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FISCAL NOTE

Revision Date: March 8, 1984

REQUEST
 Bill/Resolution No.: HB 571
 Title: "...number of superior
 and district court judges.."
 Sponsor: Repr. Abood
 Requestor: OMB - Gov.'s Off.
 Date of Request: 2-28-84

FISCAL DETAIL
 Agency Affected: Department of Law
 Program Category Affected: "Administration of Justice"
 BRU, Program or Subprogram(s) Affected: Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|-----------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | 197.0 | 208.8 | 221.3 | 234.6 | 248.7 |
| 200 TRAVEL | | 15.0 | 15.9 | 16.9 | 17.9 | 19.0 |
| 300 CONTRACTUAL | | 47.2 | 50.0 | 53.0 | 56.2 | 59.6 |
| 400 SUPPLIES | | 15.6 | 11.4 | 12.1 | 12.8 | 13.6 |
| 500 EQUIPMENT | | 18.0 | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | 292.8 | 286.1 | 303.3 | 321.5 | 340.9 |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|---------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|---------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|-----|-------|-------|-------|-------|-------|
| GENERAL FUND | -0- | 292.8 | 286.1 | 303.3 | 321.5 | 340.9 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|-----|---|---|---|---|---|
| FULL-TIME | -0- | 4 | 4 | 4 | 4 | 4 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Richard J. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 3-8-84

Approved by Commissioner: Norman C. Gorsuch Date: 3-8-84
 Agency: Department of Law

Distribution (by Agency preparing fiscal note):

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

12/1/83

The net effect of HB 571 is to increase the number of judges in the Third Judicial District by one superior court judge and two district court judges, at Anchorage. This increase has been requested by the courts because of substantial increases in both felony and misdemeanor cases and because of a growing backlog of both criminal and civil cases. During the last 15 months, the Anchorage area has grown by approximately 30,000 residents. This increase in itself exceeds the total population served by the criminal justice system in Juneau which is made up of 2 superior court judges, 1 district court judge and a District Attorney's Office consisting of three attorneys, one paralegal assistant and three legal secretaries. By comparison, no additional judicial or prosecution positions have been authorized to handle the increased caseload in Anchorage during this period.

Included in this population growth is a disproportionate number of young, highly transient males who tend to account for a considerable portion of the increase in serious criminal cases in the Anchorage area. Although many of the presently backlogged cases consist of minor offenses, there has also been a disturbing increase in the number of sexual assault cases involving children and in the number of complex homicide cases which require substantial additional judicial and prosecution resources in order to ensure that they are properly handled.

Historically, there has been a direct correlation between the number of judges in a particular district and the number of prosecutors required in order to meet court calendars. This correlation has in the past and should equal one prosecutor for each full-time judge. This balance is required in order to ensure that cases are effectively and efficiently processed. Over the past few years the balance between judges and prosecutors in the Third Judicial District has tipped towards the judicial side of the scales. There are currently 14 authorized superior court judges and 9 district court judges in the Third Judicial District. In addition, there are 4 full-time magistrates in the district who also have authority to serve as district judges, thus bringing the number of full-time judges to 27, as opposed to 23 prosecuting attorneys. The number of prosecutors has not kept pace with the number of judges due to legislative authorized increases in the last five to six years which have not included additional prosecuting attorney resources. To an extent, the Department of Law has been able to handle most case settings as a result of economies of scale realized over the past several years. However, we are rapidly falling behind in our ability to adequately cover present court calendars, particularly in the rural areas. This problem will become particularly severe if these additional judicial positions are added without an increase in prosecuting attorney positions.

The Criminal Division of the department will not be able to continue to handle all of the cases and court calendars, particularly with the addition of these new judges, without additional prosecution resources. This imbalance between judges and prosecutors will be particularly severe at the district court level because of the higher volume of cases, although there will also be substantial impact at the superior court level because of the need to assign the new superior court judge in Anchorage to criminal cases.

In his State of Judiciary message to the Legislature on February 28, 1984, Chief Justice Burke anticipated that the new superior court judge would be assigned to the criminal division. See Senate and House Joint Journal Supplement No. 20 at pages 7-8. The administrative office of the Court System has indicated, however, that the new superior court judge will be expected to devote half of his time to criminal cases and half to civil cases. Regardless of the actual breakdown of the duties assigned to the new judge, in order to meet the speedy trial requirements of Criminal Rule 45 in the face of the increased number and complexity of felony criminal trials, it is certain that civil division judges will continue to handle a substantial percentage of the criminal case load.

Recognizing that the three new judges will devote some proportion of their time to civil cases, we are requesting that the District Attorney's Office at Anchorage be increased by two (rather than three) attorneys, one paralegal assistant and one legal secretary. One attorney will be assigned to the superior court to handle major felony prosecutions with emphasis on sexual assault and homicide cases. The second attorney will be assigned to district court cases and handle misdemeanor cases exclusively. The Criminal Division believes that it can, for the present, adequately cover the caseload through the addition of two attorneys, rather than three, through an additional paralegal assistant at substantially lesser cost to assist in case preparation and the coordination of witnesses. A single legal secretary position will be needed to provide support services in the processing of these cases and to handle the work that will be generated by the two attorneys and the paralegal. The total costs associated with these positions is \$292,800. Attached is a summary sheet which breaks this cost down by each position and relevant budgetary object code.

Fiscal Note Analysis
HB 571

FY 85
Cost Schedule

| <u>Object</u> | <u>Atty IV</u> | <u>Atty III</u> | <u>Paralegal Asst II</u> | <u>Leg. Sec I</u> | <u>Total</u> |
|---|----------------|-----------------|------------------------------|-----------------------|--------------|
| Personal Services | 67.5 | 59.7 | 40.6 | 29.2 | 197.0 |
| Travel - Witness travel subsistence, staff travel | 5.0 | 5.0 | 5.0 | -0- | 15.0 |
| Contractual Services | | | | | |
| Office commo., equip. repair | 4.8 | 4.8 | 4.8 | 2.4 | 16.8 |
| Copy - postage | | | | 1.8 | 1.8 |
| WP Maintenance | | | | 4.1 | 4.1 |
| Space Rental | 5.2 | 5.2 | 4.1 | | 18.6 |
| Expert Witness/ Witness Costs | 5.0 | 5.0 | | | 10.0 |
| | | | | | <u>47.2</u> |
| Commodities - ongoing | | | | | |
| Office consumables | 1.8 | 1.8 | 1.8 | 1.8 | 7.2 |
| Law Library | 1.2 | 1.2 | 1.2 | -0- | 3.6 |
| Commodities - one time | | | | | |
| New position materials | 1.2 | 1.2 | 1.2 | 1.2 | 4.8 |
| | | | | | <u>15.6</u> |
| Equipment - one time | | | | | |
| New position equip. | 1.5 | 1.5 | 1.5 | 1.5 | 6.0 |
| Word Processor | | | | 12.0 | 12.0 |
| | | | | | <u>18.0</u> |
| TOTALS | <u>93.2</u> | <u>85.4</u> | <u>60.2</u> | <u>54.0</u> | <u>292.8</u> |

Costs beyond FY 85 include a 6% annual inflation factor.

| | | | | | | | | | |
|----|-------------------------------|--------------------|-----------|-------------------|------------------|-----------------------|------------------------|---------|--------|
| 1. | POSITION TITLE ATTORNEY IV | | | RANGE/STEP 24A | DEPT. UNIT PX | FORM 12 PAGE/LINE | GOV. | APPROV. | DISAP. |
| 2. | TYPE OF POSITION PFT | STAFF MONTHS 12 | RP NUMBER | PCN NUMBER | DRU PRIORITY | LOCATION Anchorage | ELECTION DISTRICT 8 | LEG. | |

| | | | | | |
|-----|-------------------------|-------|--------|----------|--|
| 3. | CONTINUATION LEVEL | | | ADDITION | |
| 4. | TYPE OF EXPENDITURE | | | AMOUNT | |
| | 1 | 2 | 3 | | |
| | PERSONAL SERVICES | | | | |
| 5. | Salary | 4,464 | 53,568 | | |
| 6. | Benefits | | 8,785 | | |
| 7. | Supplemental Benefits | | 2,550 | | |
| 8. | Fixed Benefits | | 2,630 | | |
| 9. | TOTAL PERSONAL SERVICES | | 01 | 67,533 | |
| 10. | Travel | | 02 | 5,000 | |
| 11. | Contractual | | 03 | 15,000 | |
| 12. | Commodities | | 04 | 4,200 | |
| 13. | Equipment | | 05 | 1,500 | |
| 14. | Other | | | | |
| 15. | TOTAL COST | | | 93,233 | |

JUSTIFICATION

This is one of two attorney positions that are being requested to provide the additional prosecution services that will be needed to handle an expanded court calendar when the number of judgeships in Anchorage is increased. This position will handle sexual assault cases in the superior court, particularly those involving children, and the position will also handle misdemeanor cases in the district court. Allocation to the full working level of Attorney IV is recommended because of the requirement to handle sensitive crimes independently.

| | | | |
|-----|--------------|-----------------------|--------|
| | RECEIPT CODE | FUNDING SOURCE | |
| 16. | | Federal Receipts 1002 | |
| 17. | | G.F. Hatch 1003 | |
| 18. | | General Funds 1004 | 93,233 |
| 19. | | I-A Receipts 1005 | |
| 20. | | Program Receipts 1020 | |
| 21. | | Other | |

FOR O&M USE ONLY
 4A KEY NUMBER _____

AGENCY DEPARTMENT OF LAW
 PROGRAM DUE PROCESS
 DRU PROSECUTION

13 REQUEST FOR
 NEW POSITION

FY 81

| | | | | | | | | | | | |
|---------------------|--------------------------------|-----------------------|-----------|------------|-------------------|-----------------------|------------------------|------|---------|------|--|
| 1. | POSITION TITLE ATTORNEY III | | | | RANGE/STEP 22A | BANG. UNIT PX | FORM 12 PAGE/LINE | COV. | APPROV. | DISA | |
| 2. | TYPE OF POSITION PFT | STAFF MONTHS 12 | RP NUMBER | PCN NUMBER | BRU PRIORITY | LOCATION Anchorage | ELECTION DISTRICT 8 | LEG. | | | |
| 3. | CONTINUATION LEVEL | | | | ADDITION | | | | | | |
| 4. | TYPE OF EXPENDITURE | | | | AMOUNT | | | | | | |
| | 1 | | 2 | | 3 | | | | | | |
| | PERSONAL SERVICES | | | | | | | | | | |
| 5. | Salary | 3,900 | 46,800 | | | | | | | | |
| 6. | Benefits | | 7,675 | | | | | | | | |
| 7. | Supplemental Benefits | | 2,550 | | | | | | | | |
| 8. | Fixed Benefits | | 2,630 | | | | | | | | |
| 9. | TOTAL PERSONAL SERVICES | | 01 | 59,655 | | | | | | | |
| 10. | Travel | | 02 | 5,000 | | | | | | | |
| 11. | Contractual | | 03 | 15,000 | | | | | | | |
| 12. | Commodities | | 04 | 4,200 | | | | | | | |
| 13. | Equipment | | 05 | 1,500 | | | | | | | |
| 14. | Other | | | | | | | | | | |
| 15. | TOTAL COST | | | 85,355 | | | | | | | |
| | | | | | | | | | | | |
| | RECEIPT CODE | FUNDING SOURCE | | | | | | | | | |
| 16. | | Federal Receipts 1002 | | | | | | | | | |
| 17. | | G.F. Match 1003 | | | | | | | | | |
| 18. | | General Funds 1004 | | | 85,355 | | | | | | |
| 19. | | I-A Receipts 1005 | | | | | | | | | |
| 20. | | Program Receipts 1020 | | | | | | | | | |
| 21. | | Other | | | | | | | | | |
| | | | | | | | | | | | |
| FOR D&H USE ONLY | | | | | | | | | | | |
| 4A KEY NUMBER _____ | | | | | | | | | | | |

JUSTIFICATION

This is the second of two attorney positions being requested to handle the expanded court calendar that will occur when three new judges are added in the Third Judicial District at Anchorage. This position will be assigned to district court matters and handle the growing backlog of misdemeanor cases that has been caused by a rapidly growing population. Allocation to the Attorney III grade is recommended because of the level of criminal violations to be prosecuted by the position.

AGENCY DEPARTMENT OF LAW
PROGRAM DUE PROCESS
BRU PROSECUTION

13 REQUEST FOR
NEW POSITION

| | | | | |
|---------------------|--|-----------------------|-----------|------------|
| 1. | POSITION TITLE PARALEGAL ASSISTANT II | | | |
| 2. | TYPE OF POSITION PFI | STAFF MONTHS 12 | RP NUMBER | PCN NUMBER |
| 3. | CONTINUATION LEVEL | | ADDITION | |
| 4. | TYPE OF EXPENDITURE | | | AMOUNT |
| | 1 | 2 | 3 | |
| | PERSONAL SERVICES | | | |
| 5. | Salary | 2,573 | 30,876 | |
| 6. | Benefits | | 5,064 | |
| 7. | Supplemental Benefits | | 1,893 | |
| 8. | Fixed Benefits | | 2,730 | |
| 9. | TOTAL PERSONAL SERVICES | 01 | 40,563 | |
| 10. | Travel | 02 | 5,000 | |
| 11. | Contractual | 03 | 8,900 | |
| 12. | Commodities | 04 | 4,200 | |
| 13. | Equipment | 05 | 1,500 | |
| 14. | Other | | | |
| 15. | TOTAL COST | | 60,163 | |
| | | | | |
| | RECEIPT CODE | FUNDING SOURCE | | |
| 16. | | Federal Receipts 1002 | | |
| 17. | | G.F. Match 1003 | | |
| 18. | | General Funds 1004 | | 60,163 |
| 19. | | I-A Receipts 1005 | | |
| 20. | | Program Receipts 1020 | | |
| 21. | | Other | | |
| | | | | |
| FOR DAN USE ONLY | | | | |
| 4A KEY NUMBER _____ | | | | |

| | | | | | |
|-------------------|-----------------------|------------------------|------|---------|------|
| RANGE/STEP 16A | ORG. UNIT GGU | FORM 12 PAGE/LINE | GOV. | APPROV. | DISA |
| DRU PRIORITY | LOCATION Anchorage | ELECTION DISTRICT 8 | LEG. | | |

JUSTIFICATION

This paralegal position is requested to provide victim/witness assistance services to the victims of child sexual abuse. A part of the growing case backlog that caused by the courts to seek additional judges at Anchorage has been a disturbing increase in the number of child sexual abuse cases. The victims of this abuse often have the additional ordeal of appearing in court as witnesses against the persons who have abused them. Paralegal assistants have proven invaluable in interviewing and assisting these victims in a manner that assures their well-being as witnesses.

13 REQUEST FOR
NEW POSITION

AGENCY DEPARTMENT OF LAW

PROGRAM DUE PROCESS

DRU PROSECUTION

Page 1 of 1

FY 85

| | | | | | | | | | |
|----|-------------------------------------|--------------------|-----------|-------------------|--------------------|-----------------------|------------------------|---------|--------|
| 1. | POSITION TITLE LEGAL SECRETARY I | | | RANGE/STEP 10B | DIARG. UNIT GGU | FORM 12 PAGE/LINE | GOV. | APPROV. | DISAP. |
| 2. | TYPE OF POSITION PFT | STAFF MONTHS 12 | RP NUMBER | PCN NUMBER | BRU PRIORITY | LOCATION Anchorage | ELECTION DISTRICT 8 | LEG. | |

| | | | |
|-----|-------------------------|----------|-----------|
| 3. | CONTINUATION LEVEL | ADDITION | |
| 4. | TYPE OF EXPENDITURE | | AMOUNT |
| | 1 | 2 | 3 |
| | PERSONAL SERVICES | | |
| 5. | Salary | 1,803 | 21,636 |
| 6. | Benefits | | 3,548 |
| 7. | Supplemental Benefits | | 1,326 |
| 8. | Fixed Benefits | | 2,730 |
| 9. | TOTAL PERSONAL SERVICES | | 01 29,240 |
| 10. | Travel | | 02 -0- |
| 11. | Contractual | | 03 8,300 |
| 12. | Commodities | | 04 3,000 |
| 13. | Equipment | | 05 13,500 |
| 14. | Other | | |
| 15. | TOTAL COST | | 54,040 |

JUSTIFICATION

This position is requested to provide the clerical support required to handle the paperwork that will be generated by the two attorneys and the paralegal who are being added in response to the three judges being added at Anchorage. This position will provide communications, staff scheduling, filing and produce the court documents generated by the new legal positions. Allocation of the position to Legal Secretary I level is therefore recommended.

| | | | |
|-----|--------------|-----------------------|--------|
| | RECEIPT CODE | FUNDING SOURCE | |
| 16. | | Federal Receipts 1002 | |
| 17. | | G.F. Match 1003 | |
| 18. | | General Funds 1004 | 54,040 |
| 19. | | I-A Receipts 1005 | |
| 20. | | Program Receipts 1020 | |
| 21. | | Other | |

FOR I&M USE ONLY
 4A KEY NUMBER _____

AGENCY DEPARTMENT OF LAW
 PROGRAM DUE PROCESS
 BRU PROSECUTION

13 REQUEST FOR
 NEW POSITION

FY 85

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 571
 Title: Number of Superior and District Court Judges
 Sponsor: _____
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Alaska Court System
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Trial Courts

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|------------------------|-------|----------------|----------------|----------------|----------------|----------------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | 1,033.4 | 1,446.7 | 1,519.0 | 1,595.0 | 1,674.8 |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | 308.8 | 432.4 | 454.0 | 476.7 | 500.5 |
| 400 SUPPLIES | | 4.4 | 4.6 | 4.8 | 5.0 | 5.3 |
| 500 EQUIPMENT | | 59.7 | | | | |
| 600 LAND & STRUCTURES | | 200.0 | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | 1,606.3 | 1,883.7 | 1,977.8 | 2,076.7 | 2,180.6 |
| CAPITAL | | | | | | |
| REVENUE | | | | | | |

FUNDING: (Thousands of Dollars)

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|---------------|-------|----------------|----------------|----------------|----------------|----------------|
| GENERAL FUND | | 1,606.3 | 1,883.7 | 1,977.8 | 2,076.7 | 2,180.6 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | 1,606.3 | 1,883.7 | 1,977.8 | 2,076.7 | 2,180.6 |

POSITIONS:

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|-----------|-------|-------|-------|-------|-------|-------|
| FULL-TIME | | 22 | 22 | 22 | 22 | 22 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: _____ Phone: _____
 Division: Alaska Court System Date: 3/28/84

Approved by Commissioner: _____ Date: _____
 Agency: Alaska Court System 3/28/84

Distribution (by Agency preparing fiscal note):

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

12/1/83

(Committee Substitute for House Bill 571, establishing 2 new superior court and 4 new district court positions in Anchorage).

FISCAL NOTE ANALYSIS

FISCAL IMPACT:

Personnel

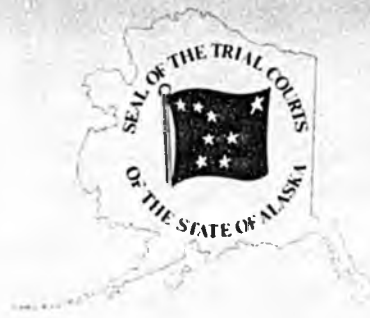
| <u>Position</u> | <u>Salary</u> | <u>Benefits</u> | <u>Total Cost</u> |
|--|---------------|------------------|--------------------|
| 2 Superior Court Judges | \$147,240 | \$174,948 | \$ 322,188 |
| 2 Law Clerks (Range 13A) | 50,664 | 16,696 | 67,360 |
| 2 Secretaries (Range 12B) | 49,032 | 16,328 | 65,360 |
| 2 In-Court Clerks (Range 12B) | 49,032 | 16,328 | 65,360 |
| 4 District Court Judges | 254,544 | 305,256 | 559,800 |
| 4 In-Court Clerks (Range 12B) | 98,064 | 32,656 | 130,720 |
| 1 Secretary (Range 8B) | 24,516 | 8,164 | 32,680 |
| 4 File Clerks (Range 8B) | 77,136 | 27,932 | 105,068 |
| 1 Criminal Clerk (Range 10B) | 21,744 | 7,538 | <u>29,282</u> |
| | | | \$1,377,818 |
| Adjustment for First Year Hiring Period Vacancy - 3 month vacancy | | | (<u>344,454</u>) |
| Total First Year Personnel Costs | | | 1,033,364 |
| Contractual | | | |
| Word Processing Equipment | | 6,750 | |
| Office Space (15,000 sf at \$2.25/foot/month) | | <u>405,000</u> | |
| | | 411,750 | |
| Adjustment for First Year Hiring Period Vacancy - 3 month vacancy | | <u>(102,939)</u> | |
| Total First Year Contractual Costs | | | 308,811 |
| Commodities | | | 4,400 |
| Equipment (one-time item) | | | 59,704 |
| Leasehold Improvements - remodeling (one-time item) | | | <u>\$ 200,000</u> |
| TOTAL FY 85 COST | | | <u>\$1,606,279</u> |

CSHB 571

FISCAL NOTE ANALYSIS (Cont'd)

In his State of the Judiciary message, Chief Justice Burke pointed out a need for an additional two district court and two superior court judges. In the original version of HB 571, the Court System had asked for only one superior court judge and two district court judges, with the assumption that an additional superior court judge could be requested next year or at least in the near future. Since the State of the Judiciary message, the caseloads of the Anchorage Court System have continued to grow and this growth strongly supports the need for two district court and two superior court judges. If two district court and two superior court judges were authorized, the cost in fiscal year '85 would be approximately \$890,000.

The Court System takes no position regarding the Committee Substitute which increases the district court level by four additional judges.



Trial Courts

State of Alaska

THIRD JUDICIAL DISTRICT
303 K STREET
ANCHORAGE, ALASKA
99501

264-0415

ALBERT H. SZAL
Area Court Administrator

March 22, 1984



Hon. Charlie Bussell, Chairman
Hon. Donald Clocksin, Member
Committee on the Judiciary
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Chairman Bussell and Rep. Clocksin:

At your hearing on Saturday, March 17, 1984, regarding House Bill 571, Representative Clocksin asked if the number of cases superior court judges were taking under advisement had changed over the past two to three years.

In reviewing the data compiled by the technical operations division of the administrative director's office, it appears the number of cases taken under advisement for FY 82 compared with FY 83 were relatively constant, 125 and 114 respectively.

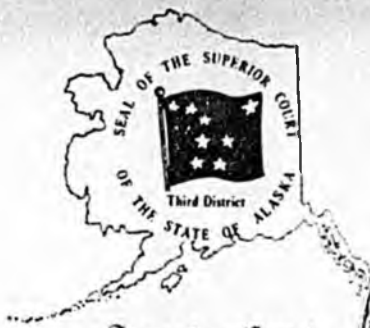
If you have any questions regarding the above, please feel free to contact my office.

Sincerely,

Albert H. Szal
Area Court Administrator

AHS pb

cc Judge Rowland
Goldeen Goodfellow



Superior Court
State of Alaska

THIRD JUDICIAL DISTRICT

303 K Street
Anchorage, Alaska 99501



CHAMBERS OF
DOUGLAS J. SERDAHELY

March 15, 1984

The Honorable Charlie Bussell
Chairman, House Judiciary Committee
Alaska State Legislature
State Capitol Building, Room 124
Juneau, Alaska 99811

Re: House Bill 571

Dear Chairman Bussell:

I regret that I am unable to personally attend and testify at the hearing regarding the pending legislation seeking authorization for additional District Court and Superior Court judges (House Bill 571). With this letter, I wish to summarize the comments and testimony I would have provided at the hearing in Anchorage on March 17, 1984.

By way of background, I have been serving as a Superior Court Judge in Anchorage for over three years. I am, and have been, assigned to the Civil Division of the Court during all of this time.

I earnestly support the Alaska Court System's application for at least one additional Superior Court position -- and ideally more than one -- for the Anchorage Superior Court Bench.

Since coming to the Bench three years ago, I have seen my civil case load (meaning non-domestic, non-criminal cases) increase from approximately 600 cases in April of 1981 to approximately 1100 cases at the present time.

In addition to an absolute increase in the number of cases, it is also my impression that there is an increase in the complexity, length, and expense of the civil

The Honorable Charlie Bussell

March 15, 1984

Page 2

cases that are now being litigated. Thus, for example, I have spent the last four months trying two cases: a prisoners' class action case that lasted 7 weeks, and a securities litigation case that lasted 11-12 weeks. In the latter case alone, the parties filed 50-60 volumes of pleadings (exclusive of certain discovery documents), presented in excess of 3,000 documentary exhibits at trial, filed innumerable motions before and during trial, and took at least 15 petitions for review (interlocutory appellate review attempts) to the Alaska Supreme Court. Although this latter case may be an extreme example, it is my impression that in the last year or so, the Court System has experienced a relative increase in complex civil litigation.

Besides, the cases mentioned above, during the last year I have also tried a class action civil rights case that lasted 5-6 weeks and a wrongful death action that lasted 4-5 weeks. During the next 12-14 months, I have currently scheduled for trial 4 cases which are expected to last one month or more in duration, including a condemnation action of approximately 4 weeks; a personal injury action of approximately 4-5 weeks; a wrongful death action of approximately 5 weeks; and a commercial insurance litigation case of approximately 8 weeks.

The impact of larger case loads, as well as lengthier and more complex civil litigation on the trial calendar is obvious. The four months of trial time I spent on the two cases mentioned above consumed nearly 40% of the total available trial time on this year's calendar, thereby making it impossible for other cases to be tried during that period. Further, delays in obtaining trial setting conferences, and trial dates, are increasing at a substantial rate. Currently, a trial which would require more than 2 weeks could not be set on my trial calendar until mid-April, 1985 -- a 12-14 month delay. I am informed that most of the other civil judges' calendars are in approximately the same circumstance.

Additionally, it is my impression that more cases, including the complex cases, are proceeding to trial, rather than settling, or being disposed of by some other means. This means that the judges will tend to "overset" fewer cases per week. Several years ago, when fewer cases were proceeding to trial, I was oversetting 3-4 cases per week. Now that more cases appear to be going through trial, I am oversetting only 1-2 cases a week -- and in some instances, not oversetting at all. This, of course, means still further delays between the commencement of an action and the trial date in the action.

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The increase in cases and trials also impacts adversely on the Court's time and resources available for non-trial matters which require judicial attention. Thus, for example, during a typical day, a civil judge would hold trial from 8:30 a.m. through 1:30 p.m. During the "luncheon" break (1:30 - 2:30), the judge will typically meet with his or her law clerk and review emergency matters which must be considered that day. Then, for the remainder of the afternoon, the judge typically would have scheduled settlement conferences, trial setting conferences, oral argument hearings on motions, oral argument hearings on agency appeals, evidentiary hearings on injunctions, hearings on domestic violence petitions, and other emergency matters. In view of the foregoing hearings, it is not uncommon for a judge to run well into the early evening before completing the day's activities.

In addition to trial matters, hearings and conferences scheduled during the typical day, the judge must also deal with numerous matters submitted to the Court on motions or briefs, without requests for oral argument or hearing. A rough estimate of a typical day in my chambers is that we receive, and are required to give attention to, as many as 2-3 dozen matters per day. These matters would include motions on the briefs (including discovery motions, dispositive motions, motions for sanctions, motions to amend pleadings, and the like), stipulations, emergency motions, and appeals on the briefs from administrative agencies or entities. The Court must also deal with, as a matter of priority, domestic violence petitions. Such petitions are typically being handled through hearing time in the Courtroom, although the judges are on call 24 hours a day.

Given the increase in cases, and increase in complex cases, the number of matters submitted to the Court on the briefs has also dramatically increased. And, consistently, the delays in issuing rulings on such matters have likewise increased. For example, it may take months to issue rulings on summary judgment motions or agency appeals that have been submitted to the Court on the briefs, without oral argument.

In order to perform all of the foregoing tasks, the Court has an extremely limited staff, consisting of one full-time law clerk, one secretary, and the judge. In my view, substantially additional assistance is, and will be, absolutely necessary in order to process the increased work load in a prompt and professional manner. At a minimum, it seems to me that additional Superior Court judges are immediately required. Ideally, additional support staff,

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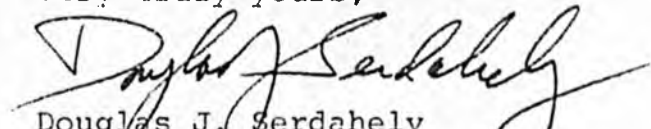
including further law clerk positions and/or externship positions would be extremely useful.

In the absence of additional judicial manpower, it seems to me quite realistic to expect that the already substantial delays in processing cases through trial will become even greater. Ultimately, I suppose, it becomes a policy question of how much delay is too much delay? I respectfully submit that for Alaska's population, and particularly for the population of the Southcentral area embodied in the Third Judicial District, delays of $\frac{1}{2}$ to 2 years to get cases to and through trials are unacceptable. Longer delays are, obviously, more unacceptable.

Accordingly, the thoughtful attention of you and your Committee to the pressing need for additional judicial manpower will be greatly appreciated.

Thank you sincerely for your consideration of these remarks.

Very truly yours,



Douglas J. Serdahely
Judge of the Superior Court

DJS:lge