

SB

172

HAFIN

FILE



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

MEMORANDUM

May 4, 2001

TO: House Finance Committee Members

FROM: Deb Davidson, Legislative Aide
Senator Dave Donley

RE: CS SB 172 (Jud) Court System Annual Report

At this morning's hearing on CS SB 172 (Jud) a question was raised regarding travel taken July 29, 2000, by Stephanie Cole to the Conference of State Court Administrators in Rapid City. Please be advised that the conference fee listed is incorrect. The conference fee was \$450.00 and the total cost of that trip was \$1,838.38.

I apologize for the error.

cc: Alaska Court System



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SPONSOR STATEMENT HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL 172 (JUDICIARY)

"An Act relating to an annual report by the court system to the public and the legislature"

The Court System has been voluntarily providing annual reports on its administration and activities since 1961. This report has been well received and informative, containing useful data for both the public and legislature to use in analyzing the effectiveness and efficiency of the court system.

HCS CS SB 172(Jud) insures the future publication of this document by statutorily requiring the Court System to continue producing and distributing the report on an annual basis. The legislation is drafted to maintain the compilation of information currently contained in the report such as the profile of the court system and its justices, summaries of the system's administration, facilities, programs and personnel, and statistical summaries on the filings, dispositions and pending caseloads of the different court levels.

Additionally, this legislation requires the court system to include time periods between the initial receipt and final disposition of the cases and between the final arguments and final disposition of cases for the different classes of courts and specific judges. It also requires the inclusion of information on judges and justices who have had their pay withheld for failure to comply with AS 22.05.140(b), 22.07.090(b), 22.10.190(b) or 22.15.220(c), all of which pertain to disposing of cases within a 6-month timeframe. Finally, it requires that travel of Supreme Court justices, appellate court judges and district court magistrates be included in the report. This would provide all relevant information in one central publication.

This additional information is useful to the legislature and the public in analyzing the effectiveness and efficiency of the court system in general as well as individual judges and justices. The data on individual judges is normally available only for those individuals up for retention elections. Including this information in the annual report provides a more current and accessible source for review.

By placing the requirement for an annual report in statute, the state avoids the possibility of it being eliminated for any reason. Differing politics, philosophies, revenues and numerous other factors can always affect an agency's decision on what type of information to provide. House Committee Substitute for Senate Bill 172 (Jud) secures this report's continuation and insures the public retains a consistent source of the valuable information.

Collateral references. — Validity and application of statute regarding prohibition of judge from practicing law. 17 ALR4th 829.

Sec. 22.05.140. Compensation. (a) Except as provided in (d) of this section, the monthly base salary of the chief justice is \$9,203 and for each other justice, the monthly base salary is \$9,159.

(b) A salary warrant may not be issued to a justice of the supreme court until the justice has filed with the state officer designated to issue salary warrants an affidavit that no matter referred to the justice for opinion or decision has been uncompleted or undecided by the justice for a period of more than six months.

(c) In addition to the monthly salary, each justice is entitled to receive a geographic cost-of-living adjustment under AS 22.35.010, based on the location of the primary office assignment. Retirement contributions and benefits shall be computed only on the monthly base salary not including the geographic cost-of-living adjustment.

(d) Beginning January 1, 1991, if the monthly basic salary for Step E, Range 28, of the salary schedule set out in AS 39.27.011 increases, the monthly base salary of the chief justice and the other justices shall increase by the same percentage. The increase takes effect when the salary increase under AS 39.27.011 takes effect and may be retroactive if consistent with the change in AS 39.27.011. The commissioner of administration shall, by regulation, establish the percentage at which the salary is increased and the increased salary amount. (§ 14 ch 50 SLA 1959; am § 4 ch 115 SLA 1965; am § 2 ch 83 SLA 1967; am § 1 ch 101 SLA 1969; am § 1 ch 193 SLA 1970; am § 1 ch 34 SLA 1974; am § 1 ch 205 SLA 1975; am § 2 ch 148 SLA 1976; am § 3 ch 263 SLA 1976; am § 4 ch 80 SLA 1978; am §§ 3, 18 ch 3 SLA 1980; am §§ 53, 54 ch 59 SLA 1982; am §§ 1, 2 ch 54 SLA 1990; am §§ 1, 2 ch 19 SLA 1991; am § 2 ch 4 1996 FSSLA)

Cross references. — For geographic cost-of-living adjustment, see AS 22.35.010.

Effect of amendments. — The 1996 amendment, effective July 1, 1996, in subsection (a), substituted "\$9,203" for "\$8,333" and "\$9,159" for "\$8,292."

Editor's notes. — Chapter 205, SLA 1975, which

amended this section, was submitted to the voters by referendum and was rejected. Under § 45, ch. 4, FSSLA 1996, the provisions of that act, which amended subsection (a), are not severable, notwithstanding AS 01.10.030.

Sec. 22.05.150. [Renumbered as AS 22.20.300.]

Sec. 22.05.160. Recording districts. [Repealed, § 4 ch 118 SLA 1976. For current law, see AS 44.37.020(b) and 44.37.025.]

Appellate Court Judges

Sec. 22.07.090. Compensation. (a) Except as provided in (c) of this section, the monthly base salary of a judge of the court of appeals is \$8,652. The compensation of a judge may not be diminished during the term of office, unless by a general law applying to all salaried officers of the state.

(b) A salary warrant may not be issued to a judge of the court of appeals until the judge has filed with the state officer designated to issue salary warrants an affidavit that no matter referred to the judge for opinion or decision has been uncompleted or undecided by the judge for a period of more than six months.

(c) Beginning January 1, 1991, if the monthly basic salary for Step E, Range 28, of the salary schedule set out in AS 39.27.011 increases, the monthly base salary of the judges of the court of appeals shall increase by the same percentage. The increase takes effect when the salary increase under AS 39.27.011 takes effect and may be retroactive if consistent with the change to AS 39.27.011. The commissioner of administration shall, by regulation, establish the percentage at which the salary is increased and the increased salary amount. (§ 1 ch 12 SLA 1980; am § 3 ch 54 SLA 1990; am §§ 3, 4 ch 19 SLA 1991; am § 3 ch 4 1996 FSSLA)

Effect of amendments. — The 1996 amendment, effective July 1, 1996, substituted "\$8,652" for "\$7,833" at the end of the first sentence in subsection (a).

Editor's notes. — Under § 45, ch. 4, FSSLA 1996, the provisions of that act, which amended subsection (a), are not severable, notwithstanding AS 01.10.030.

Superior Court Judges

Sec. 22.10.190. Compensation. (a) Except as provided in (d) of this section, the monthly base salary for each superior court judge is \$8,469.

(b) A salary warrant may not be issued to a superior court judge until the judge has filed with the state officer designated to issue salary warrants an affidavit that no matter referred to the judge for opinion or decision has been uncompleted or undecided by the judge for a period of more than six months.

(c) In addition to the monthly salary, each superior court judge is entitled to receive a geographic cost-of-living adjustment under AS 22.35.010, based on the location of the primary office assignment. Retirement contributions and benefits shall be computed only on the monthly base salary not including the geographic cost-of-living adjustment.

(d) Beginning January 1, 1991, if the monthly basic salary for Step E, Range 28, of the salary schedule set out in AS 39.27.011 increases, the monthly base salary of the judges of the superior court shall increase by the same percentage. The increase takes effect when the salary increase under AS 39.27.011 takes effect and may be retroactive if consistent with the change to AS 39.27.011. The commissioner of administration shall, by regulation, establish the percentage at which the salary is increased and the increased salary amount. (§ 30 ch 50 SLA 1959; am § 5 ch 115 SLA 1965; am § 4 ch 83 SLA 1967; am § 2 ch 101 SLA 1969; am § 2 ch 193 SLA 1970; am § 2 ch 34 SLA 1974; am § 2 ch 205 SLA 1975; am § 3 ch 148 SLA 1976; am § 4 ch 263 SLA 1976; am § 5 ch 80 SLA 1978; am §§ 4, 19 ch 3 SLA 1980; am §§ 4, 5 ch 54 SLA 1990; am §§ 5, 6 ch 19 SLA 1991; am § 4 ch 4 1996 FSSLA)

Cross references. — For geographic cost-of-living adjustment, see AS 22.35.010.

Effect of amendments. — The 1996 amendment,

effective July 1, 1996, substituted "\$8,469" for "\$7,667" at the end of subsection (a).

Editor's notes. — Chapter 205, SLA 1975, which

District Court Judges and Magistrates

Sec. 22.15.220. Compensation. (a) Except as provided in (e) of this section, the monthly base salary for each district court judge is \$7,179.

(b) Each magistrate shall receive annual compensation including geographic differential pay to be determined by the supreme court. Salary increases shall be determined on the basis of percentage of pay increase the legislature provides for state employees in the classified service. A magistrate's annual compensation may be payable, at the option of the magistrate, either monthly in 12 equal installments or semi-monthly in 24 equal installments.

(c) A salary warrant may not be issued to a district judge or magistrate until the judge or magistrate has filed with the state officer designated to issue salary warrants, an affidavit that no matter referred to the judge or magistrate for opinion or decision has been uncompleted or undecided by the judge or magistrate for a period of more than six months.

(d) In addition to the monthly salary, each district court judge is entitled to receive a geographic cost-of-living adjustment under AS 22.35.010, based on the location of the primary office assignment. Retirement contributions and benefits shall be computed only on the monthly base salary not including the geographic cost-of-living adjustment.

(e) Beginning January 1, 1991, if the monthly basic salary for Step E, Range 28, of the salary schedule set out in AS 39.27.011 increases, the monthly base salary of the judges of the district court shall increase by the same percentage. The increase takes effect when the salary increase under AS 39.27.011 takes effect and may be retroactive if consistent with the change to AS 39.27.011. The commissioner of administration shall, by regulation, establish the percentage at which the salary is increased and the increased salary amount. (§ 17 ch 184 SLA 1959; am § 1 ch 66 SLA 1962; am § 1 ch 64 SLA 1963; am § 1 ch 137 SLA 1966; am § 5 ch 83 SLA 1967; am § 3 ch 101 SLA 1969; am § 3 ch 193 SLA 1970; am § 1 ch 78 SLA 1971; am § 1 ch 188 SLA 1972; am §§ 3, 4 ch 34 SLA 1974; am § 3 ch 205 SLA 1975; am §§ 4, 5 ch 148 SLA 1976; am § 1 ch 196 SLA 1976; am § 5 ch 263 SLA 1976; am § 6 ch 80 SLA 1978; am §§ 5, 20 ch 3 SLA 1980; am §§ 6, 7 ch 54 SLA 1990; am §§ 7, 8 ch 19 SLA 1991; am §§ 5, 6 ch 4 1996 FSSLA)

Cross references. — For cost-of-living adjustment for district court judges, see AS 22.35.010.

Effect of amendments. — The 1996 amendment, effective July 1, 1996, in subsection (a), substituted "\$7,179" for "\$6,500" and, in subsection (b), inserted "including geographic differential pay" in the first sentence and deleted the former third sentence, which read "The base salary of a magistrate shall be increased by a percentage equal to three and one-half

percent times the number of step increases provided under AS 39.27.020 that a state employee would receive working in the same election district."

Editor's notes. — Chapter 205, SLA 1975, which amended this section, was submitted to the voters by referendum and was rejected.

Under § 45, ch. 4, FSSLA 1996, the provisions of that act, which amended subsections (a) and (b), are not severable, notwithstanding AS 01.10.030.

Judicial Travel

Sec. 22.20.037. Employment of judicial employees. (a) Judicial employees shall be employed subject to classification and wage plans based on the merit principle and adapted to the special needs of the judiciary, as determined by the administrative director of courts. Except as otherwise provided by law, all employees of the Alaska court system and the judicial council are subject to the general state laws regarding leave, retirement, and travel.

(b) This section does not deprive employees of the judiciary of the right to participate in the state employees retirement system, a group insurance plan, or any other program, benefits, or rights provided by law or personnel rule for state employees in the classified service.

(c) The administrative director of courts shall conduct a salary survey annually to ensure that employees of the Alaska court system receive salaries consistent with those paid to employees in the classified and partially exempt state service.

(d) The administrative director of the court system shall file a travel and compensation report with the legislature by January 31 of each year. The report must contain detailed information for the previous calendar year of the salaries, per diem, travel expenses, relocation expenses, and any additional allowances for

(1) each justice of the supreme court;

(2) each judge of the court of appeals; and

(3) the administrative director of the court system. (§ 2 ch 78 SLA 1971; am § 1 ch 83 SLA 1999)

Effect of amendments. — The 1999 amendment, effective September 27, 1999, added subsection (d).

Opinions of attorney general. — Application to judicial and permanent legislative employees of the general laws of the state covering leave, including the

Department of Administration's regulation on terminal leave, does not infringe upon the power of the judicial and legislative branches to supervise, hire, or discharge personnel, or the power to determine employee salaries. April 9, 1985 Op. Att'y Gen.



Chambers of
Dana Fabe
Chief Justice

Supreme Court
State of Alaska

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Anchorage, Alaska
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January 31, 2001

The Honorable Dave Donley
Alaska State Legislature
State Capitol
Juneau, Alaska 99801

Dear Senator Donley:

Thank you for your letter of January 11, 2001. I apologize for my delay in responding -- I was out of the office last week to attend the mid-year meeting of the Conference of Chief Justices. I am pleased that you found the FY 2000 report interesting and informative.

Thank you for your specific suggestions about additional information that could be included in our annual report. I am also aware that you are contemplating introduction of legislation on this topic. I have forwarded your request to our Administrative Director, Stephanie Cole, whose office prepares and produces our annual report. I will also share your letter with the rest of the court for their input.

Traditionally, our annual report has served as the official statement from the judicial branch of government to the other two branches and to the public. It has included information about our caseload, our projects, our challenges and our achievements. I will ask court staff to examine annual reports from other state courts, so that we may review and compare the type of information that they have determined to be appropriate for inclusion in their annual reports, in contrast to other statistical reports requested by and provided to the legislature.

In the meantime, I can assure you that we are committed to providing the legislature with any information about court system operations that we have available. As you know, we are somewhat hampered at the present by the state of our current computer system, which cannot easily produce all of the types of data in

The Honorable Dave Donley
January 31, 2001
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which you are interested. We sincerely hope that our new case management system will allow us to provide you with more timely and accurate data and statistics.

Again, I do appreciate that you have taken the time to review our current annual report. I enjoyed our recent meeting, and would like to continue an open dialogue, as appropriate, with you and other members of the legislature. And I am following up on the suggestion that an informal meeting with legislators would be a good adjunct to my presentation of the State of the Judiciary. You will soon be receiving an invitation that I am sending to all legislators, inviting them to an informal reception and continental breakfast on February 23. I believe we will all benefit from more open lines of communication. I hope you will continue to contact the court system about your concerns and needs.

Sincerely,



Dana Fabe
Chief Justice

DF:jd



alaska judicial council

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Vicki A. Otte
Sandra S. Stringer

April 1, 1999

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Paul J. Ewers
Robert H. Wagstaff

CHAIRMAN, EX OFFICIO
Warren W. Matthews
Chief Justice
Supreme Court

Senator Dave Donley
Senator Robin L. Taylor
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Senators Donley and Taylor:

I have attached my 1996 letter to Commissioner Boyer about withheld judges' paychecks. While I am sure the request was rejected, I could not find the letter from the Department of Administration stating this.

I decided to renew my request to Commissioner Poe (letter attached). I took the liberty of mentioning that you had been successful in getting the requested information.

I will keep you informed on the Department's response. Thanks for your help.

Sincerely,

A handwritten signature in cursive script, appearing to read "William T. Cotton".

William T. Cotton
Executive Director

WTC:sl

Attachment



alaska judicial council

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Paul J. Ewers
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CHAIRMAN, EX OFFICIO
Warren W. Matthews
Chief Justice
Supreme Court

March 5., 1999

Commissioner Robert Poe
Department of Administration
P.O. Box 110200
Juneau, AK 99811-0200

Dear Commissioner Poe:

As you will see in the attached letter, I wrote to your predecessor some time ago with a request that the Department of Administration establish a procedure by which an attorney or a member of the public could find out if a judge was having his or her paycheck withheld for not deciding a matter within six months. While I was unable to find the Department's response, I remember that the Department did respond that it was either unable or unwilling to comply.

I am writing to renew my earlier request. I also would like to obtain information on withheld paychecks for the Council evaluation of judges. I understand from Senators Donley and Taylor that the Department was able to provide them with information on withheld paychecks.

Thank you for your assistance. Feel free to give me a call if you have any questions.

Very truly yours,

William T. Cotton
Executive Director

WTC:sl



alaska judicial council

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http://www.state.ak.us/local/akpages/COURTS/AJC/home.htm E-Mail: 72302.1261@compuserve.com

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September 20, 1996

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Robert H. Wagstaff
Christopher E. Zimmerman

CHAIRMAN, EX OFFICIO
Allen T. Compton
Chief Justice
Supreme Court

Commissioner Mark Boyer
Department of Administration
P.O. Box 110200
Juneau, AK 99811-0200

Dear Commissioner Boyer:

I am writing concerning enforcement of the statutes that condition a judge receiving his or her salary on not having any decisions pending for over six months. The relevant provision for superior court judges (A.S. 22.10.190) provides:

(b) A salary warrant may not be issued to a superior court judge until the judge has filed...an affidavit that no matter referred to the judge for opinion or decision has been uncompleted or undecided by the judge for a period of more than six months.

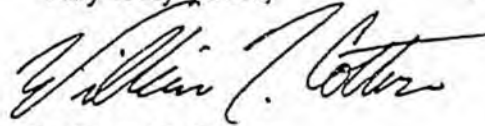
As background, the Council evaluates the performance of judges and makes recommendations to the voters as to whether individual judges should be retained in office. As part of our evaluation process, we collect extensive information from attorneys, police and probation officers, jurors, court employees and other members of the public. Occasionally, we have heard comments that some judges do not decide matters promptly, and that decisions sometimes take over six months.

The Council would like to suggest that the Department of Administration establish and publicize a simple procedure where an attorney or member of the public could write you when they believed a judge had not acted within six months. You would then take appropriate steps to determine whether complainants were correct, and enforce the statute if they were. It would be important to maintain the confidentiality of the complainants because they probably would be attorneys or litigants appearing before the judge.

Mark Boyer
September 20, 1996
Page 2

I would be glad to work with your staff on such a procedure. Please feel free to give me a call if you have any questions.

Very truly yours,



William T. Cotton
Executive Director

WTC:sl

cc: Chief Justice Allen T. Compton
Judicial Council Members

Supreme Court Justice, Appellate Court Judges, Court Administrative Director
Out-of-State Travel 1999 - 2000

Judge	Date	Purpose	Destination	Conf. Fees	Transp.	M&IE	Lodging	Other Reimb Exp	Total
Fabe, Dana									
	7/30/00 - 8/03/00	Conference of Chief Justices	Rapid City, SD	450.00	894.01	68.00	492.48		1,904.49
	10/12/00 - 10/17/00	Law Clerk Interviews	Seattle San Francisco Los Angeles		481.66	70.00	671.36	58.75	1,281.77
	10/18/00 - 10/22/00	Nat'l Ass'n of Women Judges	Los Angeles	375.00	345.52	92.00	935.20	16.02	1,763.74
	1/15/99 - 1/21/99	Conference of Chief Justices	Washington D.C	450.00	1,241.00	55.00	756.00		2,502.00
	10/12/99 - 10/17/99	Nat'l Assoc Women Judges Ann'l Conf	Miami, FL	350.00	888.00	73.00	563.00		1,874.00
Byrner, Alexander									
	10/15/00 - 10/20/00	Law Clerk Interviews	New Haven, Cambridge, D.C.		1,966.82	260.00	701.39	1.57	2,929.78
	8/22/99 - 8/26/99	Judicial Quinto Conf	Gleneden, OR	275.00	544.00	144.00	477.00		1,440.00
Carpeneti, Walter									
	10/12/99 - 10/20/99	Recruiting Trip	Seattle, Portland, Berkely		1,561.00	250.00	412.00		2,223.00
Cole, Stephanie									
	5/20/00 - 5/24/00	Conf of State Ct Admin. Western Reg'l Mtg	Portland, OR			136.00	381.78		517.78
	7/29/00 - 8/03/00	Conf of State Ct Admin/ Conf of Chief Justices	Rapid City SD	4505.00	767.78	113.00	507.60		5,893.38
	12/6/00 - 12/8/00	Conf of State Ct Admin Mid-year Meeting	Phoenix, AZ	100.00	652.98	100.00	476.49		1,329.47
	7/30/99 - 8/06/99	COSCA Leadership Sem, COSCA/CCJ Annual Mtg	Williamsburg, VA	450.00	1,044.00	154.00	1,087.00		2,735.00
	9/30/99 - 10/1/99	Conf of State Ct Admin. Western Reg'l Mtg	Phoenix AZ	100.00	243.00	75.00	207.00		625.00
	12/2/99 - 12/5/99	Conf of State Ct Admin Mid-year Meeting	Carmel, CA		956.00	139.00	621.00	2	1,718.00
Eastough, Robert									
	10/14/00 - 10/19/00	Law Clerk Interviews	Detroit, Chicago		1,049.60	214.00	1,313.87		2,577.47
	10/11/99 - 10/13/99	Law Clerk Interviews	Detroit, Chicago		1,907.00	126.00	335.00	8	2,376.00
	8/20/99 - 8/24/99	Judicial Quinto Conf	Salishan, OR	275.00	636.00	70.00	318.00	1	1,300.00
Matthews, Warren									
	8/01/00 - 8/05/99	Conference of Chief Justices	Williamsburg, VA	450.00	2,204.00	88.00	679.00		3,421.00
	10/11/99 - 10/15/99	Law Clerk Interviews	Boston, MA		2,035.00	168.00	314.00		2,517.00
Rabinowitz, Jay									
Rabinowitz, Jay	7/22/99 - 7/26/99	Conf. Comm. On Uniform State Law Mtg	Denver, CO	400.00	1,048.00	201.00	626.00		2,275.00
Rabinowitz, Jay	8/27/99 - 8/28/99	Justice Maddison Retirement Dinner	Whitehorse, YK		360.00	89.00	97.00		546.00

Source: "Schedule of Compensation for Alaska Court System Supreme Court Justices, Appellate Court Judges and Administrative Director" Calendar Years 1999 and 2000, provided by Doug Wooliver, Alaska Court System
Distributed by Senator Donley with Senate Bill 172 (CourtTravel.xls)

Alaska Court System

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Chambers of Commerce and Chiefs of Police upon request.

¹Combination of Magistrates