

COMMITTEE REPORT
HOUSE

FURTHER:

(Waived from publication 1/27/62)

Date: 1/27/62

Mr. Speaker:

The Committee on Revenue has had CS 15 (216)

"No net relative to the payment of attorney services and expenses
with indirect personal payments made by officials,
and related for an amount of \$100,000."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
- and recommends _____ new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

Original sponsor: Karttula

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 255 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the payment of attorney services
7 and expenses for indigent criminal defendants pros-
8 ecuted by municipalities; and providing for an effec-
9 tive date."

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

11 * Section 1. AS 18.85.100(b) is amended to read:

12 (b) Subject to the provisions of AS 18.85.155, the [THE] attor-
13 ney services and facilities and the court costs shall be provided at
14 public expense to the extent that the person, at the time the court
15 determines indigency, is unable to provide for payment without undue
16 hardship. Appointment of any guardian ad litem or attorney shall be
17 made under the terms of AS 09.65.130, to the extent that that section
18 is not inconsistent with the requirements of this chapter.

19 * Sec. 2. AS 18.85.130 is amended to read:

20 Sec. 18.85.130. SUBSTITUTE DEFENDER. (a) For cause, the court
21 may, on its own motion or upon the application of the public defender,
22 appoint an attorney other than the public defender to represent the
23 indigent person at any stage of the proceedings or on appeal. The
24 attorney shall be awarded reasonable compensation according to a
25 schedule of fees promulgated by the supreme court and reimbursement
26 for expenses necessarily incurred. Except as provided in AS 18.85.-
27 155, this [THIS] shall be paid by the court system.

28 (b) In addition to substitution under (a) of this section, when
29 the public interest requires, and a person is entitled to

1 representation by the agency under this chapter, the public defender
2 may contract with one or more private attorneys for assistance [TO
3 ASSIST HIM]. Except as provided in AS 18.85.155, the [THE] public
4 defender shall pay for these services out of appropriations to the
5 agency.

6 * Sec. 3. AS 18.85 is amended by adding a new section to read:

7 Sec. 18.85.155. PAYMENT BY MUNICIPALITY. (a) When a munici-
8 pality prosecutes a person who has been determined by the court to be
9 indigent under AS 18.35.120 for a violation of a municipal ordinance
10 that is a serious crime, the municipality shall pay for the services
11 of the attorney appointed by the court to defend the indigent person.

12 (b) A municipality shall provide for defense attorney services
13 under (a) of this section by contracting with private attorneys or the
14 Alaska Public Defender Agency or by establishing a municipal public
15 defense agency.

16 (c) In a prosecution subject to this section, the court may
17 order the defendant to pay to the municipality the costs of the
18 attorney services and other court costs to the extent that the defen-
19 dant is able to do so.

20 * Sec. 4. This Act takes effect January 1, 1985.
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STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 2/3/84

Page 1 of 2

REQUEST

Bill/Resolution No: HB 255 (FIN)
Title: "Payment of Attorney Services."

Sponsor: Sen. Kertulla
Requestor: _____
Date of Request: _____

FISCAL DETAIL

Agency Affected: Dept. of Administration
Program Category Affected: Due Process

BRU, Program or Subprogram(s) Affected: _____
Public Defender Agency

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		(148.6)				
200 TRAVEL						
300 CONTRACTUAL		(5.0)				
400 SUPPLIES		(1.5)				
500 EQUIPMENT		(2.0)				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		(157.1)				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		(157.1)				
FEDERAL FUNDS						
OTHER						
TOTAL		(157.1)				

POSITIONS:

FULL-TIME		(3.0)				
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Bob Stokes, Admin. Officer Phone: 279-7541
Division: Dana Fabe, Public Defender *Nana Fabe* Date: Feb. 3, 1984

Approved by Commissioner: Commissioner Lisa Ridd *J.S.* Date: 2/6/84
Agency: Administration *ASR*

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Senate Bill 255
 Fiscal Note Analysis
 Prepared by Public Defender Agency
 Department of Administration

Date: February 3, 1984

Since July 1, 1976, the Public Defender Agency has been charged with the defense of indigents charged with violations of municipal ordinances. Out of necessity, the Agency has assumed this obligation using existing personnel and resources. In FY79 two additional positions were authorized in HB 909, an Attorney III and a Legal Secretary I. SCSCSHB 6 added another Attorney III for Anchorage to handle municipal cases. If this bill, returning the financial obligation for indigent defense back to the municipalities should pass, these three positions plus other related costs would be eliminated at a savings to the State of (157.1).

Anchorage:	Attorney III	(60.0)
	Attorney III	(60.0)
	Legal Secretary I	(28.6)
	Contractual	(5.0)
	Commodities	(1.5)
	Equipment	(2.0)
	Total	(157.1)

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 2/3/84

Page 1 of 2

REQUEST

Bill/Resolution No. SSB 255 (FIN)
Title: "Payment of Attorney Services."

Sponsor: Sen. Kertulla
Requestor: _____
Date of Request: _____

FISCAL DETAIL

Agency Affected: Dept. of Administration
Program Category Affected: Due Process

BRU, Program or Subprogram(s) Affected: Public Defender Agency

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		(148.6)				
200 TRAVEL						
300 CONTRACTUAL		(5.0)				
400 SUPPLIES		(1.5)				
500 EQUIPMENT		(2.0)				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		(157.1)				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		(157.1)				
FEDERAL FUNDS						
OTHER						
TOTAL		(157.1)				

POSITIONS:

FULL-TIME		(3.0)				
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Bob Stokes, Admin. Officer Phone: 279-7541
Division: Dan Fabe, Public Defender Date: Feb. 3, 1984

Approved by Commissioner: Commissioner Lisa Rudd Date: 2/6/84
Agency: Administration

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Senate Bill 255
 Fiscal Note Analysis
 Prepared by Public Defender Agency
 Department of Administration

Date: February 3, 1984

Since July 1, 1976, the Public Defender Agency has been charged with the defense of indigents charged with violations of municipal ordinances. Out of necessity, the Agency has assumed this obligation using existing personnel and resources. In FY79 two additional positions were authorized in HB 909, an Attorney III and a Legal Secretary I. SCSCSR 6 added another Attorney III for Anchorage to handle municipal cases. If this bill, returning the financial obligation for indigent defense back to the municipalities should pass, these three positions plus other related costs would be eliminated at a savings to the State of (157.1).

Anchorage:	Attorney III	(60.0)
	Attorney III	(60.0)
	Legal Secretary I	(28.6)
	Contractual	(5.0)
	Commodities	(1.5)
	Equipment	(2.0)
	Total	(157.1)

MF

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: Oct. 28, 1983

I. REQUEST

Bill/Resolution No.: SB255
Title: "Payment of Attorney Services"
Sponsor: Senator Kertulla
Requestor: _____
Date of Request: _____

II. FISCAL DETAIL

Agency Affected: Dept. of Admin.
Program Category Affected: Due Process
BRU, Program of Subprogram(s) Affected: Public Defender Agency

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		(148.6)				
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		(148.6)				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		(148.6)				
FEDERAL FUNDS						
OTHER (Specify Source)						
TOTAL		(148.6)				

POSITIONS:

FULL-TIME		(3.0)				
PART-TIME						
TEMPORARY						
TOTAL		(3.0)				

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Bob Stokes, Admin. Officer Phone: 279-7541
Division: John Salemi, Act. Pub. Defender Date: Oct. 28, 1983

Approved by Commissioner: Commissioner Lisa Rudd Date: _____
Department: Administration

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

ANALYSIS: SB255

Since July 1, 1976, the Public Defender Agency has been charged with the defense of indigents charged with violations of municipal ordinances. Out of necessity, the Agency has assumed this obligation using existing personnel and resources. In FY79 two additional positions were authorized in HB909, an Attorney III and a Legal Secretary I. SCSCSHB6 added another Attorney III for Anchorage to handle municipal cases. If this bill, returning the financial obligation for indigent defense back to the municipalities should pass, these three positions would be eliminated at a savings to the State of 148.6.

Anchorage:	Attorney III	(60.0)
	Attorney III	(60.0)
	Legal Secretary I	<u>(28.6)</u>
	Total	(148.6)



Alaska State Legislature

Senate Advisory Council

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business MEMORANDUM

TO: HOUSE FINANCE COMMITTEE

FROM: ELIZABETH J. HICKERSON *ejh*

RE: SB 255 and CS SB 255 (Rules), An act relating to the payment of attorney services and expenses for indigent criminal defendants prosecuted by municipalities; and providing for an effective date.

DATE: JANUARY 31, 1984

Senator Jalmar Kerttula's office was requested to prepare a memorandum outlining the distinctions between SB 255 and CS SB 255 (Rules). In response, I offer the following information.

There are three major differences between the original bill SB 255 and the Rules Committee substitute: the procedures outlined; the extent of representation provided; and the effective date.

PROCEDURE

SB 255

When a municipality prosecutes an indigent person for the violation of a municipal ordinance, an attorney, other than the Public Defender Agency, will be assigned to the case. This can be accomplished in one of three ways:

1. the court may appoint another attorney;
2. the Public Defender Agency may petition the court to appoint another attorney; or
3. the Public Defender Agency may contract with another attorney for assistance.

Under all three procedures the municipality and not the state shall pay for the services and expenses of the attorney appointed.

CS SB 255

When a municipality prosecutes an indigent person for the violation of a municipal ordinance, the municipality shall provide for defense attorney services by contracting with private attorneys or the Alaska Public Defender Agency or by establishing a municipal public defense agency.

Thus under SB 255 the court or the Alaska Public Defender Agency controls the assignment of the case, whereas under CS SB 255 the municipality controls the assignment.

EXTENT OF REPRESENTATION

SB 255 provides that the municipality shall be responsible for the representation of an indigent person for violation of a municipal ordinance that is a "serious crime". A "serious crime" is defined at AS18.85.170(5) and includes:

a criminal matter in which a person is entitled to representation by an attorney under the Constitution of the State of Alaska or the United States Constitution;

or

an act that, but for the age of the person involved, would otherwise be a serious crime.

Right to the representation by an attorney under this definition includes prosecution for offenses which may result in: incarceration, loss of a valuable license or the imposition of a fine so heavy as to indicate criminality. Post conviction proceedings would also be included.

CS SB 255

The committee substitute provides that the municipality shall provide for representation of indigent persons prosecuted for municipal ordinances under which that person is entitled to a jury trial. Right to representation under this bill is limited to those offenses which may result in incarceration.

No representation would be provided by the municipality for the loss of a valuable license or the imposition of a fine so heavy as to indicate criminality or for post conviction

proceedings. Nor is it clear who or what agency would be responsible for this representation.

Thus under the original bill more extensive representation will be assumed by the municipality.

EFFECTIVE DATE

SB 255 takes effect on July 1, 1983, whereas, CS SB 255 takes effect on January 1, 1984.



Supreme Court
State of Alaska

EDMOND W. BURKE, CHIEF JUSTICE

May 17, 1983

303 "K" STREET
ANCHORAGE, ALASKA
99501
907 • 274-8611

Mr. Arthur H. Snowden, II
Administrative Director
Alaska Court System
303 K Street
Anchorage, Alaska 99501

Dear Art:

I was advised yesterday of testimony purportedly given by Allen Bailey, Anchorage Municipal Prosecutor, before a recent session of the Senate Rules Committee. Such testimony, I believe, related to pending legislation that would require municipalities to fund the defense of indigents in municipal prosecutions.

Part of Mr. Bailey's testimony, according to my information, consisted of an attack on the character and competency of the Public Defender, Dana Fabe. If the report given to me was accurate, I take strong exception to it.

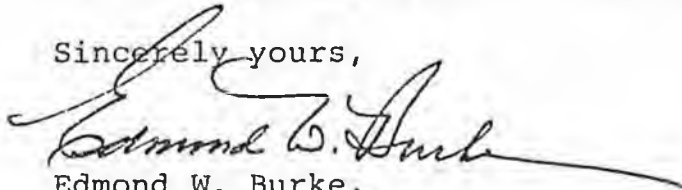
For many months we have been concerned about the impact of municipal prosecutions on the Anchorage office of the Public Defender Agency and the district court. A major part of this concern is the apparent fact that city prosecutions are contributing unnecessarily to the district court's work load because of poor screening and/or preparation. In all too many cases, it is incumbent upon the court and the Public Defender Agency to prepare for trial only to have the matter dismissed at the last moment or otherwise fail for lack of proof. My conversations with the judges of the district court and others, including Ms. Fabe, lead me to believe that this concern is well founded.

Re: Public Defender Agency
Letter of May 17, 1983
Page 2

If the summary of Mr. Bailey's recent testimony was correct, I consider it both inaccurate and professionally irresponsible. The performance of the Public Defender Agency under Ms. Fabe's direction has been impressive. Despite an intolerable case load, a good part of which relates to city prosecutions, the office has managed to handle its responsibilities well, without sacrificing the rights of those it represents. Moreover, in my judgment, Ms. Fabe's integrity is above reproach.

The court system has a vital interest in seeing that the Public Defender Agency continues to function effectively. Therefore, I ask that you do whatever you can to call the true state of affairs to the attention of those members of the legislature with whom you are acquainted. If it would be of any help for me to appear in Juneau, please let me know. I will be there on the first available flight.

Sincerely yours,



Edmond W. Burke,
Chief Justice

POSITION PAPER - SENATE BILL 255
MUNICIPALITY OF ANCHORAGE

Senate Bill 255 has serious flaws from a public policy standpoint. This legislation will cost municipal taxpayers throughout the state a significant amount of money. For these reasons, amplified below, the Municipality of Anchorage opposes Senate Bill 255.

This bill would affect every city in the state which prosecutes crimes under its municipal code if conviction would subject the offender to any jail time. Since Anchorage prosecutes half of the drunk drivers in the state at present, as well as domestic assaults, shoplifters and other crimes, the costs of public defense in the instance of the Municipality of Anchorage alone would be substantial.

It has been said that the Anchorage Municipal Prosecutor's Office does not screen its cases well, causing the state additional unnecessary expense. During the year ending April 30, the Anchorage prosecutor's office took 235 criminal misdemeanors to trial. There was a guilty verdict in 75 per cent of those cases. The fact that 9,542 criminal charges were referred to the Prosecutor's Office by the Anchorage Police Department shows that a great deal of screening took place in order to necessitate only 235 trials.

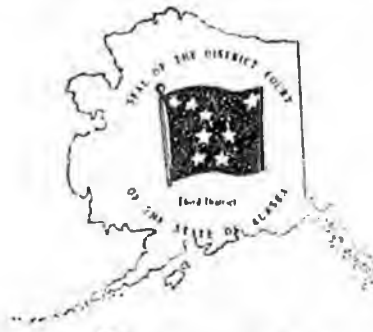
The Municipality was criticized by the Public Defender's Office for causing extra work for the public defender's staff attorneys by dismissing a large number of cases on the trial date. Statistics kept by the prosecutor show an average of only 9.2 per cent of the cases were dismissed at or near the trial date, most of them because victim witnesses could not be found.

At the existing Public Defender staffing rate, this bill will cost the Municipality of Anchorage approximately \$700,000 per year. If enough public defense attorneys were hired to meet the staffing level recommended by the chief district court judge in Anchorage, it would double that cost per year. As drafted, section two of the bill would give the Public Defender authority to contract with any number of private attorneys the public defender feels is necessary--and neither the Legislature nor the Municipal Assembly would have any control at all over the expense.

If the Legislature determines that cities must pay for their own public defense, it should give the local governing bodies some control over that function. The Municipality of Anchorage would prefer, if it must pay for this activity, to contract with a private law firm or establish its own public defense agency. An alternative would be to dedicate an amount equal to municipal fines and forfeitures in criminal cases to the additional funding of the state Public Defender Agency.

One possible municipal response to enactment of this legislation is the abandonment of the prosecution function entirely, returning to the Anchorage District Attorney's Office the job of prosecuting most misdemeanors occurring in Anchorage. That would require hiring of several lawyers for that agency in Anchorage alone and return to the state the burden of paying for incarceration of the defendants jailed in those cases.

Allen M. Bailey
Anchorage Municipal Prosecutor



District Court

State of Alaska

THIRD JUDICIAL DISTRICT
941 FOURTH AVENUE
ANCHORAGE, ALASKA
99501

CHAMBERS OF
ELAINE ANDREWS, JUDGE

(907) 264-0663

May 17, 1983

Arthur H. Snowden, II
Administrative Director
Alaska Court System
303 K Street
Anchorage, Alaska 99501

Dear Art:

In response to your request, I am writing to advise you of the impact of municipal prosecutorial policies upon the Anchorage District Court.

I can state unequivocally that municipal prosecutor's policies and procedures have caused and continue to cause avoidable disruption and delay. The municipal prosecutor's office inadequately screen its cases. Municipal prosecutors continue to "negotiate," reduce and dismiss charges after trial call. Their "trial readiness" announcements lack credibility with the opposition.

The statistics that I have gathered are few, however, some general statements can be made with regard to the statistics. We are experiencing a 30-35% morning of trial fold rate. Approximately 75% of the cases that "fold" are municipal cases. A review of the reasons stated by both counsel point to a conclusion that a majority of the cases fold because of prosecution induced reasons.

I have included for your review a file containing copies of complaints. During late fall, 1982, I collected a random sample of cases which the municipal prosecutors, after inquiry from the bench, stated they were interested in pursuing. You will note that in the vast majority of the cases the public defender had been appointed and the case was scheduled for trial. My experience suggests that the "shouting on Fourth Avenue" variety of

disorderly conduct, and the other minor matters included in the file rarely reach full jury trial. The city's failure to screen these cases early required full defense and court services just short of jury trial. Valuable time and limited resources have been squandered.

The problems created by the municipal prosecutor's actions are real and substantial. Today we have 20 jury cases "trailing" - that is, all parties are in a stand-by status awaiting an available judge. Inadequate screening and lack of finality on prosecutorial decisions have contributed to this situation.

The municipal prosecutors initially "screen" cases by making a written plea offer to the defendant or defense counsel. No further screening is done. As a routine matter, prosecutors do not review videos in their DWI cases nor interview witnesses prior to trial call.

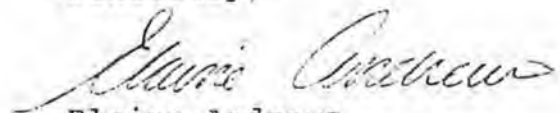
My experience has shown that the municipal prosecutors dismiss cases, reduce charges or negotiate after the trial call.

The city has never been able to make consistent, credible prosecution decisions. As a result, the court and defense resources are strained unnecessarily.

The court has received tremendous cooperation from the offices of the state district attorney and public defender. They are rigorous, responsible and prepared advocates. The same cannot be said for the municipal attorney's office.

If you have further need of more particularized information, do not hesitate to contact me.

Sincerely,



Elaine Andrews
District Court Judge



Superior Court

State of Alaska

THIRD JUDICIAL DISTRICT
303 K STREET
ANCHORAGE, ALASKA 99501

May 17, 1983

MARK C. ROWLAND
Superior Court Judge

Arthur Snowden
Administrative Director
Alaska Court System
303 K Street
Anchorage, Alaska 99501

Dear Arthur:

You have asked for my assessment of the impact on the District Court of current municipal criminal filings. My information is second hand, but I believe reliable. I have had occasion to discuss this matter with the various district court judges serving in Anchorage as well as members of the bar.

The Municipality files a large number of cases which are inadequately screened, never diverted and end up in many instances in unwarranted trials. There seems to be a failure on the Municipality's part to recognize the limited resources available in the District Court to meet the increasing demand of competing users and to act accordingly. Whether the failure to weed out bad cases is the result of inadequate staffing, political pressure or poor judgment, I cannot say. I believe, however, that an early and realistic assessment by the Municipality of their cases, both as to their evidentiary strength and social usefulness, would greatly assist us in meeting our responsibilities to the public.

It is my understanding that Mr. Allen Bailey has recently testified in various legislative hearings in which he has made many critical and intemperate remarks about the court system and other persons and agencies involved in the criminal justice system. If the reports of his remarks are accurate, it is charitable to say that his remarks are not. Perhaps they have been fashioned to direct attention away from his office's inability to cooperate and make

Arthur Snowden
Administrative Director
Alaska Court System
May 17, 1983
Page Two

the hard policy decisions necessary to assist us in fashioning new solutions to the increasing case load problem. The most recent remarks reported to me concerned the integrity and veracity of the Public Defender. My dealings with the Public Defender lead me to believe that Ms. Fabe is absolutely honest, of unquestionable integrity and certainly competent. Her office, as well as the office of the District Attorney, has been more than willing to cooperate with the court system in solving our mutual problems. Both Mr. Krumm and Ms. Fabe have demonstrated continuing concern and flexibility in meeting our responsibilities to the public. If we had the same cooperation from the Municipality, I know it would go a long way towards achieving this end. The problems are real and demand thoughtful attention, not rhetoric.

Sincerely,



Mark C. Rowland
Presiding Judge

MCR: jw

ALASKA PUBLIC DEFENDER AGENCY
ANNUAL REPORT FISCAL YEAR 1983

Submitted to:

BILL SHEFFIELD, Governor
THE ALASKA LEGISLATURE
EDMOND W. BURKE, Chief Justice
LISA RUDD, Commissioner, Dept. of Administration
JULIANA GUY, Deputy Commissioner, Dept. of Administration

By:

DANA FABE, Public Defender
Alaska Public Defender Agency
900 West Fifth Avenue, Suite 200
Anchorage, Alaska 99501

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ATTACHMENTS

- A) Division of Legislative Audit, A Special Report on the Alaska Criminal Justice System With Emphasis on the Department of Law's Criminal Division
- B) Alaska Court System, letter regarding cost per case

INTRODUCTION

This annual report of the Alaska Public Defender Agency is submitted to the Legislature and the Alaska Supreme Court pursuant to AS 18.85.160. The report covers the Public Defender Agency's activities in Fiscal Year 1983, from July 1, 1982 through June 30, 1983.

The Alaska Public Defender Agency was created by the Legislature in 1969 to insure that accused persons who could not afford to hire an attorney would receive legal representation equivalent to those who could. The United States Supreme Court has established an absolute right for indigent persons to have the assistance of counsel if they are charged with a crime, either serious or petty, which entails the possibility of jail. The Office of the Public Defender is governed by AS 18.85.010-180, and its jurisdiction encompasses the entire state.

That statute guarantees that an indigent person is entitled:

1. To be represented by an attorney to the same extent as a person having his own attorney is entitled; and
2. To be provided with the necessary services and facilities of his representation, including investigation and other preparation.

Thus, the Public Defender Agency's primary duty and responsibility is to see that each indigent client receives the same quality of representation as a person who can afford to select and retain his own lawyer.

BARROW
 Attorney IV 02-1261

BETHEL
 Attorney IV 02-1237
 Attorney II 02-1262
 Invest. I-II 02-1246

FAIRBANKS
 Attorney V 02-1206
 Attorney IV 02-1209
 Attorney IV 02-1216
 Attorney IV 02-1231
 Attorney IV 02-1235
 Attorney III 02-1267
 Attorney II 02-1260
 Attorney I 02-1239
 Invest. III 02-1219
 Mental Hlth.
 Clinician II 02-1240

JUNEAU
 Attorney V 02-1207
 Attorney III 02-1242
 Attorney III 02-1265
 Invest. I-II 02-1247

KENAI
 Attorney IV 02-1223
 Attorney II 02-1251
 Attorney I 02-1257

KETCHIKAN
 Attorney V 02-1208
 Attorney IV 02-1238
 Invest. I-II 02-1217

KOTZEBUE
 Attorney IV 02-1256

NOME
 Attorney IV 02-1253
 Invest. I-II 02-1268

ANCHORAGE
 Attorney V 02-1211
 Attorney V 02-1218
 Attorney V 02-1230
 Attorney IV 02-1210
 Attorney IV 02-1221
 Attorney IV 02-1222
 Attorney IV 02-1224
 Attorney IV 02-1225
 Attorney IV 02-1236
 Attorney III 02-1226
 Attorney III 02-1234
 Attorney III 02-1249
 Attorney III 02-1263
 Attorney III 02-1264
 Attorney III 02-1266
 Attorney II 02-1269
 Attorney I 02-1243
 Invest. III 02-1220
 Invest. III 02-1212
 Paralegal Asst. I-II 02-1248

COMMISSIONER OF ADMINISTRATION

DEPUTY COMMISSIONER OF ADMINISTRATION

THE PUBLIC DEFENDER ANCHORAGE 02-1201

Admin. Officer II 02-1202

Acct. Clerk III 02-1232

Admin. Asst. I 02-1241

Receptionist Clerk Typist III 02-1228

ANCHORAGE

Felony Section	Appeals Section	Misdemeanor Section
Legal Secretary II 02-1203	Legal Secretary II 02-1233	Legal Secretary II 02-1250
Legal Secretary I 02-1227	Legal Secretary I 02-1244	Legal Secretary I 02-1214

BARROW
 Legal Secretary I 02-1258

BETHEL
 Legal Secretary I 02-1245

FAIRBANKS
 Legal Secretary II 02-1215
 Legal Secretary I 02-1205
 Clerk Typist III 02-1259

JUNEAU
 Legal Secretary I 02-1213

KENAI
 Legal Secretary I 02-1229

KETCHIKAN
 Legal Secretary I 02-1204

KOTZEBUE
 Legal Secretary I 02-1255

NOME
 Legal Secretary I 02-1245

BARROW
Attorney IV 02-1261

BETHEL
Attorney IV 02-1237
Attorney II 02-1262
Invest. I-II 02-1246

FAIRBANKS
Attorney V 02-1206
Attorney IV 02-1209
Attorney IV 02-1216
Attorney IV 02-1231
Attorney IV 02-1235
Attorney III 02-1267
Attorney II 02-1260
Attorney I 02-1239
Invest. III 02-1219
Mental Hlth.
Clinician II 02-1240

JUNEAU
Attorney V 02-1207
Attorney III 02-1242
Attorney III 02-1265
Invest. I-II 02-1247

KENAI
Attorney IV 02-1223
Attorney II 02-1251
Attorney I 02-1257

KETCHIKAN
Attorney V 02-1208
Attorney IV 02-1238
Invest. I-II 02-1217

KOTZEBUE
Attorney IV 02-1256

NOME
Attorney IV 02-1253
Invest. I-II 02-1268

ANCHORAGE
Attorney V 02-1211
Attorney V 02-1218
Attorney V 02-1230
Attorney IV 02-1210
Attorney IV 02-1221
Attorney IV 02-1222
Attorney IV 02-1224
Attorney IV 02-1225
Attorney IV 02-1236
Attorney III 02-1226
Attorney III 02-1234
Attorney III 02-1249
Attorney III 02-1263
Attorney III 02-1264
Attorney III 02-1266
Attorney II 02-1269
Attorney I 02-1243
Invest. III 02-1220
Invest. III 02-1212
Paralegal Asst. I-II 02-1248

COMMISSIONER OF
ADMINISTRATION

DEPUTY COMMISSIONER OF
ADMINISTRATION

THE PUBLIC DEFENDER
ANCHORAGE
02-1201

Admin. Officer II
02-1202

Acct. Clerk III
02-1232

Admin. Asst. I
02-1241

Receptionist
Clerk Typist III
02-1228

ANCHORAGE

BARROW
Legal Secretary I 02-1258

BETHEL
Legal Secretary I 02-1245

FAIRBANKS
Legal Secretary II 02-1215
Legal Secretary I 02-1205
Clerk Typist III 02-1259

JUNEAU
Legal Secretary I 02-1213

KENAI
Legal Secretary I 02-1229

KETCHIKAN
Legal Secretary I 02-1204

KOTZEBUE
Legal Secretary I 02-1255

NOME
Legal Secretary I 02-1245

Felony Section	Appeals Section	Misdemeanor Section
Legal Secretary II 02-1203	Legal Secretary II 02-1233	Legal Secretary II 02-1250
Legal Secretary I 02-1227	Legal Secretary I 02-1244	Legal Secretary I 02-1214

AGENCY CASELOAD

In Fiscal Year 1983, a total of 11,858 cases were opened in this agency. ^{1/} This figure represents a 16 percent increase over the caseload handled the previous fiscal year.

Caseload totals for the past four years are as follows:

Fiscal Year 1980-----7,759

Fiscal Year 1981-----9,559

Fiscal Year 1982-----10,244

Fiscal Year 1983-----11,858

Given these high caseloads, understaffing has been a continuing problem for this agency. Yet, the Public Defender Agency has no ability to control the size of its caseload since it does not select which clients it will represent. Instead, the Alaska Court System determines financial eligibility and appoints the Public Defender to represent those persons whose financial status does not permit them to hire their own attorney.

Legislative Audit Report

In its 1983 report on the Alaska Criminal Justice System, the Division of Legislative Audit recommended that "legislative and executive consideration should be given to increasing resources for the Public Defender Agency." A Special Report on the Alaska Criminal Justice System with Emphasis on the Department of Law's Criminal Division, (Audit Control Number 04-4135-83-S, at page 18.) The Division of Legislative Audit found that many in the criminal justice system believed that "an inadequate number of Public Defenders was having an adverse impact on the ability of courts and prosecutors to do their jobs." The audit report went on to state that inadequate funding of the Public Defender Agency appears to result in "1) improper dismissal of cases because the Public Defender was not available, 2) delays in the system, because of conflicts in scheduling Public Defenders for judges, and 3) the Public Defenders do not always have time to provide the quality of representation expected."

^{1/} This figure does not include 416 additional conflict cases which were initially assigned to the Public Defender Agency but were subsequently reassigned to private attorneys due to a conflict of interest within the Public Defender Agency.

National Caseload Standards

The Advisory Committee on Minority Judicial Sentencing Practices recommended budgetary increases "to meet the minimum standard promulgated by the National Conference on Criminal Justice, Law Enforcement Assistance Administration, with respect to the proper ratio of clients to attorneys." Report of Advisory Committee on Minority Judicial Sentencing Practices, (Chapter 42, SLA 79, 1979, p. 40). Those recommended caseload standards for defender services are as follows:

Maximum number of cases per year per attorney to insure minimum competence of representation:

150 felony cases; or
400 misdemeanor cases; or
200 juvenile cases; or
200 sanity cases; or
25 appeals.

In Fiscal Year 1983 a total of 11,858 cases were opened in this agency. According to the recommended caseload maximums listed above, this agency should have had 52 attorneys. Actual staffing for Fiscal Year 1983 was 39 attorneys (including two Kodiak/Dillingham contract attorneys), 13 attorneys short of the maximum recommended caseload figures. The Division of Legislative Audit, working with caseload figures for FY 82 found this Agency to be 11 attorneys short of the nationally recommended maximum. (See Appendix E, A Special Report on the Alaska Criminal Justice System with Emphasis on the Department of Law's Criminal Division, (Audit Control Number 04-4135-83-S, at page 62.

Representation of Minorities

Adequate funding of the Public Defender Agency is especially important due to the fact that persons of minority ethnic background, particularly Alaska Natives, have a high rate of representation by the Public Defender Agency. A 1980 statistical analysis of discrimination in the Alaska Criminal Justice Center prepared by the Cascade Research Center in coordination with the Alaska Criminal Justice Planning Agency, reported that:

Natives have a relatively high rate of representation by the Public Defender Agency, and a low rate of privately retained counsel, perhaps because of indigency. A Statistical Analysis of Discrimination in the Alaska Criminal Justice System, (May 15, 1980, p. 77).

The consistent underfunding of the agency was criticized by the Legislature's Advisory Committee on Minority Judicial Sentencing Practices, which found:

Because of economics, minority defendants utilized the services of the Alaska Public Defender Agency proportionately more than others. Inadequate funding of the Public Defender Agency deprives these minority clients of substantial equality in the legal services they receive. Report of Advisory Committee on Minority Judicial Sentencing Practices, (Chapter 42, SLA 79, 1979, p. 40.)

That report described some of the problems which come from underfunding of the Public Defender Agency, since the resultant understaffing "takes especially heavy toll on minority defendants who, because of difficulties in communication, may need greater attention from their legal counsel than other defendants."

Trials

A dramatic increase in the number of cases going to trial has recently resulted from the combination of the ban on plea bargaining and presumptive sentences. When a lengthy presumptive term is set and no plea bargaining is utilized to reduce the charges or sentence, many more clients elect to have a jury trial since there is no benefit to a guilty plea. For example, the Division of Legislative Audit found that in a two year period, the Anchorage Public Defender's trial load increased by 450%. (See Appendix D, A Special Report on the Alaska Criminal Justice System with Emphasis on the Department of Law's Criminal Division, Audit Control Number 04-4135-83-S, at page 61, appended to this report as Attachment A.)

Travelling Court Calendars

Problems of geography and travel are also variables which must be considered in determining whether the agency is funded at a level sufficient to meet the state's constitutional obligation to provide adequate legal representation to the poor. A study prepared by the Criminal Justice Center on potentially discriminatory criminal justice agency policies indicated that defendants in rural communities were at a special disadvantage due to the lack of public defender investigative resources in those areas.

Prosecutors seem to have an advantage over defense officials because they can rely on Alaska State Troopers in obtaining information about criminal matters occurring in rural communities. Although the Public Defender's office employs several defense investigators, there are inadequate resources for routinely assigning these investigators to review the circumstances of incidents occurring in the rural communities. The Public Defender on occasion does not have the resources or means to locate critical witnesses who are thought to be residing in rural communities. Potentially Discriminatory Criminal Justice Agency Policies, (November, 1980, p. 41).

FUNDING

The Agency budget comes from the state general fund. In Fiscal Year 1983, our budget was \$4,261,900. Agency expenditures were as follows:

Personal Services-----	\$ 3,494,400
Travel-----	244,900
Contractual-----	445,600
Supplies-----	58,300
Equipment-----	21,700
Total-----	\$ 4,261,900

COST PER CASE

The average cost per case handled by the agency in Fiscal Year 1983 was \$359.00. This figure was calculated by dividing the total number of cases handled (11,858) into the total budget for the Public Defender Agency (4,261,900). In contrast, conflict of interest cases using court appointed private attorneys cost an average of \$1,290 per case the same year, according to the Alaska Court System. (See letter of Richard Barrier, appended to this report as Attachment B.)

PUBLIC DEFENDER OFFICES

Staff and Personnel:

In Fiscal Year 1983 there were 38 Assistant Public Defender attorneys in 9 offices throughout the state. In Fiscal Year 1983, there were 17 attorneys in the Anchorage office, 8 in the Fairbanks office, 6 in the Kenai and Juneau offices, and 2 each in the Bethel and Ketchikan offices. The Barrow, Nome, and Kotzebue offices are each staffed by one attorney. In addition, due to the lack of a Public Defender office in Kodiak or the Bristol Bay area, the agency in Fiscal Year 1983 continued to contract with private attorneys to provide public defender services in Kodiak, Dillingham, and the Aleutian Chain. The legislature funded a new office in Kodiak for Fiscal Year 1984 and that office opened in September 1983.

The investigation section consists of seven people, three investigators in Anchorage who also cover the Palmer and Kenai offices, and one investigator each for Fairbanks, Ketchikan, Juneau, Nome, and Kotzebue. There is also a psychological counselor in Fairbanks.

Fifteen full-time legal secretaries and 2 clerk typists constitute the direct support staff to attorneys and investigators.

Dana Fabe, the Public Defender, and a three person administrative staff are housed in the Anchorage office and handle administrative duties for the entire agency statewide.

Each of the other branch offices has a supervising attorney, currently staffed as follows:

Barrow:	Kathleen Strasbaugh
Bethel:	Jonathon Katcher
Fairbanks:	John Hagey
Juneau:	Tom Nave
Kenai:	Kevin McCoy
Ketchikan:	Richard Yospin
Kotzebue:	Dave Monson
Nome:	H. Conner Thomas

The Alaska Legislature appropriated funds for FY 84 to establish additional branch offices in Palmer and Kodiak.

STATISTICS

Following is a general outline of the method of counting cases used in compiling statistics for this report:

1. Each defendant is counted as one case. Multiple count cases are generally not counted as more than one case, except in the years' trial statistics where some multiple count trials are specified.
2. Appeals are counted as separate cases.
3. Petitions for writ of habeas corpus and other, post-conviction relief actions are counted and listed separately and probation violation proceedings are counted as separate cases since they may occur years after the original disposition of the case.
4. Cases which overlap from one year to the next are counted once in the year in which they are opened. Cases opened are the basis for caseload reporting.

The following charts demonstrate the break down of types of cases opened in each office by judicial district, as well as the number of cases tried and days in trial for the agency. In the trial statistics, only trials determining guilt or innocence are included. Preliminary hearings, pre-trial evidentiary hearings, post-trial hearings, and sentencings are not included.

NEW CASES FILED FY 83

July 1, 1982 - June 30, 1983

P.D. Office	Felony	Probation/Revocations		Post-Con Relief	City Misd.	State Misd.	Fug. Justice	Sanity	CINA	Juvenile	Parole Board	Appeals		Other ^{2/}	Total
		Fel.	Misd.									Fel.	Misd.		
<u>1st District</u>															
Juneau	139	35	32	5	131	256	8	14	19	37	1	2	2	3	684
Ketchikan	117	3	0	0	48	265	11	7	15	19	0	0	2	5	492
Total District Conflicts*	256	38	32	5	179	521	19	21	34	56	1	2	4	8	1,176
	8				1	11				2					22
<u>2nd District</u>															
Nome	49	29	40	1	70	184	0	22	15	32	1	1	0	0	444
Kotzebue	56	4	17	0	0	266	0	2	3	22	0	1	2	0	373
Barrow	48	2	4	4	0	197	0	0	19	16	0	8	2	3	303
Total District Conflicts*	153	35	61	5	70	647	0	24	37	70	1	10	4	3	1,120
	5		1		4	9				1		1			21
<u>3rd District</u>															
Anchorage	657	133	61	78	2,264	1,149	53	146	88	122	18	119	34	4	4,926
Kenai	127	21	0	9	0	794	8	2	21	29	1	18	20	2	1,052
Kodiak&Unalaska	86	19	36	8	45	423	2	1	3	14	0	9	0	8	654
Dillingham	30	2	5	1	0	196	1	2	9	1	0	0	0	0	247
Total District Conflicts*	900	175	102	96	2,309	2,562	64	151	121	166	19	146	54	14	6,879
	80	1			122	58	1	2		6		1			271
<u>4th District</u>															
Fairbanks	272	22	52	19	328	957	17	65	65	94	7	41	17	4	1,960
Bethel	107	60	72	1	0	370	0	2	44	57	0	3	7	0	723
Total District Conflicts*	379	82	124	20	328	1,327	17	67	109	151	7	44	24	4	2,683
	25	1	2		7	64				2				1	102
TOTAL AGENCY	1,688	330	319	126	2,886	5,057	100	263	301	443	28	202	86	29	11,858
Total Conflict*	118	2	3		134	142	1	2		11		2		1	416

1/ Includes petitions to revoke probation and reinitiation of prosecution in cases originally diverted.

2/ Includes such miscellaneous cases and contempt actions for failure to pay child support.

* Conflicts are listed separately and not included in office or agency totals.

NEW CASES FILED BY JJ

July 1, 1982 - June 30, 1983

P.D. Office	Felony	Probation/Revocations		Post-Con Relief	City Misd.	State Misd.	Fug. Justice	Sanity	CINA	Juvenile	Parole Board	Appeals		Other ^{2/}	Total
		Fel.	Misd.									Fel.	Misd.		
<u>1st District</u>															
Juneau	139	35	32	5	131	256	8	14	19	37	1	2	2	3	684
Ketchikan	117	3	0	0	48	265	11	7	15	19	0	0	2	5	492
Total District	256	38	32	5	179	521	19	21	34	56	1	2	4	8	1,176
Conflicts*	8				1	11				2					22
<u>2nd District</u>															
Nome	49	29	40	1	70	184	0	22	15	32	1	1	0	0	444
Kotzebue	56	4	17	0	0	266	0	2	3	22	0	1	2	0	373
Barrow	48	2	4	4	0	197	0	6	19	16	0	8	2	3	303
Total District	153	35	61	5	70	647	0	24	37	70	1	10	4	3	1,120
Conflicts*	5		1		4	9				1		1			21
<u>3rd District</u>															
Anchorage	657	133	61	78	2,264	1,149	53	146	88	122	18	119	34	4	4,926
Kenai	127	21	0	9	0	794	8	2	21	29	1	18	20	2	1,052
Kodiak&Unalaska	86	19	36	8	45	423	2	1	3	14	0	9	0	8	654
Dillingham	30	2	5	1	0	196	1	2	9	1	0	0	0	0	247
Total District	900	175	102	96	2,309	2,562	64	151	121	166	19	146	54	14	6,879
Conflicts*	80	1			122	58	1	2		6		1			271
<u>4th District</u>															
Fairbanks	272	22	52	19	328	957	17	65	65	94	7	41	17	4	1,960
Bethel	107	60	72	1	0	370	0	2	44	57	0	3	7	0	723
Total District	379	82	124	20	328	1,327	17	67	109	151	7	44	24	4	2,683
Conflicts*	25	1	2		7	64				2				1	102
TOTAL AGENCY	1,688	330	319	126	2,886	5,057	100	263	301	443	28	202	86	29	11,858
Total Conflict*	118	2	3		134	142	1	2		11		2		1	416

1/ Includes petitions to revoke probation and reinitiation of prosecution in cases originally diverted.

2/ Includes such miscellaneous cases and contempt actions for failure to pay child support.

* Conflicts are listed separately and not included in office or agency totals.

FELONY JURY TRIALS

LOCATION	NO. OF TRIALS	ACQUITTED	GUILTY	HUNG	MISTRIAL	PLED	DISMISS	GUILTY LESSER INCL.	DAYS IN TRIAL
Anchorage	44	1	33	1	3	3	0	3	163.5
Barrow	11 (1-2 cts)	6	4	0	0	1	0	1	31.5
Bethel	5	1	3	0	0	0	0	1	18.5
Fairbanks	27 (8 mult cts)	13	14	7	1	1	3	1	69.5
Juneau	12 (1-5 cts)	3	11	0	1	0	0	2	39.5
Kenai	5 (1-3 cts)	2	4	0	1	0	0	0	15.5
Ketchikan	6	1	2	0	0	1	0	2	12.5
Kodiak/Dillingham	7	0	4	1	0	0	0	2	25.5
Kotzebue	1	0	0	0	0	0	0	1	6.0
Nome	0	0	0	0	0	0	0	0	0.0
TOTAL FELONY JURY TRIALS	118	27	75	9	6	6	3	13	382.0

FELONY COURT TRIALS

LOCATION	NO. OF TRIALS	ACQUITTED	GUILTY	HUNG	MISTRIAL	PLED	DISMISS	GUILTY LESSER INCL.	DAYS IN TRIAL
Anchorage	8 (1-4 cts)	2	8	0	0	1	0	0	9.5
Barrow	1 (1-NGI)	1	0	0	0	0	0	0	2.0
Bethel	4	3	1	0	0	0	0	0	6.5
Fairbanks	1 (1-NG)	1	0	0	0	0	0	0	.5
Juneau	1	0	1	0	0	0	0	0	1.0
Kenai	0	0	0	0	0	0	0	0	0.0
Ketchikan	0	0	0	0	0	0	0	0	0.0
Kodiak/Dillingham	0	0	0	0	0	0	0	0	0.0
Kotzebue	0	0	0	0	0	0	0	0	0.0
Nome	0	0	0	0	0	0	0	0	0.0
TOTAL FELONY COURT TRIALS	15	7	10	0	0	1	0	0	18.5
TOTAL AGENCY FELONY COURT & JURY TRIALS	133	34	85	9	6	7	3	13	400.5

FELONY JURY TRIALS

LOCATION	NO. OF TRIALS	ACQUITTED	GUILTY	HUNG	MISTRIAL	PLED	DISMISS	GUILTY LESSER INCL.	DAYS IN TRIAL
Anchorage	44	1	33	1	3	3	0	3	163.5
Barrow	11 (1-2 cts)	6	4	0	0	1	0	1	31.5
Bethel	5	1	3	0	0	0	0	1	18.5
Fairbanks	27 (8 mult cts)	13	14	7	1	1	3	1	69.5
Juneau	12 (1-5 cts)	3	11	0	1	0	0	2	39.5
Kenai	5 (1-3 cts)	2	4	0	1	0	0	0	15.5
Ketchikan	6	1	2	0	0	1	0	2	12.5
Kodiak/Dillingham	7	0	4	1	0	0	0	2	25.5
Kotzebue	1	0	0	0	0	0	0	1	6.0
Nome	0	0	0	0	0	0	0	0	0.0
TOTAL FELONY JURY TRIALS	118	27	75	9	6	6	3	13	382.0

FELONY COURT TRIALS

LOCATION	NO. OF TRIALS	ACQUITTED	GUILTY	HUNG	MISTRIAL	PLED	DISMISS	GUILTY LESSER INCL.	DAYS IN TRIAL
Anchorage	8 (1-4 cts)	2	8	0	0	1	0	0	9.5
Barrow	1 (1-NGI)	1	0	0	0	0	0	0	2.0
Bethel	4	3	1	0	0	0	0	0	6.5
Fairbanks	1 (1-NG)	1	0	0	0	0	0	0	.5
Juneau	1	0	1	0	0	0	0	0	1.0
Kenai	0	0	0	0	0	0	0	0	0.0
Ketchikan	0	0	0	0	0	0	0	0	0.0
Kodiak/Dillingham	0	0	0	0	0	0	0	0	0.0
Kotzebue	0	0	0	0	0	0	0	0	0.0
Nome	0	0	0	0	0	0	0	0	0.0
TOTAL FELONY COURT TRIALS	15	7	10	0	0	1	0	0	18.5
TOTAL AGENCY FELONY COURT & JURY TRIALS	133	34	85	9	6	7	3	13	400.5

MISDEMEANOR JURY TRIALS

LOCATION	NO. OF TRIALS	ACQUITTED	GUILTY	HUNG	MISTRIAL	PLED	DISMISS	GUILTY LESSER INCL.	DAYS IN TRIAL
Anchorage	82 (2-3 cts)	27	52	7	3	1	2	0	108.75
Barrow	8	2	7	0	0	0	2	0	6.5
Bethel	3	2	1	0	0	0	0	0	4.0
Fairbanks	39 (1-2 cts) (1-3 cts)	13	18	0	1	0	2	4	48.0
Juneau	9	3	7	0	0	0	0	0	12.5
Kenai	21 (1-2 cts)	7	12	1	0	1	0	1	21.5
Ketchikan	9	3	5	0	0	0	0	1	8.0
Kodiak/Dillingham	6 (1-2 cts)	3	3	1	0	0	0	0	8.0
Kotzebue	4 (3-2 cts)	5	2	0	0	0	0	0	3.0
Nome	2	1	0	0	0	0	0	1	1.5
TOTAL MISDEMEANOR JURY TRIALS	183	66	107	9	4	2	6	7	221.75

MISDEMEANOR COURT TRIALS

LOCATION	NO. OF TRIALS	ACQUITTED	GUILTY	HUNG	MISTRIAL	PLED	DISMISS	GUILTY LESSER INCL.	DAYS IN TRIAL
Anchorage	12 (1-76 cts) (2-2 cts)	8	81	0	0	0	0	0	10.0
Barrow	0	0	0	0	0	0	0	0	0.0
Bethel	3	2	1	0	0	0	0	0	3.0
Fairbanks	0	0	0	0	0	0	0	0	0.0
Juneau	2	0	2	0	0	0	0	0	2.0
Kenai	4	0	4	0	0	0	0	0	3.0
Ketchikan	1	1	0	0	0	0	0	0	1.0
Kodiak /Dillingham	0	0	0	0	0	0	0	0	0.0
Kotzebue	1	0	1	0	0	0	0	0	1.0
Nome	0	0	0	0	0	0	0	0	0.0
TOTAL MISDEMEANOR COURT TRIALS	23	11	89	0	0	0	0	0	20.0
TOTAL AGENCY MISD. COURT & JURY TRIALS	206	77	196	9	4	2	6	7	241.75
TOTAL AGENCY ALL TRIALS	339	111	281	18	10	9	9	20	652.25

MISDEMEANOR JURY TRIALS

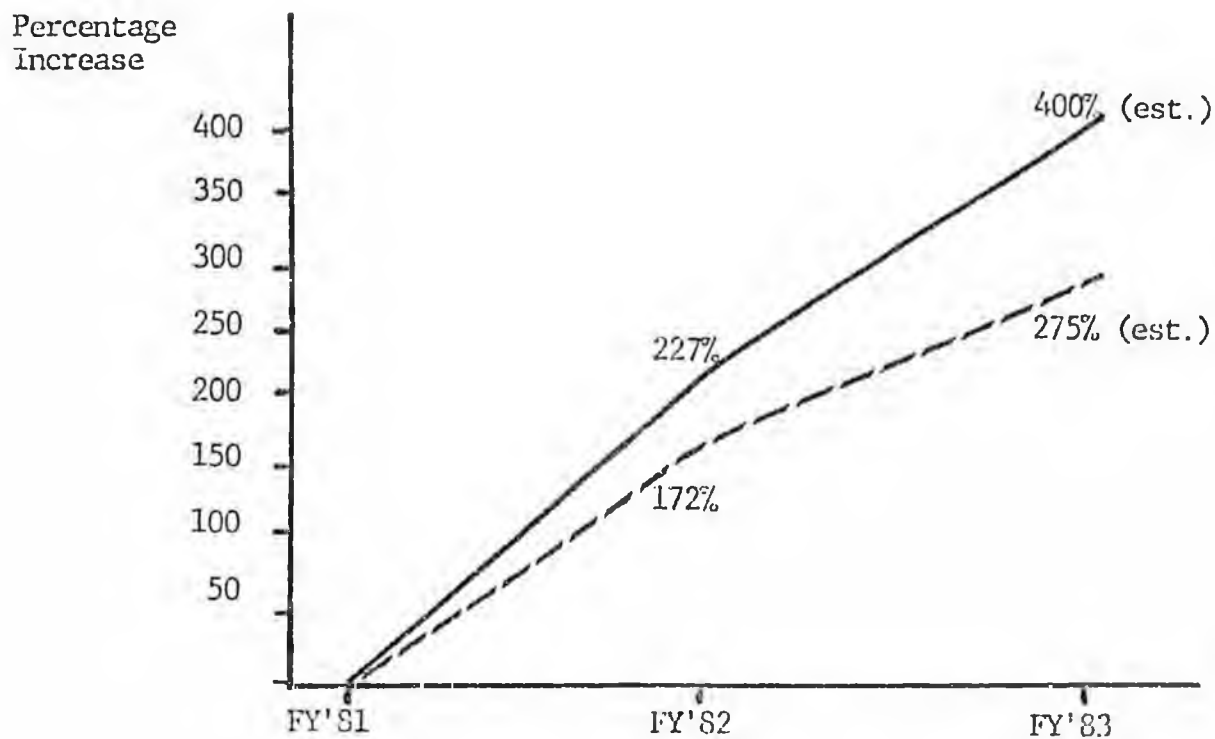
LOCATION	NO. OF TRIALS	ACQUITTED	GUILTY	HUNG	MISTRIAL	PLED	DISMISS	GUILTY LESSER INCL.	DAYS IN TRIAL
Anchorage	82 {9-3 cts}	27	52	7	3	1	2	0	108.75
Barrow	8	2	7	0	0	0	2	0	6.5
Bethel	3	2	1	0	0	0	0	0	4.0
Fairbanks	39 (1-2 cts) (1-3 cts)	13	18	0	1	0	2	4	48.0
Juneau	9	3	7	0	0	0	0	0	12.5
Kenai	21 (1-2 cts)	7	12	1	0	1	0	1	21.5
Ketchikan	9	3	5	0	0	0	0	1	8.0
Kodiak/Dillingham	6 (1-2 cts)	3	3	1	0	0	0	0	8.0
Kotzebue	4 (3-2 cts)	5	2	0	0	0	0	0	3.0
Nome	2	1	0	0	0	0	0	1	1.5
TOTAL MISDEMEANOR JURY TRIALS	183	66	107	9	4	2	6	7	221.75

MISDEMEANOR COURT TRIALS

LOCATION	NO. OF TRIALS	ACQUITTED	GUILTY	HUNG	MISTRIAL	PLED	DISMISS	GUILTY LESSER INCL.	DAYS IN TRIAL
Anchorage	12 (1-76 cts) (2-2 cts)	8	81	0	0	0	0	0	10.0
Barrow	0	0	0	0	0	0	0	0	0.0
Bethel	3	2	1	0	0	0	0	0	3.0
Fairbanks	0	0	0	0	0	0	0	0	0.0
Juneau	2	0	2	0	0	0	0	0	2.0
Kenai	4	0	4	0	0	0	0	0	3.0
Ketchikan	1	1	0	0	0	0	0	0	1.0
Kodiak /Dillingham	0	0	0	0	0	0	0	0	0.0
Kotzebue	1	0	1	0	0	0	0	0	1.0
Nome	0	0	0	0	0	0	0	0	0.0
TOTAL MISDEMEANOR COURT TRIALS	23	11	89	0	0	0	0	0	20.0
TOTAL AGENCY MISD. COURT & JURY TRIALS	206	77	196	9	4	2	6	7	241.75
TOTAL AGENCY ALL TRIALS	339	111	281	18	10	9	9	20	652.25

APPENDIX D

INCREASE IN NUMBER OF ANCHORAGE TRIALS
FOR THE COURT, AND PUBLIC DEFENDER AGENCY



———— Percentage increase in Public Defender's Anchorage trial cases
----- Percentage increase in the Court's trial caseload

Note: Data was collected by the agencies, and the court data approximates the actual change. The Public Defender's increase was actually 450% for the same period in FY'81.



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

303 K Street
Anchorage, Alaska 99501

RICHARD P. BARRIER
DEPUTY ADMINISTRATIVE DIRECTOR

19971 264 0545

January 20, 1984

Mr. Bob Stokes
Administrative Officer
Public Defender Agency
900 West Fourth Avenue
Suite 200
Anchorage, AK 99501

Dear Bob:

At your request this office has computed an average cost per case for attorney expenses in criminal conflict cases. It was not possible to break out an individual cost per case for each type of case. However, for fiscal year 1983 our computations indicated that in defense of all misdemeanors, felonies, and appeals, the average cost per case was approximately \$1,290.

If I can provide any further information concerning conflict representation, please let me know.

Sincerely,

Richard P. Barrier
Deputy Director for Operations

RPB:le

ATTACHMENT B

Offered: 5/24/83

Original sponsor: Kerttula

1 IN THE SENATE BY THE RULES COMMITTEE

2 CS FOR SENATE BILL NO. 255 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the payment of attorney services
7 and expenses for indigent criminal defendants prosecuted by municipalities; and providing for an effective date."
8
9

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

11 * Section 1. AS 18.85 is amended by adding a new section to read:

12 Sec. 18.85.155. PAYMENT BY MUNICIPALITY. (a) When a municipality prosecutes a person who has been determined by the court to be
13 indigent under AS 18.85.120 for a violation of a municipal ordinance
14 under which that person is entitled to a jury trial, the municipality
15 shall pay for the services of the attorney appointed by the court to
16 defend the indigent person.
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18 (b) A municipality shall provide for defense attorney services
19 under (a) of this section by contracting with private attorneys or the
20 Alaska Public Defender Agency or by establishing a municipal public
21 defense agency.

22 * Sec. 2. This Act takes effect January 1, 1984.

Introduced: 4/14/83
Referred: Community and Regional
Affairs and Judiciary

1 IN THE SENATE

BY KERTTULA

2

SENATE BILL NO. 255

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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

11 * Section 1. AS 18.85.100(b) is amended to read:

12

(b) Subject to the provisions of AS 18.85.155, the [THE] attorney services and facilities and the court costs shall be provided at public expense to the extent that the person, at the time the court determines indigency, is unable to provide for payment without undue hardship. Appointment of any guardian ad litem or attorney shall be made under the terms of AS 09.65.130, to the extent that that section is not inconsistent with the requirements of this chapter.

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* Sec. 2. AS 18.85.130 is amended to read:

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Sec. 18.85.130. SUBSTITUTE DEFENDER. (a) For cause, the court may, on its own motion or upon the application of the public defender, appoint an attorney other than the public defender to represent the indigent person at any stage of the proceedings or on appeal. The attorney shall be awarded reasonable compensation according to a schedule of fees promulgated by the supreme court and reimbursement for expenses necessarily incurred. Except as provided in AS 18.85.-155, this [THIS] shall be paid by the court system.

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(b) In addition to substitution under (a) of this section, when the public interest requires, and a person is entitled to

1 representation by the agency under this chapter, the public defender
2 may contract with one or more private attorneys for assistance [TO
3 ASSIST HIM]. Except as provided in AS 18.85.155, the [THE] public
4 defender shall pay for these services out of appropriations to the
5 agency.

6 * Sec. 3. AS 18.85 is amended by adding a new section to read:

7 Sec. 18.85.155. PAYMENT BY MUNICIPALITY. A municipality that
8 prosecutes an indigent person for violation of a municipal ordinance
9 that is a serious crime shall pay for the services and expenses of a
10 defense attorney appointed under this chapter without regard to wheth-
11 er the defense attorney is appointed by the municipality, the agency,
12 or the court.

13 * Sec. 4. This Act takes effect July 1, 1983.

H 500

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 2/3/84

Page 1 of 2

REQUEST

Bill/Resolution No.: SB 255
 Title: "Payment of Attorney Services."
 Sponsor: Sen. Kertulla
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Dept. of Administration
 Program Category Affected: Due Process
 BRU, Program or Subprogram(s) Affected:
Public Defender Agency

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		(148.6)				
200 TRAVEL						
300 CONTRACTUAL		(5.0)				
400 SUPPLIES		(1.5)				
500 EQUIPMENT		(2.0)				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		(157.1)				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		(157.1)				
FEDERAL FUNDS						
OTHER						
TOTAL		(157.1)				

POSITIONS:

FULL-TIME		(3.0)				
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Bob Stokes, Admin. Officer Phone: 279-7541
 Division: Dana Fabe, Public Defender *Dana Fabe* Date: Feb. 3, 1984
 Approved by Commissioner: Commissioner Lisa Rudd *L.R.* Date: 2/6/84
 Agency: Administration *ASR*

Distribution (by Agency preparing fiscal note):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

12/1/83

Senate Bill 255
 Fiscal Note Analysis
 Prepared by Public Defender Agency
 Department of Administration

Date: February 3, 1984

Since July 1, 1976, the Public Defender Agency has been charged with the defense of indigents charged with violations of municipal ordinances. Out of necessity, the Agency has assumed this obligation using existing personnel and resources. In FY79 two additional positions were authorized in HB 909, an Attorney III and a Legal Secretary I. SCSCSHR 6 added another Attorney III for Anchorage to handle municipal cases. If this bill, returning the financial obligation for indigent defense back to the municipalities should pass, these three positions plus other related costs would be eliminated at a savings to the State of (157.1).

Anchorage:	Attorney III	(60.0)
	Attorney III	(60.0)
	Legal Secretary I	(28.6)
	Contractual	(5.0)
	Commodities	(1.5)
	Equipment	(2.0)
	Total	(157.1)

Introduced: 4/14/83
Referred: Community and Regional
Affairs and Judiciary

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