

**SB101**

(11)

HOUSE COMMITTEE REPORT

Date Referred: March 23, 1992

FURTHER REFERRALS:

Date of Committee Action: 5/9/92

The FINANCE Committee considered:

CSSB 101(JUD)

CS FOR SENATE BILL NO. 101 (JUD)

JURISDICTION OF DISTRICT COURT

"An Act relating to the jurisdiction of the district court and to the district court's ability to hear actions as small claims."

RECOMMENDATIONS:

be replaced with HCS CS SB 101 (FIN)

[X] the same title [ ] a new title

[ ] have attached amendments(s)

[X] do pass

[ ] do not pass

[ ] no recommendations

[ ] individual recommendations

[ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal impact \_\_\_\_\_

[X] fiscal note(s) AK Court System 3/23/92

[X] zero fiscal note HFC

[ ] zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Mike Savare NAUAYU	✓	Remove Barnes			
Mark Boyer Bayu	X				
Koponua	✓				
Shamp	✓				
Phillips	✓				
Lansor	X				
Tay Brown BROWN	✓				

Mike Savare NAUAYU  
CHAIRMAN'S SIGNATURE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. HCSGSSB 101 (FIN)

Revision Date: \_\_\_\_\_ Department Affected: DEPARTMENT OF LAW  
 Title: AN ACT RELATING TO THE JURISDICTION OF THE DISTRICT COURT BRU: LEGAL SERVICES  
 Component: OPERATIONS  
 Sponsor: SENATE JUDICIARY BY REQUEST  
 Requestor: HOUSE FINANCE COMMITTEE COMPONENT SERIAL NO. 

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0
<b>CAPITAL</b>	0	0	0	0	0	0
<b>REVENUE</b>	0	0	0	0	0	0
<b>FUND SOURCE:</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
<b>TOTAL</b>	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Co-Chair Eileen MacLean *Eileen P. MacLean* Phone: 465-4833  
Co-Chair Mike Navarro *Mike Navarro* Phone: 465-3779  
 Division: House Finance Committee Date: 5/08/92

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Agency: \_\_\_\_\_

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

Bill No. HCS CSSB 101 (Judiciary)

Revision Date: 01/21/92 Department Affected: Alaska Court System  
 Title: An Act relating to the jurisdiction of the BRU: Trial Courts  
district court...ability to hear actions as small claims Components: \_\_\_\_\_  
 Sponsor: Judiciary Committee  
 Requestor: Judiciary COMPONENT SERIAL NO. 

000   000	000   768
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	35.8	35.8	35.8	35.8	35.8	35.8
TRAVEL	11.5					
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	47.3	35.8	35.8	35.8	35.8	35.8

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS	47.3	35.8	35.8	35.8	35.8	35.8
FEDERAL FUNDS						
OTHER						
TOTAL	47.3	35.8	35.8	35.8	35.8	35.8

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-8228  
 Division: Alaska Court System Date: 01/21/92

Approved by: Arthur H. Snowden, II, Administrative Director *AS* *AHS*  
 Agency: Alaska Court System Date: 01/21/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Alaska Court System  
HCS CSSB 101 (Judiciary)  
Fiscal Analysis

Personal Services

<u>Position</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Court Clerk II, PFT, range 10B, Anchorage	\$24,768	\$11,069	\$35,837

Travel (one-time cost)

Three meetings of the Forms Committee to revise forms and informational pamphlets (3 @ \$1,500)

4,500

Two meetings of the Civil Rules Committee to revise the rules of court (2 @ \$1,500)

3,000

Training for Clerk of Court (additional day of training added to annual clerks conference)

4,000

Total Travel

11,500

Total First Year Cost

\$47,337

## HOUSE CS FOR CS FOR SENATE BILL NO. 101 (FINANCE)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): SENATE JUDICIARY COMMITTEE BY REQUEST

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the jurisdiction of the district court and to the district court's ability  
2 to hear actions as small claims."

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

4 \* Section 1. AS 09.50.250 is amended to read:

5 Sec. 09.50.250. ACTIONABLE CLAIMS AGAINST THE STATE. A person or  
6 corporation having a contract, quasi-contract, or tort claim against the state may bring an action  
7 against the state [IN THE SUPERIOR COURT]. A person who may present the claim under  
8 AS 44.77 may not bring an action under this section except as set out in AS 44.77.040(c). A  
9 person who may bring an action under AS 36.30.560 - 36.30.695 may not bring an action under  
10 this section except as set out in AS 36.30.685. However, an action may not be brought under  
11 this section if the claim

12 (1) is an action for tort, and is based upon an act or omission of an employee of  
13 the state, exercising due care, in the execution of a statute or regulation, whether or not the  
14 statute or regulation is valid; or is an action for tort, and based upon the exercise or performance

1 or the failure to exercise or perform a discretionary function or duty on the part of a state agency  
2 or an employee of the state, whether or not the discretion involved is abused;

3 (2) is for damages caused by the imposition or establishment of a quarantine by  
4 the state;

5 (3) arises out of assault, battery, false imprisonment, false arrest, malicious  
6 prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with  
7 contract rights; or

8 (4) arises out of the use of an ignition interlock device certified under  
9 AS 33.05.020(c).

10 \* Sec. 2. AS 22.15.040(a) is amended to read:

11 (a) When a claim for relief does not exceed \$5,000 exclusive of costs, interest, and  
12 attorney fees, and request is so made, the district judge or magistrate shall hear the action as a  
13 small claim unless important or unusual points of law are involved or the state is a defendant.

14 The supreme court shall prescribe the procedural rules and standard forms to assure simplicity  
15 and the expeditious handling of small claims.

16 \* Sec. 3. AS 22.15.050 is amended to read:

17 Sec. 22.15.050. ACTIONS NOT WITHIN CIVIL JURISDICTION. The jurisdiction of  
18 the district courts does not extend to

19 (1) an action in which the title to real property is in question;

20 (2) an action for false imprisonment, libel, slander, malicious prosecution, or  
21 actions of an equitable nature, [( ) except as otherwise provided by law ( )], OR ACTIONS IN  
22 WHICH THE STATE IS A DEFENDANT].

# Alaska State Legislature



## Senate Judiciary Committee

March 27, 1991

Senator Kerttula, Co-Chairman  
Senator Pourchot, Co-Chairman  
Senate Finance Committee  
P.O. Box V  
Juneau, Alaska 99811

Re: CSSB 101 (Judiciary) Relating to the jurisdiction of the  
District Court

Dear Co-Chairs,

At the direction of the Senate Judiciary Committee I am sending you this communication concerning CSSB 101 (Judiciary). This bill was heard by Senate Judiciary February 12, February 22 and March 26, 1991. The Department of Law was present at the February 12 hearing.

While it was first thought that the bill would have little or no fiscal impact on the Department of Law, we received on March 20, 1991, a fiscal note for about \$700,000 annually. It is the sense of the committee that this is not in any way a fair appraisal of the fiscal impact of the bill.

Having considered the bill three times, it was passed out of committee with the Department of Law fiscal note but subject to the concerns expressed herein.

Sincerely,

A handwritten signature consisting of a stylized letter 'S' with a diagonal line through it.

Senator Rick Halford  
Chair, Senate Judiciary

RH/db

Post Office Box V • Juneau, Alaska 99811

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

240 Main Street, Suite 500  
Juneau, Alaska 99801-2101

### MEMORANDUM

March 19, 1992

**SUBJECT:** Jurisdiction of District Court (CSSB 101 (Jud))

**TO:** Representative Max Gruenberg

**FROM:** Robert Glennon Casey *RGC 3-19-92*  
Legislative Counsel

#### I. INTRODUCTION

You have asked whether, if sec. 2 of CSSB 101 (Jud) were deleted, the contents of the bill would be adequately described by its title.

#### II. SUMMARY

Yes. Despite the deletion, the bill would generally widen district court jurisdiction, thereby widening district court small claims jurisdiction.

#### III. DISCUSSION

In order for the contents of CSSB 101 (Judiciary) to remain adequately described by its title, the bill must affect a district court's ability to hear cases as small claims because the title specifically mentions small claims.

Under present law, only AS 22.15.050(2) prevents district courts from exercising jurisdiction (small claims or otherwise) over cases in which the state is a defendant. No other statute does so. No other court rule does so.

The consequence of the foregoing is that only AS 22.15.020(2) prevents district courts from having small claims jurisdiction over cases against the state. Therefore, a bill that removed this limitation would affect (among other things) "the district court's ability to hear actions as small claims." Meanwhile, the statutory change made in sec. 3 would remove a similar limitation and therefore change district court small claims jurisdiction.

RGC:pl  
92-190.plm



Alaska Court System  
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

CHARLES S. CHRISTENSEN III  
Staff Counsel

303 K Street  
Anchorage, AK 99501  
(907) 264-8228

April 30, 1992

The Honorable Mike Navarre, Co-Chair  
The Honorable Eileen MacLean, Co-Chair  
House Finance Committee  
P.O. Box V  
Juneau, Alaska 99811

Dear Representative Navarre and Representative MacLean:

I am writing to request that the Finance Committee schedule a hearing on Senate Bill 101, relating to the jurisdiction of the district court, at its earliest convenience. This bill was introduced at the request of the Alaska Supreme Court.

Current law provides that the superior court has jurisdiction in civil cases exceeding \$50,000 in value; the district court has jurisdiction over claims not exceeding that amount. However, current law also requires that all actions against the state be brought in superior court, regardless of the size of the claim. This has resulted in situations like one which took place recently in Fairbanks, when the superior court was used to try a \$2000 claim against the state. Not only is \$2000 significantly less than the maximum amount of the district court's jurisdiction, it is significantly less than the maximum amount of a small claims case (\$5000).

This restriction on district court jurisdiction was enacted at the time of statehood, when district court judges were not required to be attorneys. The prevailing view was that cases in which the state was a defendant should not be decided by a court presided over by a person who was not learned in the law. Today, however, this distinction is an anachronism, since a district court judge must be licensed to practice law in Alaska, and is subject to the same appointive and retention election processes as are judges of the superior court.

HCS CSSB 101 (JUD) proposes to treat the state like any other defendant, by making it subject to the jurisdiction of the district court when the matter in controversy does not exceed \$50,000.

Please feel free to contact me if you have any questions or comments.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'C. S. Christensen III', written in a cursive style.

C. S. Christensen III  
Staff Counsel



Alaska Court System  
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

CHARLES S. CHRISTENSEN III  
Staff Counsel

303 K Street  
Anchorage, AK 99501  
(907) 264-8228

January 29, 1991

The Honorable Rick Halford  
Chairman, Senate Judiciary Committee  
Capitol Building - Room 103  
Juneau, Alaska 99811

Dear Senator Halford:

The court system has requested introduction of a bill relating to claims against the state; a bill draft was provided to your office last week.

As you know, current law requires that all actions against the state be brought in superior court, regardless of the size of the claim. This bill proposes to treat the state like any other litigant, by making it subject to the jurisdiction of the district court when the matter in controversy does not exceed \$50,000.

As drafted, the bill proposes the following changes to existing law:

Section 1. Amends AS 09.50.250, relating to sovereign immunity. The existing statute requires that a contract, quasi-contract or tort claim against the state be brought in superior court. This section deletes that requirement.

Section 2. Amends AS 22.15.050, relating to the jurisdiction of the district court. The existing statute provides that the jurisdiction of that court does not extend to cases in which the state is a defendant. This section deletes that restriction on jurisdiction.

The Honorable Rick Halford  
January 29, 1991  
Page 2

Please feel free to contact me if you have any questions or comments. Thank you for your courtesy in this matter.

Very truly yours,



C. S. Christensen III  
Staff Counsel

CSC:bh

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. HCSCSSB 101 (JUD)

Revision Date: March 27, 1992  
Title: An Act relating to the jurisdiction of the district court...  
Sponsor: Senate Judiciary by Request  
Requestor: Governor's Office

Department Affected: Department of Law  
BRU: Legal Services  
Component: Operations

COMPONENT SERIAL

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	506.2	521.4	537.0	553.1	569.2	586.8
TRAVEL	32.5	33.5	34.5	35.5	36.6	37.7
CONTRACTUAL	99.8	102.8	105.9	109.1	112.4	115.8
SUPPLIES	37.2	38.3	39.4	40.6	41.8	43.1
EQUIPMENT	59.5					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	735.2	696.0	716.8	738.3	760.5	783.4

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:	735.2	696.0	716.8	738.3	760.5	783.4
TOTAL	735.2	696.0	716.8	738.3	760.5	783.4

POSITIONS:

FULL-TIME	8	8	8	8	8	8
PART-TIME						
TEMPORARY						

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared by: Richard I. Peques, Director  
Division: Administrative Services  
Approved by Commissioner: Richard I. Peques  
Agency: Department of Law

Phone: 465-3672  
Date: March 27, 1992

Approved by Attorney General: Charles E. Cole  
Date: March 27, 1992

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HCSCSSB 101 (JUD)

The House Judiciary Committee substitute for SB 101 changes this bill to reintroduce language that would authorize tort claims against the state to be filed in small claims court.

When this bill was initially considered in its original form, SB101, the Department of Law found that a substantial fiscal impact would result for the department, because of a provision in the bill authorizing tort claims against the state to be filed in small claims court. As a consequence, the Senate Judiciary Committee dropped this provision, and the department's fiscal impact statement was accordingly withdrawn. The reintroduction of the small claims provision in the new substitute makes it necessary for the department to again request fiscal impact funding. The department's comments on this provision are presented below.

Senate Bill No. 101 amends AS 09.50.250 and AS 22.15.050 to provide that a person or a corporation having a contract, quasi-contract, or tort claim against the state may bring an action against the state in district court. At the present time, claims against the state, not settled administratively by state agencies, can be filed only in superior court, irrespective of the value of the claim. The superior court normally only adjudicates claims that exceed \$50,000. This bill would act to direct claims of up to \$50,000 to the district court. Claims that exceed \$50,000 would still be heard in superior court if they were not settled administratively.

Most contract claims against the state are handled administratively by the contract remedy process provided in AS 36.30.560 - AS 36.30.695, and AS 44.77.010 - AS 44.77.070. Contract claims that are currently appealed to the superior court after these administrative proceedings usually exceed the \$50,000 threshold for original entry as a superior court appeal, although they need not exceed the threshold to do so. The bill should not cause a substantial fiscal impact for contract appeals because of the comprehensive mandatory administrative remedy process provided in the state's Procurement Code, which must be exhausted before an appeal can be undertaken in court.

Tort claims, however, are an entirely different matter. The number of personal injury claims filed against the state during the past four and one-half years has averaged 700 claims per year and is growing steadily each year. Of this number, about 130 claims now result in lawsuits in superior court. Extending the jurisdiction of the district court to include claims against the state which do not exceed \$50,000 is expected to substantially increase the number of claims that result in lawsuits. This should result in a corresponding increase in the state's cost to defend against tort suits.

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HCSCSSB 101 (JUD)

Most tort claims, about 570 of the 700 claims now being filed annually, are settled administratively by the state's contracted insurance adjustor. If resolution fails at the adjustor's level, a claim is settled by the Division of Risk Management. If a claimant is not satisfied with a settlement offer, or if a claim is denied, a claimant currently has the option of bringing a tort action in superior court. During the past four years approximately forty-five percent of the claims handled administratively were denied.

There is no existing requirement, however, that a claimant even contact the state to seek an administrative settlement, and a claimant may bring a lawsuit without ever having sought a settlement from the state's adjustor or the Division of Risk Management.

It is important to note that the state on its own initiative already contacts potential claimants in the course of investigating state agency accident reports and voluntarily offers settlements where it is appropriate to do so. Nevertheless, there are many instances where injuries are alleged in a lawsuit where the state does not have prior notice or knowledge. Indeed, the state does not receive prior notice of about ninety percent of the claims that are filed as lawsuits.

It is unknown to what extent the bill, by itself, will encourage additional claims, but that eventuality seems likely in view of less complex small claims court procedures, and because of the relative ease by which claimants can represent themselves as pro se counsel in small claims court. There is no totally accurate way, and certainly no easy way to forecast the number of new lawsuits that will occur as a result of the enactment of this bill. However, we live in a litigious age where the state is perceived by some, including some of those who make their living prosecuting personal injury suits, as having a deep pocket. Therefore, for the purposes of this analysis, we have attempted to show that there will be an appreciable increase in the state's tort defense, while still employing conservative cost projections.

For example, if twenty-five percent of the 570 claims that do not now result in lawsuits end up in district court, the department would have to defend 142 new suits. Although the state's defense would be under rules that are less formal or strenuous than those required by the superior court, it is anticipated that a minimum of twenty attorney hours would be required to prepare for and present the state's defense in each case. This is an estimate of the minimum time that would be required, and there will be many occasions when a substantially greater effort will be necessary.

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HCSCSSB 101 (JUD)

Furthermore, some percentage of the outcome of the new cases that will be heard in district court will be appealed to the superior court. Here again, it is difficult to provide an exact estimate, but it is not unreasonable to expect that about twenty-five percent of the district court cases will be appealed to the superior court by either claimant plaintiffs or the defendant state. It is estimated that each appeal of a district court judgment will require a minimum of 100 hours of state attorney time to prepare and litigate in superior court. There will also be numerous times when either side in a district court trial will appeal the court's rulings to the superior court during the course of a trial, in the form of petitions for review.

The number of cases now filed in superior court with a value that does not exceed \$50,000 is relatively small, perhaps ten to fifteen percent of the 130 tort cases filed against the state in superior court. Thus the number of cases that would be directed to district court will be easily offset, and very likely be outweighed, by the number of district court appeals to the superior court. Moreover, the superior court will be repeatedly called upon to rule on petitions for review for tort cases being tried in district court. Also, because tort claims filed in district court will automatically have an additional level of appeal (Rule 601), some claims will take one or two years longer to complete before a final judgment is entered.

Expanding the jurisdiction of the district court to hear tort claims under the relaxed small claims rules will increase the number of claims that are filed in court and decrease the number of claims settled administratively, resulting in a corresponding increase in state costs. Although the individual value of most claims filed under the bill would be relatively small, the state's tort defense will not change and it will often involve complex government immunity arguments. These are issues that are rarely dealt with in the small claims setting.

As mentioned previously, the bill will encourage additional lawsuits, to a large extent turning an administrative process into a legal fight. This will result in some unmeritorious lawsuits. And, in some instances, the bill will result in nuisance suits when it is understood that in some circumstances it will cost the state more to defend itself in court than the value of the claim, irrespective of a claim's merit. For example, the state receives numerous claims alleging vehicle damage caused by potholes, ranging from a few hundred dollars to a few thousand dollars per claim. The state is generally immune from this type of claim because it cannot repair all potholes at one time, and it must necessarily exercise its discretion in carrying out repairs. However, under the bill the state will have to defend against such

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HCSCSSB 101 (JUD)

claims in court, often at a cost that exceeds the amount being claimed. Most of these claims would otherwise be properly denied under the existing administrative process, at minimal cost to the state.

Therefore, based on the foregoing estimates of 142 new lawsuits and 33 new appeals, the bill will result in an annual increase of over 6,100 hours of attorney case work for the department. On average, each of the department's tort attorneys produce about 1500 hours annually devoted solely to case work. Consequently, the bill will require the addition of at least four attorneys. Moreover, because these cases could be heard before as many as fifteen different district court judges, scheduling will present some difficulties for these attorneys requiring additional paralegal and clerical support staff. It is therefore our estimate that two attorneys, one paralegal assistant, and one legal secretary will be required in Anchorage, and one attorney each and one legal secretary each will be required in both Fairbanks and Juneau. These costs would be unnecessary if the bill is amended to prohibit tort claims against the state being heard in small claims court.

COST SUMMARY

<u>Location</u>	<u>Title</u>	<u>Personal Services</u>	<u>Travel</u>	<u>Contractual</u>	<u>Supplies</u>	<u>Equipment</u>	<u>Total</u>
Anchorage	Attorney IV	85.0	7.5	20.0	6.0	6.5	125.0
	Attorney III	75.3	7.5	20.0	6.0	6.5	115.3
	Paralegal Asst II	51.3	2.5	6.6	3.3	6.5	70.2
	Legal Secretary I	37.3		4.4	3.3	9.0	54.0
Fairbanks	Attorney IV	96.4	7.5	20.0	6.0	6.5	136.4
	Legal Secretary I	38.6		4.4	3.3	9.0	55.3
Juneau	Attorney IV	85.0	7.5	20.0	6.0	6.5	125.0
	Legal Secretary	37.3		4.4	3.3	9.0	54.0
	TOTAL	506.2	32.5	99.8	37.2	59.5	735.2

FY93 costs are shown above. Costs after FY93 include a three percent inflation factor.

Position Title <b>Attorney IV</b>		No. of Positions <b>1</b>	Range / Step <b>24 A</b>	Barg. Unit <b>PX</b>
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>Anchorage</b>		Election District <b>5-15, 23-27</b>
TYPE OF EXPENDITURE		AMOUNT		
Salary		64,056		
Benefits		20,969		
Premium Pay				
Other				
<b>Total Personal Services</b>		<b>85,025</b>		
Travel		7,500		
Contractual		20,000		
Commodities		6,000		
Equipment		6,500		
Other				
<b>Total Cost</b>		<b>125,025</b>		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts 1002				
G.F. Mail 1003				
General Fund 1004				
I-A Receipts 1007		125,025		
CIP Receipts 1061				
Other				
Justification This Attorney IV position will be needed to handle part of the increased case load in Southcentral Alaska caused by implementation of SB 101. The position will handle some of the new lawsuits in small claims court and most of the appeals of these cases in superior court. Most of this work involves court trials and requires experience in personal injury defense and state immunity defenses. Because of the extensive trial work, additional amounts are required for travel, depositions, expert witnesses, and exhibits. This position requires full journey-level skills as an Attorney IV because of the involvement in appeals.				

# Request For New Position

AGENCY Department of Law  
 BRU Legal Services  
 COMPONENT Operations

**FY 93**

Page    of   1    
 Revised Date: \_\_\_\_\_

Position Title Attorney III		No. of Positions 1	Range / Step 22 A	Barg. Unit PX
Time Status PFT	Staff Months 12	Location Anchorage		Election District 5-15, 23-27
TYPE OF EXPENDITURE		AMOUNT		
Salary		55,968		
Benefits		19,320		
Premium Pay				
Other				
Total Personal Services		75,288		
Travel		7,500		
Contractual		20,000		
Commodities		6,000		
Equipment		6,500		
Other				
Total Cost		115,288		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts 1002				
G.F. Match 1003				
General Fund 1004				
I-A Receipts 1007		115,288		
CIP Receipts 1061				
Other				
Justification This Attorney III position will be needed to handle part of the increased case load in Southcentral Alaska caused by implementation of SB 101. The position will handle many of the new lawsuits in small claims court and a few of the appeals of these cases in superior court. Most of this new work involves court trials and requires personal injury defense experience. Because of the extensive trial work, additional amounts are needed for travel, depositions, expert witnesses, and exhibits. This position requires three or more years experience of an Attorney III to handle this level of work.				

## Request For New Position

AGENCY Department of Law  
 BRU Legal Services  
 COMPONENT Operations

FY 93

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Position Title Paralegal Assistant II		No. of Positions 1	Range / Step 16 A	Barg. Unit GG
Time Status PFT	Staff Months 12	Location Anchorage		Election District 5-15, 23-27
TYPE OF EXPENDITURE		AMOUNT		Justification This paralegal assistant will be needed to handle witness scheduling that will be needed by the two attorneys in Anchorage who will handle the new torts caseload caused by the implementation of SB 101. The position will also assist and prepare case files and evidence used at trial. These duties are appropriate for a Paralegal Assistant II.
Salary		36,936		
Benefits		14,334		
Premium Pay				
Other				
Total Personal Services		51,270		
Travel		2,500		
Contractual		6,600		
Commodities		3,300		
Equipment		6,500		
Other				
Total Cost		70,170		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
I-A Receipts	1007	70,170		
CIP Receipts	1061			
Other				

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Position Title Legal Secretary I		No. of Positions 1	Range / Step 10 B	Barg. Unit GG
Time Status PFT	Staff Months 12	Location Anchorage		Election District 5-15, 23-27
TYPE OF EXPENDITURE		AMOUNT		
Salary		25,872		
Benefits		11,435		
Premium Pay				
Other				
Total Personal Services		37,307		
Travel				
Contractual		4,400		
Commodities		3,300		
Equipment		9,000		
Other				
Total Cost		54,007		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
I-A Receipts	1007	54,007		
CIP Receipts	1061			
Other				
Justification The Legal Secretary I position will be needed to prepare the trial documents required by the new attorneys in Anchorage who will handle the additional tort caseload caused by implementation of SB 101. Trial work of this sort is paper-intensive, involving extensive motion practice and briefing. Allocation of the position to the Legal Secretary I level is therefore appropriate.				

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Position Title Legal Secretary I		No. of Positions 1	Range / Step 10 B	Barg. Unit GG
Time Status PFT	Staff Months 12	Location Fairbanks		Election District 17-22, 24
TYPE OF EXPENDITURE		AMOUNT		
Salary		26,904		
Benefits		11,705		
Premium Pay				
Other				
Total Personal Services		938,609		
Travel				
Contractual		4,400		
Commodities		3,300		
Equipment		9,000		
Other				
Total Cost		55,309		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts 1002				
G.F. Match 1003				
General Fund 1004				
I-A Receipts 1007		55,309		
CIP Receipts 1061				
Other				
Justification The Legal Secretary I position will be needed to prepare the trial documents required by the new attorney in Fairbanks who will handle the additional tort caseload caused by implementation of SB 101. Trial work of this sort is paper-intensive, involving extensive motion practice and briefing. In addition, the position will handle witness scheduling in the absence of paralegal support at this location. Allocation of the position to the Legal Secretary I level is therefore appropriate.				

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Position Title Attorney IV		No. of Positions 1	Range / Step 24 A	Barg. Unit PX
Time Status PFT	Staff Months 12	Location Juneau		Election District 1 - 4
TYPE OF EXPENDITURE		AMOUNT		
Salary		64,056		
Benefits		20,969		
Premium Pay				
Other				
Total Personal Services		85,025		
Travel		7,500		
Contractual		20,000		
Commodities		6,000		
Equipment		6,500		
Other				
Total Cost		125,025		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts 1002				
G.F. Match 1003				
General Fund 1004				
I-A Receipts 1007		125,025		
CIP Receipts 1061				
Other				
Justification This Attorney IV position will be needed to handle the increased caseload in Southeastern Alaska caused by implementation of SB 101. The position will handle the new lawsuits in small claims court and the appeals of these cases in superior court. Most of this work involves court trials and requires experience in personal injury defense and state immunity defenses. Because of the extensive trial work, additional amounts are required for travel, depositions, expert witnesses, and exhibits. This position requires full journey-level skills as an Attorney IV because of the involvement in appeals.				

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Position Title Legal Secretary I		No. of Positions 1	Range / Step 10 B	Barg. Unit GG
Time Status PFT	Staff Months 12	Location Juneau		Election District 1 - 4
TYPE OF EXPENDITURE		AMOUNT		
Salary		26,904		
Benefits		11,705		
Premium Pay				
Other				
Total Personal Services		938,609		
Travel				
Contractual		4,400		
Commodities		3,300		
Equipment		9,000		
Other				
Total Cost		55,309		
FUNDING SOURCE FOR TOTAL COST				
Federal Receipts 1002				
G.F. Match 1003				
General Fund 1004				
I-A Receipts 1007		55,309		
CIP Receipts 1J61				
Other				
Justification The Legal Secretary I position will be needed to prepare the trial documents required by the new attorney in Juneau who will handle the additional tort caseload caused by implementation of SB 101. Trial work of this sort is paper-intensive, involving extensive motion practice and briefing. In addition, the position will handle witness scheduling in the absence of paralegal support at this location. Allocation of the position to the Legal Secretary I level is therefore appropriate.				

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