase is awarded to state employees, each judge shall receive the same percentage increase in his salary as awarded to the lowest step of the highest salary grade for classified employees in the state salary plan."

**Rhode Island:** Personnel Rules and Regulations of the State of Rhode Island provide:

Judges as well as all other court personnel are entitled to longevity increments. Longevity after seven years 5%, after eleven years 10%, after fifteen years 15%, after twenty-five years 20%.

**Tennessee:** Tennessee Code Annotated, § 8-2303, 1973, as amended (Supp 1977) provides:

"On July 1, 1975, the base salaries provided in this section, as adjusted, shall be adjusted to reflect the percent of change in the average consumer price index (all items-city average) as published by the United States department of labor, bureau of labor statistics between that figure for the calendar year 1974 and the calendar year 1973. Each succeeding July 1, a similar adjustment shall be made, based on the percent of change in the average consumer price index between the two (2) calendar years preceding July 1 of the year in which the adjustment is made

...  
No annual salary adjustment as provided by this section shall be made after July 1, 1982. No annual salary adjustment made as provided by this section shall exceed five percent (5%)."

# Council of State Court Representatives

## Alabama

C. C. Torbert, Jr.  
Chief Justice, Supreme Court

## Alaska

Roger G. Connor  
Justice, Supreme Court

## Arizona

Frank X. Gordon, Jr.  
Justice, Supreme Court

## Arkansas

C. R. Hise, Executive Secretary  
Judicial Department, Supreme Court

## California

Paul J. Gampell  
Director, Administrative Office of  
the Courts

## Colorado

James D. Thomas  
State Court Administrator

## Connecticut

John P. Coffey  
Chief Justice, Supreme Court

## Delaware

William Duffy  
Justice, Supreme Court

## District of Columbia

Larry Polansky  
Executive Officer, Courts of the  
District of Columbia

## Florida

Arthur J. England, Jr.  
Chief Justice, Supreme Court

## Georgia

Hyam K. Undercoller  
Presiding Justice, Supreme Court

## Hawaii

Tom T. Ohufu, Deputy  
Administrative Director of  
the Courts

## Idaho

Allan G. Shepard  
Justice, Supreme Court

## Illinois

Robert C. Uffner  
Justice, Supreme Court

## Indiana

Richard M. Givan  
Chief Justice, Supreme Court

## Iowa

Robert G. Allbre  
Justice, Supreme Court

## Kansas

David Prager  
Justice, Supreme Court

## Kentucky

Charles D. Cole  
Director, Administrative Office of  
the Courts

## Louisiana

Pascal F. Calogero, Jr.  
Justice, Supreme Court

## Maine

Sidney W. Wernick  
Justice, Supreme Judicial Court

## Maryland

David H. Row  
Associate Judge of the Supreme  
Bench of Baltimore City

## Massachusetts

Edward F. Hennessey  
Chief Justice, Supreme Judicial Court

## Michigan

John Fitzgerald  
Deputy Chief Justice, Supreme Court

## Minnesota

Robert J. Shevan  
Chief Justice, Supreme Court

## Mississippi

R. P. Sugg  
Justice, Supreme Court

## Missouri

Robert T. Donnelly  
Justice, Supreme Court

## Montana

John C. Harrison  
Justice, Supreme Court

## Nebraska

Norman M. Kraszoha  
Chief Justice, Supreme Court

## Nevada

John Mowbray  
Chief Justice, Supreme Court

## New Hampshire

John W. King  
Justice, Superior Court

## New Jersey

Arthur J. Simpson, Jr.  
Acting Administrative Director of the  
Courts

## New Mexico

Dan Swain, Jr.  
Chief Justice, Supreme Court

## New York

Herbert R. Evans  
Chief Administrative Judge

## North Carolina

Joseph Branch  
Chief Justice, Supreme Court

## North Dakota

William L. Paulson  
Justice, Supreme Court

## Ohio

Frank D. Calkbrenza  
Chief Justice, Supreme Court

## Oklahoma

B. Don Barnes  
Justice, Supreme Court

## Oregon

Loren D. Hicks  
State Court Administrator

## Pennsylvania

Samuel J. Roberts  
Justice, Supreme Court

## Rhode Island

Walter J. Kane  
Court Administrator

## South Carolina

J. Wondrow Lewis  
Chief Justice, Supreme Court

## South Dakota

Roger L. Wollman  
Chief Justice, Supreme Court

## Tennessee

Ray L. Brock  
Chief Justice, Supreme Court

## Texas

Joe R. Greenhill  
Chief Justice, Supreme Court

## Utah

Thornley K. Swan  
Chief Judge, Utah Judicial Council

## Vermont

Franklin S. Bulging, Jr.  
Justice, Supreme Court

## Virginia

Albert S. Harrison, Jr.  
Justice, Supreme Court

## Washington

Charles T. Wright  
Justice, Supreme Court

## West Virginia

Fred H. Caplan  
Chief Justice, Supreme Court

## Wisconsin

Nathan S. Heffernan  
Justice, Supreme Court

## Wyoming

A. G. McClintock  
Justice, Supreme Court

## American Samoa

Richard I. Miyamoto  
Chief Justice, High Court

## Guam

Paul J. Abbate  
Presiding Judge, Superior Court

## Puerto Rico

Jose Trias Monge  
Chief Justice, Supreme Court

## Virgin Islands

Eileen R. Peterson  
Judge, Territorial Court

National Center for State Courts 300 Newport Avenue Williamsburg, Virginia 23185

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## 8 seek court seat

Eight persons have applied for the Anchorage District Court seat left vacant by the recent resignation of Judge Laurel Peterson.

Deadline for the applications was 4:30 p.m. Friday.

The applicants are L. Eugene Williams, Elaine B. Vondrasek, Donald L. Starks, George E. Weiss, Charles R. Avery, Lucy Merrill Lowden, James Michael Bendell and Robert Dennis Frenz. All are of Anchorage except Lowden, who lives in Ketchikan.

Michael Rubenstein, executive director of the Judicial Council, said an advisory poll of Alaska Bar Association members will be conducted before the names go to the council for interviews and review.

The council is required to submit at least two names to Gov. Hammond, Rubenstein said. Hammond then has 45 days to make the appointment.

There is no time limit on the council's deliberation, he said.

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*Anch. Daily News June 23, 1979*

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Anchorage Daily News

Supreme Court chief justice Jay A. Rabinowitz eulogizes the late Superior Court judge Peter Kalamarides in a memorial service Friday. Rabinowitz is flanked by Juneau state Sen. Bill Fitzgerald and U.S. District Court Judge J. J. Fitzgerald.

## Final goodbye for judge

By **DON HUNTER**  
Daily News reporter

Father, friend, policeman, lawyer, legislator, judge — Peter J. Kalamarides was remembered as all at a memorial service in a crowded Alaska Supreme Courtroom Friday.

Kalamarides died May 6 when his float plane crashed on takeoff from Campbell Lake.

Chief Justice Jay A. Rabinowitz, recalling his first meeting with Kalamarides in 1958, called him "a man of great strength.

"I practically demolished my hand on our first handshake," he said.

"Throughout his life in the law, as a legislator and as a judge, Pete always did his best," said Superior Court Presiding Judge Ralph Moody, who took the bar exam here with Kalamarides more than 30 years ago. "The ability, the actions and the example of Judge Kalamarides will be with us a long time."

U.S. District Court Judge James Fitzgerald noted that Kalamarides "would be the last one who would want a memorial service such as this to be a sorrowful event." And, indeed, smiles were not rare at Friday's gathering.

Attorney Wendell Kay, another Juneau veteran

of the early days of statehood, recalled leaving a party on a snowy night in the capital city.

Kalamarides, said Kay, lost his footing as he stepped out from the party, bounced down and landed under a parked car. When Kay asked if he'd missed a step, Kalamarides ruefully called back up, "No, I think I hit 'em all."

Kalamarides son, Joseph, described his father as "a family man" who abandoned his political career to spend more time near his family.

After the family home was torn apart by the 1964 earthquake, the younger Kalamarides recalled, "my father stressed the fact that we were a family, that we should endure..."

"He raised us to be strong, and to endure."

State Sen. Bill Ray of Juneau issued an emotional address to the departed friend he "loved as a brother."

Noting the wealth of friends present at the service said, "Rejoice, my brother; rest easy. God knows you too."

A scholarship fund has been established in memory of Kalamarides. Contributions can be made through LeRoy E. DeVeaux, LeRoy Barker, Ron West or Ami Ivanov, all local attorneys.

## A seat on the bench, an eye on Anchorage



Judge Ralph Moody, robed and ready, presides over a Superior Court disputes and labor hassles, sentences car thieves and drug dealers.

By DON HUNTER  
Daily News reporter

Bet you thought the only thing Alaska and Alabama had in common was the big A.

Wrong.

There's Ralph Moody.

The man whose scowl would stop a pacemaker. Whose craggy features would grace a granite cliff. Whose bark is so bad his bite is unthinkable.

He doesn't leap tall buildings. He doesn't have to. He has an office — only on the third floor, granted — but the tall buildings come to him.

Every once in a while, though, the gruff mask slips a bit and a small, crinkly grin pushes out, betraying a nature that's downright...well, merry.

This inner man with the surprising grin is the Moody who supervises the first-thing-in-the-morning, last-thing-at-night excursions of his St.

Bernard, Nuggett. Who walks to and from work all but a few days of the year while lawyers who are decades younger power by in Porches. Whose office boasts a repository for scores of cartoon clippings lampooning lawyers, clients and, yes, judges.

This is the Ralph Moody whose addiction to the printed page is fed by current events periodicals — Newsweek, Time, Fortune, Business Week — because the courtroom parade he reviews every day makes novels passe.

There are a few other things that occasionally slip out of Ralph Moody, too. Like Mobeel, where he spent some time growing up in the Depression years. Now, most of us know about Mobile, Ala. At least enough to know that it's not pronounced "mobul." But you have to have rambled through a few cotton fields to really appreciate Judge Moody's pronunciation: "Mobeel," with the lingering, swaying "eel" and the breath of a julp in the background. That, friends, is the mark of a southerner.

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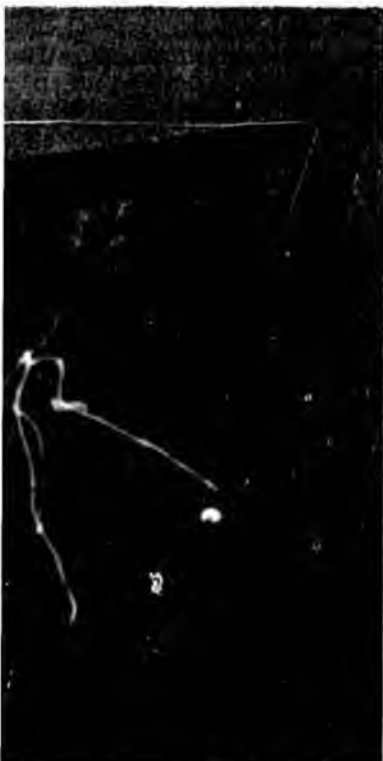
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## 'Marijuana laws aren't enforced...'

Q. You've outlined your legal philosophy as "If you've got a law, you should enforce it." How do you think Alaska's legal establishment — law enforcement and the courts — lives up

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A. Early in April, the state Supreme Court



Anchorage Daily News / Fran Dummer

from which he rules on property

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# A seat on the bench, an eye on Anchorage



Judge Ralph Moody  
disputes and labors

By **DON HUNTER**  
Daily News reporter

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Anchorage Daily News / Fran Durner

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A. Early in April, the state Supreme Court

So when Ralph Moody pulls on his famous slippers, dons the black robe and takes to the Superior Court bench on the third floor of the Boney Memorial Courthouse, what we have is a southerner who graduated from the University of Alabama's law school in 1940, traveled around wartime Europe for a few years with the military's Signal Corps, decided to move to Honolulu and wound up in Anchorage.

Hearing Moody tell it, it doesn't sound at all strange.

"I'd been in the service six years, had lost all contact with the constituents I'd have practiced law in (in Alabama). So I just decided I'd go down to Washington and see if there were any places open in the government. They had openings in Honolulu and Anchorage in the Office of Price Administration. I chose Honolulu, sent in my application, but it had already been filled so I came to Alaska."

The Office of Price Administration enjoyed his services all of three weeks. Then he moved to a lawyer job with the Army Corps of Engineers.

In the 33 years since he first set foot in the two-horse town with the three-dog nights, Moody's eye has been as close to the development of Anchorage and Alaska as any other's.

He was a member of the Territorial Senate in the days when \$100 went a long way in a campaign instead of being the kick-off point for reporting contributions. A member of the first state legislature. The state's second attorney general. In June, 1962 he was appointed to the bench and he's been behind it ever since, ruling on property disputes, sentencing car thieves and drug dealers, pondering labor hassles, adjusting the scales of blind justice.

There's Ralph Moody.

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# 'Marijuana laws aren't enforced...'

Q. You've outlined your legal philosophy as "if you've got a law, you should enforce it." How do you think Alaska's legal establishment — law enforcement and the courts — lives up to that responsibility?

A. Poorly, poorly in one sense, because if the people don't support a law, it's not going to be enforced. I don't have to tell you the marijuana laws aren't being enforced. That's because people don't believe in them, or people haven't been arrested, or haven't been convicted. All we're doing is teaching people or giving people the inclination that if they can get by without obeying the marijuana laws, they can get by without obeying cocaine laws, or heroin laws, or speeding laws and things like that.

I don't think it makes any difference what I think about whether it's a good law or not. I think if we've got them, we ought to enforce them. If we don't, we ought to get rid of them. That's not my job on the bench, as to whether I like them or not. But I think I have a duty, if it's on there, to enforce it...

In many instances, the legislature is just as much to blame as anybody else for passing these laws. Don't go down and pass them if you don't want them enforced. And if you're going to enforce them, appropriate enough money to get people to enforce them. And give you enough judges and DA's and investigators so you can prepare a case.

Q. Speaking of the legislature, do you feel we need a limit on the length of legislative session?

A. I certainly think we do. The Territorial Legislature I was in, it was 90 days. We never had any problems. Of course I realize it would probably be bigger today. But I was in the first state legislature and we didn't have a court system, we didn't have an executive branch. We set up the executive branch, the judicial, and not only that, but the legislative authority...We put all that out in, I think it was 70, 71 days, 81 days. We worked night and day. I'm not saying these people don't work, but I know lots of people who work that don't accomplish much...We need more efficient legislators.

Alaska is in the process of a pilot program allowing still cameras and television



Anchorage Daily News/Fran Durner

Moody: "The Territorial Legislature I was in, it was 90 days...We need more efficient legislators."

cameras in the courtroom. Do you think the courts should be that open to the public?

A. I think it's very good. I'm just not certain that most court proceedings are interesting enough for people to cover them. But I think it's good if they want to cover them.

In fact, the election contest as far as I know was the first time an actual trial was seen (on television) in the court. It may be because of the nature of that, but obviously I knew it (the contest) was there, but once we got into it.

suspect no one even knew it was here. I really think it's good...if you can get enough interest in it and people looking at it.

A. Early in April, the state Supreme Court issued a ruling that clears the way for more advertising by lawyers in the print and broadcast media. What do you think of the practice?

A. I don't know; I don't need an attorney. They (the advertisements) haven't impressed me too much, but maybe if I needed an attorney they would.

This is not against them, but I think if I needed, I would go to someone who had had an experience with an attorney and ask them who was a good attorney. If I want a doctor, I don't choose a doctor just by looking at his name. I think probably it's good from the standpoint that, at least, lawyers can advertise what they charge for things.

Q. What about the cost of legal advice in Alaska?

A. It's real high, too high. The only people who can get good legal advice today are the very rich and the very poor. I mean, from the standpoint of cost...I don't have any solution for it, I just know the problem.

Q. The new Lieutenant governor has been seeking public input on ways to revise and improve the state's election procedures. Since you presided over the Hickett-Mardes challenge to the primary election, you should have an excellent perspective on where some of those improvements should be made. What is your advice to Terry Miller and the legislature?

A. I think there are lots of seeds to be cultivated in the lawsuit on allegations and what-not. And I don't know whether they're true or not. But I think all of them ought to be looked at. I think the things that happened in that election are things that just shouldn't happen. Now, I don't want to get into who's right on the election, but I think it's commendable that somebody's doing something about it.

Q. Could you be more specific about the problems with the election you think should be cured, or reviewed?

A. I don't want to get into that. I mentioned them in (the decision) and I don't want to get too much into my decision now.

Hearing Moody tell it, it doesn't sound at all strange.

"I'd been in the service six years, had lost all contact with the constituency I'd have practiced law in (in Alabama). So I just decided I'd go down to Washington and see if there were any places open in the government. They had openings in Honolulu and Anchorage in the Office of Price Administration. I chose Honolulu, sent in my application, but it had already been filled so I came to Alaska."

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Now presiding judge in the Third District Superior Court, Moody found his place in Alaska's scheme of things never so apparent as during a few heated weeks last fall, when the state's political birds came to nest in his courtroom, bearing a challenge of the primary election results. The governor's office was the golden egg they pursued.

For those of exceptionally short memory, Moody found irregularities in the handling of the primary election to be of such magnitude that he called for another. On appeal, the state Supreme Court overturned that decision and sent Gov. Jay S. Hammond and Chancy Croft into the November finals.

Looking back on calmer days, Moody remembers when the only two blocks of paved street in Anchorage fronted the federal building and City Hall. "The others were all gravel or dirt. In the springtime it was a terrible breakup.

"But everybody knew everybody at that time. You'd get on the phone to call someone, the operator would say, 'They aren't here; I saw them walking down the street.'

"If you were looking for someone, somebody could tell you where they were.

"As I recall, there were 11 or 12 attorneys in Anchorage. It was quite informal, cooperative in the sense that if you wanted to take a deposition, you'd call up and say, 'When can we take it? Tomorrow or next week.' If you wanted to go to trial, you could say, 'Let's go to trial tomorrow...'"

The game of politics was played in a slightly different past in those days, too, says the territorial candidate. And the price of a ticket was a good deal more reasonable.

Reminiscing about his fling in politics, Moody recalls he "went to the party meeting one night, and they were having a terrible time getting someone to run.

"Someone said, 'Why don't you run?' and I said, 'Well, I don't know, I'm practicing law and I don't have any particular interest.' And they said, 'Why don't you run?' and I said 'I will.'"

All the candidates kicked in \$100 to the Democratic Party, for which the party prepared brochures and bought radio time. "I'd say in my campaign, in my first term, I probably spent \$300, total."

Moody, somewhat shyly, allows that legislators in those days, and immediately after statehood, may have been just a little better — or at least "more efficient" — than the current breed.

And what of his philosophy of law, this man who has been a judge in Alaska for 17 years?

"I think if you've got a law, you should obey it...or you get rid of it," says Moody, not one often given to windy oratory. "Everybody has to live by rules, whether it's society, or a church, a dance hall, or a bingo game. You have to have rules and you have to abide by them. If you don't, you have to pay the penalty."



## District Court

State of Alaska

FOURTH JUDICIAL DISTRICT  
604 BARNETTE STREET, ROOM 313  
FAIRBANKS, ALASKA  
99701

March 9, 1979

Honorable Charles H. Parr, Chairman  
House Judiciary Committee  
Mail Stop Number 3100  
Pouch V  
Juneau, Alaska 99811

Dear Representative Parr:

There are several aspects of the staffing of the district courts which the legislature should review. Judge Miller discussed some of them briefly with Representative Fred Brown recently, and this letter is to set out much more precisely the matters they discussed.

1. There are many persons whose jobs, on paper at least, are non-judicial but who have been appointed by the presiding superior court judges as magistrates or acting district court judges. These people are classified as clerks of court, law clerks, and even secretaries. The two superior court law clerks in Fairbanks and the deputy court administrator in Anchorage are typical of this group.

2. In Anchorage, five magistrates have been appointed who are doing full-time judicial work. There are only seven district court judges there. Of the five magistrates, two have been candidates for district court judgeships but have been passed over in the judicial selection process.

3. Full-time magistrates such as Magistrates Sheldon Sprecker and Ed Crutchfield are sent frequently to both urban and rural courts as acting district judges. Magistrate Crutchfield is now assigned to Fairbanks one week of each

Honorable Charles H. Parr  
March 9, 1979  
Page 2

month, and has spent a good deal of time assigned to Barrow. Magistrate Sprecker is assigned to Anchorage from time to time. Probably other full-time magistrates are used similarly.

4. In many communities having a full-time magistrate, there is also an "acting" magistrate, a position not recognized by statute. Typical of these are Linda Harding at Delta and Virginia Pine at Tok. I believe they are classified as deputy clerks of court, but when Magistrate Crutchfield is in Fairbanks or Barrow, and Magistrate Lathrop is ill, Mrs. Harding and Mrs. Pine are judges. Training seminars are held by the court system for "acting" magistrates, to train them in the judicial function. This suggests a substantial volume of work or an indefensible waste of public funds for seminars.

5. In every community where the combined caseload of the superior and district court is light, and a superior court judge has been appointed with the expectation that he will perform comfortably all the judicial work in that place, a magistrate, acting magistrate, or acting district judge has been appointed also, so that an increase of judicial officers has occurred. This is true at Sitka, Bethel, Kodiak, Kenai, and Nome. The same increase in judicial officers has occurred at those places where there is one district court judge but no superior court judge, as in Homer, Valdez, Wrangell and Petersburg. Judges Bosshard and Hornaday of Valdez and Homer are often assigned as visiting judges in Anchorage--the magistrates do the judicial work during their absences if not at other times.

6. There are fourteen or more full-time magistrates in smaller communities which have a large enough caseload to justify a district court judge. I believe one of them is a lawyer. In a few of these towns, it might not be possible to obtain a qualified applicant for the position of district court judge. I am told that Magistrates Saxton (Palmer) and Sprecker (Glennallen) have resigned or announced their intentions of doing so shortly.

We were surprised that Mr. Brown was unaware that much of the judicial work of the district courts is done by persons who are not district court judges, but we ourselves had not realized until undertaking this summary how the character of the court has changed. There are 20 or more full-time magistrates and acting district court judges, and only fifteen

Honorable Charles H. Parr  
March 9, 1979  
Page 3

professionally qualified judges. Our estimate is that there are about twenty "acting" magistrates in addition. We are unable to find out how many law clerks, court clerks, and other court system employees devote what percentage of their time to the performance of judicial functions, but know that the figures are substantial.

Anyone reading AS 22.15, the chapter which creates the district courts, would think that Alaska abandoned the J.F. system to the maximum practical extent many years ago. In fact, however, a very large portion of the district courts' work is done by J.P.'s who are shielded from public participation and Judicial Council evaluation in their selection or retention, who have no judicial independence and who are not qualified.

While it is late in this legislative session, we hope that something can be done. Our recommendations for legislative action are:

(a) Return to the legislature the power to set the numbers of district court judges and magistrates and to designate their regular seats of office. These powers are now delegated to the supreme court under AS 22.15.020.

(b) Designate as seats of office for magistrates only those places where a full-time judicial officer is not necessary or a qualified applicant cannot be obtained. "Grandfather rights" should be afforded some incumbent full-time magistrates--I think particularly of Magistrate Crutchfield here. (See the discussion below about the possibility of traffic magistrates, however.)

(c) Repeal AS 22.15.170(b), the section which permits the appointment of acting district court judges. The state no longer needs such a provision and it is badly abused.

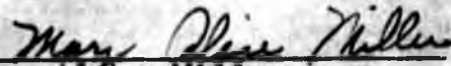
(d) Study whether minor traffic cases such as speeding, stop sign violations and other infractions should be (1) removed from the court system and heard by administrative hearing officers (New York does this); or (2) heard by traffic magistrates within the district courts; or (3) continue to be heard by district judges. If the legislature


Honorable Charles H. Parr  
March 9, 1979  
Page 4

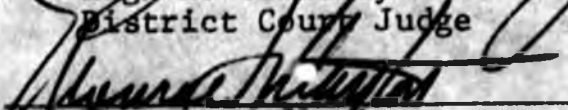
concludes that there should be traffic magistrates at urban locations, the legislature should set their qualifications clearly and limit their powers to those necessary for hearing traffic infractions. Setting of bail in felony and misdemeanor cases and imposing sentences of as much as one year's imprisonment should not be intrusted to them, nor should small claims cases, which require more ready knowledge of law, more patience, and more skill than any other cases brought in the district courts.


All of us will be glad to work with you further and to supply any additional information we have.

Yours very truly,

  
\_\_\_\_\_  
Mary Alice Miller  
District Court Judge

  
\_\_\_\_\_  
Hugh H. Connelly  
District Court Judge

  
\_\_\_\_\_  
Monroe N. Clayton  
District Court Judge

  
\_\_\_\_\_  
Stephen R. Cline  
District Court Judge

cc: Members of House Judiciary Committee  
Members of Senate Judiciary Committee  
Alaska Judicial Council  
Local Representatives and Senators  
Honorable Patrick M. Rodey, Senator



**Superior Court  
State of Alaska**

FOURTH JUDICIAL DISTRICT  
604 BARNETTE STREET  
FAIRBANKS, ALASKA  
99701

JAMES R. BLAIR, PRESIDING JUDGE

RECEIVED  
1979

Office of Administrative Director  
Alaska Court System

March 19, 1979

Mr. Arthur H. Snowden  
Administrative Director  
Alaska Court System  
303 'K' Street  
Anchorage, Alaska 99501

Dear Mr. Snowden:

You have asked me to explain the use of acting district judges in the Fourth Judicial District. I must assume that your request is prompted by the letter dated March 9, 1979, signed by the four district court judges from this district.

As presiding judge of this district I am empowered to appoint acting district judges by AS 22.15.170(b). I do not like to use acting district judges and do not do so unless it is absolutely necessary in order to get the required work done.

Magistrate Crutchfield has been used as an acting district judge many times. He served nearly full time in that capacity when Arthur Robson was suspended. It is very handy to be able to use Magistrate Crutchfield as a district judge and saves the taxpayers

Mr. Arthur H. Snowden

March 19, 1979

Page 2

a considerable amount of money. To the best of my knowledge there have been no complaints about Magistrate Crutchfield's ability.

Recent events have caused our district court to have more trials than there are judges available to handle them. When this happens I have several alternatives. I can either find judges other than district judges to handle the trials or I can allow the criminal cases to be dismissed because of the 120-day rule.

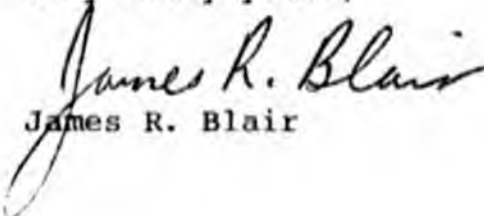
I recently appointed the two law clerks in this district to serve as acting district judges under AS 11.15.170(b). This allows them to handle arraignments, traffic trials and other non-complicated matters thus freeing the duly appointed district court judges to try more complicated cases. I am able to use qualified law clerks who are law school graduates to handle non-complicated matters at absolutely no cost to the taxpayer. This results in the completion of cases that could not otherwise be tried.

If the legislature wishes to follow the recommendations of the duly appointed district judges and repeal AS 11.15.170(b), it can clearly do so. It should realize what the results will be. Either additional district judges will have to be appointed to handle the cases, or cases will be dismissed. The former is extremely expensive and the latter simply makes a joke of the whole judicial system.

I think it is important to stress that there have been no complaints from litigants or attorneys in my district about the competence of the acting district judges to perform their limited functions.

The fact that four district court judges are unhappy is no reason to change a reasonable, logical system which allows us to operate less expensively and with more efficiency than we otherwise could.

Very truly yours,

  
James R. Blair

JRB:cjm



Arthur Snowden II

Supreme Court

State of Alaska

March 20, 1979

CHIEF JUSTICE  
JAY A. RABINOWITZ

JUSTICES  
ROGER G. CONNOR  
ROBERT BOOCHEVER  
EDMOND W. BURKE  
WARREN W. MATTHEWS, JR.

P. O. BOX 850  
FAIRBANKS, ALASKA  
99707  
907-452-1339  
907-456-9201

The Honorable Charles H. Parr  
Chairman, House Judiciary Committee  
Mail Stop Number 3100  
Pouch V  
Juneau, Alaska 99811

Dear Representative Parr:

I received a copy of the letter of March 9, 1979, addressed to you by the four District Court Judges - Miller, Connelly, Clayton and Cline. I shall not attempt to address each paragraph of the letter separately as it would take an undue amount of your time.

Generally, the letter contends that Acting District Court Judges and Acting Magistrates are performing judicial services in the State. It is interesting to note that the Supreme Court has not received any complaints on this matter from litigants. Obviously, in a State as large as ours, it is impossible at this time and within the financial constraints dictated by necessity to furnish judges who are lawyers in all areas and at all times. Magistrates and Acting Magistrates, however, do not hear contested cases other than small claims, unless the parties consent. They do handle a host of lesser functions.

We have attempted to streamline the judicial system by assigning single Superior Court Judges at major locations. In those instances, to utilize judicial time adequately, the Judges have travelled to various other communities for the purpose of providing judicial services. Obviously, when the

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Chief of Administrative Director  
Alaska Court System


March 20, 1979

Judge is away from his home community such as Sitka, Bethel, Kodiak, Kenai and Nome, it is necessary that someone be able to handle the judicial functions in his or her absence. This is accomplished by the use of Magistrates. In many circumstances, these Magistrates are utilized primarily to perform other valuable services to the Court System. They additionally perform services as Magistrates to assist in this manner.

Without the flexibility whereby the Superior Court may appoint Acting District Court Judges, and the Presiding Superior Court Judges may appoint Magistrates, the system could not function efficiently. To substitute legally trained District Court Judges in every instance would involve an enormous expense and one, in my opinion, which is not justified at this time. The primary rationales for the use of Acting District Court Judges and Acting Magistrates is to enable our trial judges to meet their constantly expanding caseloads and allow the Alaska Court System the flexibility to meet its obligations to bring judicial services to Alaska's citizens.

I am indeed sorry that your valuable time has been taken up by this matter and regret that the District Court Judges did not see fit to advise me of their suggestions before writing to you. If you wish to have a more detailed response, I will be pleased to furnish it to you.

Sincerely yours,

  
Jay A. Rabinowitz  
Chief Justice  
Supreme Court of Alaska

JAR:d'v

cc: Members of House Judiciary Committee  
Members of Senate Judiciary Committee  
Alaska Judicial Council  
Local Representatives and Senators  
Hon. Patrick M. Rodey, Senator  
Hon. Mary Alice Miller  
Hon. Hugh H. Connelly  
Hon. Monroe N. Clayton  
Hon. Stephen R. Cline  
Justice, Supreme Court



## Trial Courts

State of Alaska

THIRD JUDICIAL DISTRICT  
303 K STREET  
ANCHORAGE, ALASKA 99501

RALPH E. MOODY  
Presiding Judge

March 20, 1979

A. H. Snowden, II  
Administrative Director  
Alaska Court System  
303 K Street  
Anchorage, Alaska 99501

Dear Art:

I have read the letter of March 9, 1979, from Judges Miller, Connelly, Clayton and Cline, and to a large extent agree that the facts as stated are substantially correct, but I certainly disagree with their recommendations. In fact, I believe they describe an efficiently run magistrate system.

Some of the minor inaccuracies contained in their letter are:

(1) The five committing magistrates in Anchorage are all lawyers and possess the same qualifications as district court judges.

(2) Magistrate Sheldon Sprecker from Glennallen has never been appointed as an acting district court judge. The only magistrates within the Third Judicial District who have ever been appointed as acting district court judges are Roger White from Dillingham and George Peck from Seward, each of whom met the qualifications of a district court judge.

(3) Magistrate Dorothy Saxton has announced her retirement effective May 1, 1979, and the court administrator has personally discussed the matter with Magistrate Sprecker, and he denies his intentions to resign and cannot imagine how the district court judges came to this conclusion.

A. H. Snowden, II  
March 20, 1979

Page 2

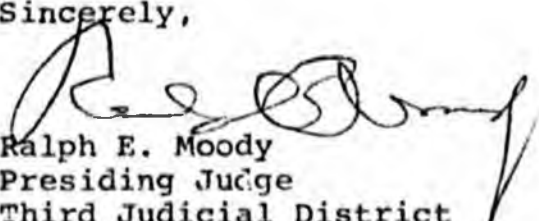
(4) It is quite true that a number of court employees hold appointments as acting magistrates. They function as back-up and replacements for district court judges and magistrates who are unavailable to function for a variety of reasons. They are provided specialized and continuous training by both training conferences and visiting training judges.

I am somewhat surprised that the authors of the above-mentioned letter purport to have the answers to questions and problems we have been aware of for many years. I totally disagree with their conclusions and recommendations. The magistrate system in the Third Judicial District is functioning very effectively and economically as compared to what it would cost if magistrates were replaced with more costly district court judges. I also am of the belief that they are serving a very valuable need of the district and their level of competence is not only acceptable but in most cases commendable.

If the authors of the letter were to restrict their comments to their own judicial district, it may have some credence and validity, but I do not accept their sudden expertise with court management in the Third Judicial District.

Please let me know if I can provide any other information relating to this subject.

Sincerely,

  
Ralph E. Moody  
Presiding Judge  
Third Judicial District

REM:dpd

cc: Area Court Administrator

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1979

Office of Administrative Director  
Alaska Court System

WHEREAS, citizens of the State of Alaska are entitled to have their civil and criminal cases decided by qualified judges selected in accord with the statutes and Constitution of this state; and

WHEREAS, use of standing masters, acting District Court judges and urban magistrates for divorce, traffic, and small claims cases deprives the citizenry of this right; and

WHEREAS, in the urban areas of the state the use of standing masters cannot be excused by lack of real judges; and

WHEREAS, there is unwarranted cost to the parties of curing errors made by standing masters due to inexperience or lack of legal education; and

WHEREAS, most contacts of most citizens with the judicial system are in the kinds of cases in which standing masters are being substituted for real judges; and

WHEREAS, use of secretaries, law clerks, and others as standing masters, acting District Court judges, and urban magistrates, evades and subverts the system of judicial council review, bar polls, gubernatorial appointment, retention elections, and judicial qualifications commission jurisdiction, all of which are important mechanisms for assuring competence, honesty, and due respect for the citizenry among judges; therefor,

Be it resolved, that the court system should cease using standing masters, except in rural areas which do not have real judges.

Be it resolved, further, that the Supreme Court be urged to delete provisions in the Rules of Procedure for urban standing masters except in probate matters, and

Be it further resolved, that the legislature be requested to limit the power of the presiding Superior Court judges to appoint magistrates to those appointed for rural areas, and that the statutory power to appoint acting District Court judges be repealed.

TANANA VALLEY BAR ASSOCIATION

By: Ralph Beistine, President

# Memorandum

Alaska Court System

TO:  District Court Judges  
Fairbanks

DATE : March 23, 1979

FROM: Ethan Windahl  
Anchorage

SUBJECT: Magistrate System

Let me address myself only to paragraph No. 2 of your letter to Representative Parr about the increase in the use of magistrates in the Court System.

I hesitate to think that you are all politically naive or arrogant enough to believe that every unsuccessful candidate for judicial office is also unqualified for that office. Doesn't the Judicial Council recommend two or more qualified candidates to the governor? It follows from your premise that some judges currently in office are unqualified to sit on the bench simply because they have been unsuccessful candidates for other judicial positions. Would you recommend that such judges voluntarily resign because of "demonstrated" incompetence, having been "passed over in the judicial selection process"?

I feel that I performed with skill and competence during my five years as District Court Judge for the Second Judicial District and do not recall any complaints about the way I handled matters when covering for District Court Judges in Fairbanks. I feel that I am doing a creditable job as Committing Magistrate in Anchorage.

I was a colleague of yours for five years. I made an unsuccessful attempt to move from Nome to Anchorage as District Court Judge, and now am I unqualified even to act as magistrate? With your broad brush I think you were less than candid with Representative Parr, and I think you owe me an apology, however worded.

Make your arguments as vigorously as you can, but save the inaccuracies and the vitriol for matters of less moment. You demean yourselves and your cause by making allegations which, I submit, are demonstrably false.

With a bit of tongue in cheek  
and somewhat less humility, I  
remain your not-so-humble servant,

*Ethan Windahl*

Ethan Windahl

District Court Judges  
Fairbanks

March 23, 1979

- 2 -

P.S. I believe that I can fairly submit to you that the consensus of all parties involved is that the new magistrate system in Anchorage is working well. I have heard little complaint from the local judges who are rather quick to express their displeasure if they feel that something is wrong with the system.

E.W.

cc: The Honorable Jay A. Rabinowitz  
The Honorable Ralph E. Moody  
Mr. James E. Arnold

# Memorandum

Alaska Court System

TO:  Arthur H. Snowden, II  
Administrative Director

DATE : March 23, 1979

FROM: Susan Miller  
Magistrate System Coordinator

SUBJECT: ACTING MAGISTRATES

Although no one has told me this, it is my understanding that acting magistrates are appointed in order to provide coverage for courts when the full-time judicial officer (either magistrate or district or superior court judge) assigned to the court location is unavailable (either sick or on vacation or hearing cases at another location or taking a weekend off). Because prisoners must be arraigned within 24 hours of their arrest if they are being held in custody, it is necessary to have a judicial officer available at the higher-volume court locations 7 days a week, 365 days a year.

It is ordinarily not possible to do this where there is only one judicial officer at a location since it is rarely possible to keep the judicial officer from getting sick, taking a vacation, traveling to other locations for court matters, or otherwise leaving town for such things as training conferences, judicial committee meetings, bar conventions, etc. Thus, so-called "acting" magistrates have been appointed at about 17 of the court system's 64 court locations so that arraignments can be held within the time limit prescribed by law and so that other emergency matters such as the issuance of search warrants and arrest warrants and the handling of coroner matters and emergency children's matters can be taken care of.

Frequently these acting magistrates have proved to be very excellent judicial officers and have been called upon to perform even more extensive judicial functions. Even if the acting magistrates are limited to handling emergency matters, however, it is in everyone's interest that they be given the best training for these duties which we can provide.

SM/prs

Susan

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1979

Office of Administrative Director  
Alaska Court System

Peg,

My notes are  
"hit or miss"; but  
the statement by Sylvia  
Carlsson might be of  
interest to you.

R.

Commission Meeting  
June 26 CIPA

Sylvia Carlson - Anch. Native  
Caucas

not much attention on  
law enforcement & corrections  
about racial discrimination  
(bias in C.J. system)

Lack of coordination

Anch. Police - Study on Racial  
Bias

Div. Corrections is looking at women  
in corrections (Helen Prime)

Want study on crim. justice system

Susan Kington - collect info. & studies

(Art) Court - 4000. from Aids  
is writing a report about  
judicial Conference

study on minutes taking  
the California Bar (Patrick  
Anderson)

questioned Pub. Safety  
Recruitment of minorities

H&SS minority hire policy  
Beine - few minorities  
in Corrections  
doing on-sight training  
& "awareness" training

Div.  
Corrections

---

Judicial Council - Ruby

Bill Green  
Helen ? (H.R.C.)  
Bert Campbell  
Nancy Stator  
Lonzales

Looking at Arch. Superior  
Ad. Pre-sentencing  
reports

Lynn Woods - Com. of F

wants women as victims  
looked at - rape  
domestic violence

few confessions

wants 2<sup>nd</sup> study on  
victims of sexual crimes

Ruby - possible longer sentence  
of female victims

should look at police case reports

unsolved homicides of Alaska  
Native Women should  
be looked at

Patrick Anderson

Bar looking at  
WICHEY \$

Sema ~~Anderson~~  
Ms. Lederman

Alaska Family Violence  
Program

no convictions of wife  
battery in home

wants alternatives to  
prison for violence -  
not helping (Ct. Dis. Cont.?)  
my guess.

ANCHORAGE NATIVE CAUCUS

COMMENTS, SUGGESTIONS, AND QUESTIONS

PRESENTED TO THE GOVERNOR'S COMMISSION ON THE ADMINISTRATION OF JUSTICE

JUNE 26, 1979, ANCHORAGE, ALASKA

CHAIRMAN GROSS, MEMBERS OF THE COMMISSION, DIRECTOR ADAMS AND STAFF, MY NAME IS SYLVIA CARLSSON, OFFICIAL SPOKESPERSON AND PRESIDENT OF THE ANCHORAGE NATIVE CAUCUS. ON BEHALF OF THE ANCHORAGE NATIVE CAUCUS, I WOULD LIKE TO EXPRESS APPRECIATION TO YOUR COMMISSION FOR TAKING THE TIME TO HEAR OUR CONCERNS ONCE AGAIN.

AS YOU WILL RECALL, SIX MONTHS AGO, ON DECEMBER 12, 1978, I BROUGHT BEFORE YOUR COMMISSION THE POSITION, RECOMMENDATIONS, AND REQUEST FOR ACTION OF THE ANCHORAGE NATIVE CAUCUS RELATIVE TO THE IMPROVEMENT OF THE CRIMINAL JUSTICE SYSTEM IN ALASKA. MORE SPECIFICALLY, OUR CONCERNS FOCUSED UPON THE ALASKA JUDICIAL COUNCIL STUDY ENTITLED "JUDICIAL COUNCIL FINDINGS REGARDING POSSIBLE RACIAL IMPACT IN SENTENCING."

MY PURPOSE IN COMING BEFORE YOU TODAY IS TO ONCE AGAIN EMPHASIZE THE OFFICIAL POSITION OF THE ANCHORAGE NATIVE CAUCUS; THAT IS, RACIAL DISCRIMINATION IS INSTITUTIONALIZED IN ALASKA'S CRIMINAL JUSTICE SYSTEM. BY USING THE TERM "SYSTEM," WE ARE INCLUDING LAW ENFORCEMENT AND CORRECTIONS AGENCIES AS WELL AS THE ALASKA COURTS.

DURING THE PAST SIX MONTHS, MUCH PUBLIC ATTENTION HAS BEEN FOCUSED UPON RACIAL BIAS IN ALASKA'S COURTS SYSTEM. WE WOULD LIKE TO USE THIS OPPORTUNITY TO SHIFT THE FOCUS SLIGHTLY TOWARD THE LAW ENFORCEMENT AND CORRECTIONS AGENCIES. WE HOPE COMMISSIONERS

BERINE AND NIX WILL SEE FIT TO RESPOND IN SOME FASHION TO THIS CHANGE IN FOCUS.

AS YOU WILL RECALL, WE STATED BACK IN DECEMBER THAT "THE ALASKA JUDICIAL COUNCIL STUDY INDICATING POSSIBLE RACIAL IMPACT IN SENTENCING IS A SINGULAR MANIFESTATION OF PREVAILING SYSTEMWIDE PRACTICES AND ATTITUDES." FRANKLY, WE ARE A LITTLE DISMAYED THAT ALL PARTS OF THE SYSTEM HAVE NOT COME UNDER PUBLIC SCRUTINY WITH REGARD TO RACIAL BIAS. EQUAL ATTENTION SHOULD HAVE BEEN GIVEN TO CORRECTIONS AND LAW ENFORCEMENT. IF RACIAL BIAS EXISTS IN ALASKA'S COURT SYSTEM--AND WE ARE CONFIDENT THAT IT DOES--IT ALSO EXISTS IN CORRECTIONS AND LAW ENFORCEMENT. PERHAPS COMMISSIONERS BEIRNE AND NIX SHOULD BE FOLLOWING THE PATTERN SET BY THE COURT OFFICIALS IN CONDUCTING SENSITIVITY SESSIONS AND MAKING PUBLIC STATEMENTS.

WE WOULD ALSO LIKE TO DISCUSS WITH YOU, TODAY, YOUR RESPONSE TO OUR DECEMBER 12 RECOMMENDATIONS. WE HOPE YOU WILL BE WILLING TO BRING US UP TO DATE ON THE PROGRESS YOUR SUPPORT AGENCY HAS MADE IN OBTAINING FUNDING FOR AN IN-DEPTH STUDY.

FINALLY, WE WOULD LIKE TO POINT OUT WHAT APPEARS TO US TO BE A DISTINCT LACK OF COORDINATION ON THE PART OF AGENCIES RESPONDING TO THE CHARGE OF RACIAL BIAS IN ALASKA'S CRIMINAL JUSTICE SYSTEM, I. E., MUNICIPALITY OF ANCHORAGE RECENT STUDY ON RACIAL BIAS IN THE ANCHORAGE POLICE DEPARTMENT; RECENT LEGISLATIVE ACTION AND APPROPRIATIONS; ANNUAL JUDICIAL CONFERENCE IN SITKA FOCUSING UPON ETHNIC SENSITIVITY TRAINING FOR COURT OFFICIALS. PERHAPS THE SEEMING LACK OF COORDINATION IS AN UNAVOIDABLE PROBLEM; HOWEVER,

WE FEEL THAT THE DISPERSEMENT OF ENERGY AND HUMAN RESOURCES IS COUNTERPRODUCTIV . WE ARE SUGGESTING THAT ONE AGENCY AND PERHAPS ONE INDIVIDUAL COULD BE IDENTIFIED TO SERVE AS A COORDINATING VEHICLE. WE WOULD APPRECIATE YOUR RESPONSE TO THIS SUGGESTION.

IN CONCLUSION, WE WOULD LIKE AGAIN TO EXPRESS OUR APPRECIATION TO YOUR COMMISSION FOR TAKING THE TIME TO MEET WITH US. YOUR OVERALL RESPONSE TO THE POSITION AND RECOMMENDATIONS MADE BY THE ANCHORAGE NATIVE CAUCUS IS VIEWED AS GENERALLY FAVORABLE. WE WOULD PREFER, HOWEVER, THAT COMMISSIONERS BEIRNE AND NIX BECOME MORE ACTIVE. WE HOPE TO HAVE ANOTHER OPPORTUNITY TO MEET WITH YOU; AT THAT TIME WE MAY BE ABLE TO EVALUATE THE PROGRESS THAT HAS BEEN MADE, IN MORE PRECISE TERMS, TOWARD ERADICATING RACIAL BIAS IN ALASKA'S CRIMINAL JUSTICE SYSTEM.

\* \* \* \*

TENTATIVE AGENDA  
GOVERNOR'S COMMISSION ON THE ADMINISTRATION OF JUSTICE  
ANCHORAGE COURT HOUSE & KOTZEBUE CITY COUNCIL CHAMBERS  
JUNE 26, 27 & 28

June 26, 1979 - ANCHORAGE COURT HOUSE - Room #407

- |  |           |
|--|-----------|
| I. Meeting with Anchorage Minority Caucusses | 2:00 p.m. |
| II. Public Hearing AJIS Regulations          | 7:00 p.m. |

June 27, 1979 - KOTZEBUE CITY COUNCIL CHAMBERS

Meeting of the Juvenile Justice Advisory Committee

- |  |            |
|--|------------|
| I. Call the Meeting to Order                 | 10:00 a.m. |
| II. Consideration of Juvenile Justice Grants |            |
| III. Approval of Juvenile Justice Plan       |            |
| Lunch  | 11:30 a.m. |

GOVERNOR'S COMMISSION ON THE ADMINISTRATION OF JUSTICE

- |   |           |
|---|-----------|
| IV. Call Meeting to Order                                 | 1:00 p.m. |
| V. Approval of Minutes of Previous Meeting                |           |
| VI. Report of the Executive Committee                     |           |
| VII. Executive Committee Approval of Remaining 1977 Funds |           |
| VIII. Consideration of Grants                             | 1:45 p.m. |
| IX. Schedule of Meetings                                  | 3:30 p.m. |
| X. Approval of Annual Action Plan                         | 3:45 p.m. |
| XI. Recess  | 4:30 p.m. |

June 28, 1979

- |                              |           |
|------------------------------|-----------|
| XII. Report on Rural Justice | 9:00 a.m. |
|------------------------------|-----------|

XIII. Indian Child Welfare Act	10:00 a.m.
XIV. Gun Policy - Division of Corrections	10:30 a.m.
Lunch	11:30 a.m.
XV. Public Comments	1:00 p.m.
XVI. Adjourn	2:30 p.m.

The next Commission meeting will be held September 12 & 13,  
1979, Valdez, Alaska.

)

PERSON \_\_\_\_\_

MOTION: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*\*\*\*\*

YES NO

COMMISSION MEMBERS

YES	NO		COMMISSION MEMBERS
			RABINOWITZ
			BROWER
			SCHULTZ
			STANTON
			SNOWDEN
			WILLIAMS
			NIX
			ROWLAND
			BEIRNE
			MIDDLETON-COOK
			GROSS
			ANDERSON
			SHORTELL
			DANKWORTH
			ELIASON
			JUVENILE JUSTICE ADVISORY COMMITTEE MEMBERS
			MS. HANNAN
			MS. FERGUSON
			MR. COOK
			MS. BARSDATE
			MS. SASSEVILLE

MOTION # \_\_\_\_\_