

**SB**

**246**

<target><bill>SB 246</bill><subject>SB  
246</subject><comm>SFIN26</comm></target>

## **Sponsor Statement SB 246**

The Alaska Supreme Court is asking for a new superior court judge in Anchorage. The judge would be assigned to civil cases.

An additional judge is needed because Anchorage superior court judges have the highest caseloads in the state and a combination of devoting more time to Child in Need of Aid (CINA) cases and an ever-increasing number of unrepresented litigants has created a workload that is unsustainable.

Although judges' workloads are increasing, some of the additional work is the result of the court system doing a better job meeting the needs of those who come before it. This is particularly true with CINA cases.

Prior CINA practice was to have standing masters preside over all phases of a case with the exception of contested hearings. If a hearing was contested it would be assigned to an available superior court judge who would resolve the contested issue and then return the case to the standing master. Although that practice saved superior court time, it led to other problems.

The new practice begins the same as the old; a CINA case starts with a master until there is a contested issue. However, once that occurs, the case is permanently assigned to a superior court judge; it does not return to the master. Having a judge permanently assigned to the case is a better model in a number of ways, one of which is that it eliminates shuffling the family back and forth between a standing master and any number of superior court judges.

In addition to CINA cases, another prime driver behind the current workload is the prevalence of unrepresented litigants in domestic relations cases. Although we do not have historical statistics that track these cases, Alaska judges, like judges from across the country, have seen a significant increase over the past several years. What we know from current data is that when first filed about 37% of the cases have attorneys for both parties, 25% have an attorney for only one party and in 37% of the cases neither party has an attorney. The percentage of litigants appearing without counsel increases as the cases progress and increases significantly once litigants are filing motions after the initial decree is entered. Most of these post-judgment motions relate to child custody disputes.

Judges cite a list of time-consuming challenges that arise when counsel is absent from one side or both sides. Frequent motion practice, arguments unrelated to the relevant legal issues, delays stemming from the failure to submit needed information and judicial time spent calculating child support awards are some of those challenges. However, even though these litigants take more time, their cases are as important as those where the parties have lawyers and the judiciary is committed to ensuring that they too can meaningfully access the court.

Adding one new judge will not significantly reduce the workload of the Anchorage superior court (more judges will likely be needed in the very near future), but it will provide some relief as the court works to develop alternative ways to manage that workload. Thank you for considering this request.

# SENATE FINANCE COMMITTEE REPORT

DATE: 2/10/10

FURTHER:

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

Finance Committee considered SENATE BILL NO. 246

## SB 246 INCREASING NUMBER OF SUPERIOR CT JUDGES

"An Act increasing the number of superior court judges designated for the third judicial district; and providing for an effective date."

and recommends:

- be replaced with  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

**SENATE BILL:**  
 Same Title  
 New Title

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**HOUSE BILL:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR # \_\_\_\_\_


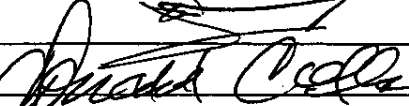
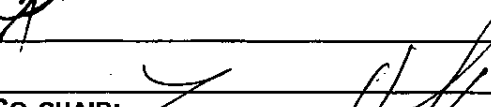

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
CRT	2/3/10	✓			1
CRT	2/8/10			✓	2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Huggins			✓	
	Elson	✓			
	Hoffman				✓
	Stedman				✓

# FISCAL NOTE

**STATE OF ALASKA**  
**2010 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: SB 246  
 (S) Publish Date: 2/12/10

Identifier (file name): SB246-AJC-AJC-2-8-10 Dept. Affected: Alaska Judicial Council  
 Title Increasing Number of Superior Court Judges RDU Alaska Judicial Council  
 Component Alaska Judicial Council  
 Sponsor Rules Committee by request  
 Requester Alaska Court System Component Number \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
<b>OPERATING EXPENDITURES</b>								
Personal Services	0.0							
Travel	0.0							
Contractual	0.0							
Supplies	0.0							
Equipment	0.0							
Land & Structures	0.0							
Grants & Claims	0.0							
Miscellaneous	0.0							
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES ( )</b>								
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2010) cost: \_\_\_\_\_

**POSITIONS**

Full-time								
Part-time								
Temporary								

**ANALYSIS:** (Attach a separate page if necessary)

Ordinarily, the Alaska Judicial Council incurs costs when a new judgeship is created. This new judgeship will coincide with another judicial vacancy on the Anchorage Superior Court. The Council intends to coordinate the solicitation and screening of applicants for these two positions. As a result, the increased cost to the Council is negligible.

Prepared by: Larry Cohn, Executive Director  
 Division: Alaska Judicial Council  
 Approved by: Larry Cohn, Executive Director

Phone 279-2526  
 Date/Time 2/8/10 12:00 AM  
 Date 2/8/2010

# FISCAL NOTE

**STATE OF ALASKA**  
**2010 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: SB 246  
 (S) Publish Date: 2/12/10

Identifier (file name): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title An Act Relating to the Number of Superior Court Judges RDU Alaska Court System  
 Component Trial Courts  
 Sponsor: Senate Rules Committee  
 Requester Alaska Supreme Court Component Number \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
<b>OPERATING EXPENDITURES</b>								
Personal Services	440.5	440.5	440.5	440.5	440.5	440.5	440.5	440.5
Travel								
Contractual	18.8	18.8	18.8	18.8	18.8	18.8	18.8	18.8
Supplies	39.8	39.8	6.0	6.0	6.0	6.0	6.0	6.0
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>499.1</b>	<b>499.1</b>	<b>465.3</b>	<b>465.3</b>	<b>465.3</b>	<b>465.3</b>	<b>465.3</b>	<b>465.3</b>
<b>CAPITAL EXPENDITURES</b>								
<b>CHANGE IN REVENUES ( )</b>								

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF	499.1	499.1	465.3	465.3	465.3	465.3	465.3	465.3
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
<b>TOTAL</b>	<b>499.1</b>	<b>499.1</b>	<b>465.3</b>	<b>465.3</b>	<b>465.3</b>	<b>465.3</b>	<b>465.3</b>	<b>465.3</b>

Estimate of any current year (FY2010) cost: \_\_\_\_\_

**POSITIONS**

Full-time	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Part-time							
Temporary							

**ANALYSIS:** (Attach a separate page if necessary)

Senate Bill 246 adds a new superior court judge position in the third judicial district. This fiscal note reflects the cost of that new position.

Prepared by: Doug Wooliver, Administrative Attorney  
 Division: Alaska Court System  
 Approved by: Doug Wooliver for Christine Johnson, Administrative Director  
Alaska Court System

Phone 907-463-4750  
 Date/Time 2/03/2010 @ 1:30 pm  
 Date 2/3/2010

Alaska Court System  
 Fiscal Note Calculations for SB 246

Personal Services

Superior Court Judge - Anchorage	257,300
In-Court Clerk - Anchorage, Range 12A	61,400
Law Clerk - Anchorage, Range 13D	60,400
Administrative Assistant - Anchorage, Range 12A	61,400
Subtotal Personal Services	<u>440,500</u>

WAN Fees, Software & Licensing

18,800

Supplies (desk, computer, courtroom electronics, and chair) for four PFT positions

39,800

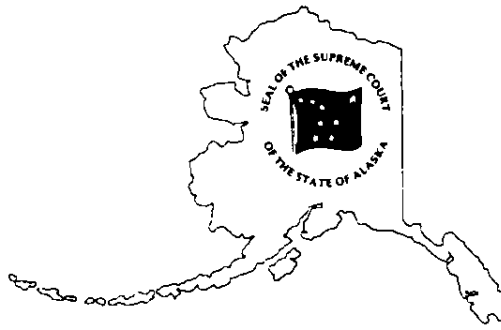
**Fiscal Note Total**

499,100

**Breakdown by Expense Category:**

Personal Services Total	440,500
Contractual Total	18,800
Supplies Total	39,800

**Total** 499,100



ALASKA COURT SYSTEM  
State of Alaska  
Office of the Administrative Director

820 West 4th Avenue  
Anchorage, Alaska 99501-2005  
(907) 264-8265  
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**Doug Wooliver**  
Administrative Attorney

March 16, 2010

The Honorable Bert Stedman  
Co-Chair, Senate Finance  
Alaska State Legislature  
State Capitol  
Juneau, Alaska 99801-1182

Dear Senator Stedman:

Following testimony on SB 246 this past Friday, you asked for a breakdown of superior court case filing statistics by judicial district going back to FY 2000. You also asked how many superior court judges have been added to the bench since that time and where those judges were seated.

**Number of superior court cases filed by year and judicial district**

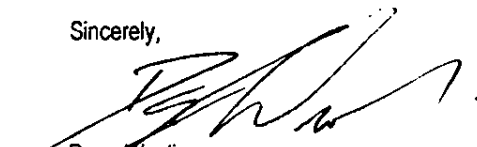
<u>First District</u>	<u>Second District</u>	<u>Third District</u>	<u>Fourth District</u>
FY 00 1,966	FY 00 1,035	FY 00 11,300	FY 00 3,484
FY 01 1,988	FY 01 985	FY 01 11,388	FY 01 3,441
FY 02 2,102	FY 02 1,063	FY 02 11,431	FY 02 3,547
FY 03 2,028	FY 03 911	FY 03 11,953	FY 03 3,692
FY 04 2,103	FY 04 865	FY 04 12,614	FY 04 3,784
FY 05 2,100	FY 05 1,070	FY 05 13,156	FY 05 3,635
FY 06 2,183	FY 06 982	FY 06 13,133	FY 06 3,729
FY 07 2,035	FY 07 938	FY 07 13,495	FY 07 3,800
FY 08 2,091	FY 08 966	FY 08 13,731	FY 08 3,678
FY 09 1,954	FY 09 936	FY 09 13,605	FY 09 3,808

**New superior court judges added since 2000**

Since 2000, the legislature has increased by eight the number of superior court judges in the state. In 2001, one new judge was added in Anchorage and one in Bethel; in 2006, two judges were added Anchorage, two were added in Palmer, one was added in Kenai and one was added in Fairbanks.

I hope that this answers your questions. Please let me know if you would like any additional information.

Sincerely,



Doug Wooliver  
Administrative Attorney  
Alaska Court System