

HB

104

<TARGET><BILL>HB 104</BILL><SUBJECT>HB
104</SUBJECT><COMM>SJUD30</COMM></TARGET>



ALASKA STATE LEGISLATURE

House Judiciary Committee

REP. MATT CLAMAN

Chairman
State Capitol, Room 118
Juneau, AK 99801
907.465.4919

Rep. Zach Fansler, Vice-Chair
Rep. Jonathan Kreiss-Tomkins
Rep. Gabrielle LeDoux

Rep. David Eastman
Rep. Chuck Kopp
Rep. Lora Reinbold

House Bill 104 Sponsor Statement

"An Act relating to collecting information about civil litigation by the Alaska Judicial Council; repealing Rule 41(a)(3), Alaska Rules of Civil Procedure, and Rules 511(c) and (e), Alaska Rules of Appellate Procedure; and providing for an effective date."

House Bill 104 eliminates the automatic reporting of information about civil case settlements currently required by law. This bill follows the advice of the Alaska Judicial Council, which has recommended that the legislature eliminate this requirement.

Many attorneys and civil litigants do not comply with the civil case settlement reporting requirement. Based on court system data about civil cases closed in FY13, the Council estimates that it should have received information on about 6,113 cases. During FY13, however, the Council received information on only 1,086 cases. The data provided to the Council is insufficient for meaningful analysis, and the Council does not believe it would be prudent to continue to issue reports on insufficient civil case settlement data.

It is part of the job of the legislature to eliminate waste and to make government more effective. Passing House Bill 104 would save money and time by freeing litigants from an outdated requirement to submit data that the Alaska Judicial Council should not be required to analyze. Discarding unnecessary data collection requirements is a reasonable way to achieve cost-savings and streamline government.

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House Bill 104

Sectional Analysis —Version D

Section 1. Repeals Rule 41(a)(3), Alaska Rules of Civil Procedure and Rules 511 (c) and (e), Alaska Rules of Appellate Procedure.

Section 2. Repeals AS 09.68.130, relating to collection of settlement information by the Alaska Judicial Council.

Section 3. Provides that the Act will only take effect if sec. 1 of the Act receives the two-thirds majority vote required by the Constitution of the State of Alaska for a court rule change.

Section 4. Provides that the Act will take effect immediately if it receives the two-thirds majority vote under sec. 3 of the Act.

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version:	HB 104
Fiscal Note Number:	1
(H) Publish Date:	2/24/2017

Identifier: HB104-JUD-AJC-2-17-17
 Title: REPEAL COLLECTION OF CIVIL LITIG. INFO
 Sponsor: JUDICIARY
 Requester: HOUSE JUDICIARY

Department: Judiciary
 Appropriation: Judicial Council
 Allocation: Judicial Council
 OMB Component Number: 771

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018 Appropriation Requested	Included in Governor's FY2018 Request	Out-Year Cost Estimates					
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2017) cost: 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) cost: 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed? n/a

Why this fiscal note differs from previous version:

Initial version.

Prepared By: Jennie Marshall, Administrative Officer
 Division: Alaska Judicial Council
 Approved By: Susanne DiPietro, Executive Director
 Agency: Alaska Judicial Council

Phone: (907)279-2526
 Date: 02/17/2017 03:00 PM
 Date: 02/17/17

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

Analysis

HB 104 would repeal AS 09.68.130, a law which requires the parties in certain types of civil litigation cases to report information about settlements or judgments, and attorneys fees to the Alaska Judicial Council. The bill also would repeal two related court rules - conditionally effective upon a two-thirds vote of the Legislature - requiring parties to certify that they will submit civil case resolution information as required by AS 09.68.130.

Because the bill would relieve the parties of the obligation to report civil case resolution information to the Judicial Council, Council staff will no longer need to collect, collate, and record information from the civil case data forms. This time savings amounts to a few hours a month of staff time that will be reallocated to time-sensitive tasks and legislatively-mandated projects, such as staffing the Criminal Justice Commission, judicial selection, and judicial retention.

Thus, no fiscal impacts are expected.

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version:	HB 104
Fiscal Note Number:	2
(H) Publish Date:	2/24/2017

Identifier: HB104-LAW-CIV-02-17-17
 Title: REPEAL COLLECTION OF CIVIL LITIG. INFO
 Sponsor: JUDICIARY
 Requester: (H) JUD

Department: Department of Law
 Appropriation: Civil Division
 Allocation: Torts & Workers' Compensation
 OMB Component Number: 2719

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018	Included in	Out-Year Cost Estimates					
	Appropriation Requested	Governor's FY2018 Request	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
OPERATING EXPENDITURES	FY 2018	FY 2018	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2017) cost: 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) cost: 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Valerie Rose, Budget Analyst
 Division: Administrative Services
 Approved By: Jahna Lindemuth, Attorney General
 Agency: Department of Law

Phone: (907)465-3674
 Date: 02/17/2017 09:55 AM
 Date: 02/17/17

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

Analysis

HB 104 would repeal AS 09.68.130. That statute requires parties to civil litigation to report, and the Alaska Judicial Council to periodically collect and evaluate, information relating to the resolution of certain types of civil litigation, including general case information, settlements or judgments, and costs and attorneys' fee awards. The bill would also repeal two related court rules with similar reporting requirements – Rule 41(a)(3) of the Alaska Rules of Civil Procedure and Rule 511(c) and (e) of the Alaska Rules of Appellate Procedure – conditionally effective upon a two-thirds vote of the Legislature.

Under the current version of AS 09.68.130 and the related court rules, parties to litigation are automatically required to report the specified information to the Judicial Council within 30 days of case resolution. The bill has an immediate effective date; the legal requirement to report civil litigation information to the Alaska Judicial Council would cease when the Act takes effect.

The Department of Law does not anticipate a fiscal impact from this legislation.

You may also fill out and submit this form on the Internet at www.ajc.state.ak.us

Information about the Resolution of Civil Cases

Send to Judicial Council:
Not Court

Complete Both Sides
Confidential

Attorneys/parties must submit the information contained in this form upon the resolution (whether by dismissal, settlement, final judgment, etc.) of most civil cases in Alaska state courts. See AS 09.68.130; Civil Rule 41(a)(3); Appellate Rule 51 1(e). Complete all the information on both sides of this page. The only excluded civil case types are:

1. divorce and dissolution;
2. adoption, custody, support, visitation, and emancipation of children;
3. children-in-need-of-aid cases under 47.10 or delinquent minors cases under 47.12;
4. domestic violence protective orders under AS 18.66.100-18.66.180;
5. estate, guardianship, and trust cases filed under AS 13;
6. small claims under AS 22.15.040;
7. forcible entry and detainer (FED) cases;
8. administrative appeals; and
9. motor vehicle impound/forfeiture actions under municipal ordinance.

The information collected in this form is confidential and will be used only to compile statistics and summaries in a manner that does not allow the identification of particular cases or parties. AS 09.68.130(b).

Trial Court Case Number

Case Name

_____ - _____ - _____ CI

_____ V. _____

Case Type (check all applicable)

- | | |
|--|---|
| <input type="radio"/> Medical Malpractice | <input type="radio"/> Property Damage - Auto |
| <input type="radio"/> Legal Malpractice | <input type="radio"/> Property Damage - Other |
| <input type="radio"/> Other Malpractice | <input type="radio"/> Employment |
| <input type="radio"/> Personal Injury - Auto | <input type="radio"/> Debt |
| <input type="radio"/> Personal Injury - Premises | <input type="radio"/> Other Business Dispute |
| <input type="radio"/> Personal Injury - Product | <input type="radio"/> Real Estate |
| <input type="radio"/> Personal Injury - Other | <input type="radio"/> Other Civil |

Date Filed:

____/____/____

Date Disposed:

____/____/____

Relief Sought

- Compensatory: Actual
 Compensatory: Non-Economic
 Punitive
 Costs/Attorney Fees
 Injunctive Relief

Total Judgment/Settlement
\$ _____

% of Judgment Covered
by Liability Insurance
_____ %

Disposition (pick one):

- Dismissed
 Settlement
 Judgment

Disposition After? (check all applicable)

- Bench Trial
 Jury Trial
 Appeal Filed Appeal # _____

Non-Economic Award \$ _____

Punitive Award \$ _____

Declaratory Relief Award? Yes No

Send the completed form to:
Alaska Judicial Council
510 L Street, Suite 450
Anchorage, AK 99501

This form may be filled in and submitted on the Council's Internet home page at <http://www.ajc.state.ak.us>.
Call the Council at (907) 279-2526 for copies of the form.
E-mail ljohn@ajc.state.ak.us with questions.

Each party, including pro se parties, must complete this form.

The Party's Own Fees and Costs				
Party Name/Type	Fee Type	Percent of Judgment if contingent; hourly rate if hourly ¹	Total (of the party's own) Attorney Fees	Total (of the party's own) Costs
First name: _____ Last name: _____ <input type="radio"/> Plaintiff/Petitioner <input type="radio"/> Defendant/Respondent <input type="radio"/> Other (specify below) _____	<input type="radio"/> Contingent <input type="radio"/> Hourly <input type="radio"/> Flat Fee <input type="radio"/> State/Local <input type="radio"/> In-house <input type="radio"/> Pro Se <input type="radio"/> Other	_____% of Judgment OR \$ _____/Hr if Hourly	\$ _____	\$ _____

Attorney Fees/Costs for (payable to) this Party by Another Party; or Against this Party to Another Party		
Attorney Fees Awards	Costs Awards	Total money to Client after all Fees/Costs ² Deducted (if any)
Not Separable? <input type="radio"/> ³ \$ _____ For \$ _____ Against	Not Separable? <input type="radio"/> ³ \$ _____ For \$ _____ Against	\$ _____

Did you use Alternative Dispute Resolution?

Mediation
 Arbitration
 Early Neutral Evaluation
 Settlement Conference

Did your case settle as a result of ADR?

Yes No

¹ Round all money amounts to the nearest dollar.
² "Costs" as used on this form is limited to litigation costs (excluding attorney fees) and does not include such things as medical expenses.
³ If attorney fees/costs are not separable from the gross judgment (usually the case for settlements), check this box and go to the next item.

Notes

Other Parties	Their Attorney

Signature (of attorney, or party if no attorney)

Printed Name (of attorney, or party if no attorney)

Date Form Submitted

Telephone Number

Alaska Civil Case Data
2001-2010

November 2011

alaska judicial council



Summary

Alaska law requires attorneys to report information about the resolution of civil cases to the Alaska Judicial Council. However, the data provided to the Council are insufficient for meaningful analysis. It is a waste of money to continue to collect these data. The legislature should substitute a requirement that information about the resolution of civil cases be provided only in response to a specific request. Proposed legislation is appended. (Appendix B)

Background

AS 9.28.130 (Appendix A) requires the Alaska Judicial Council to collect information concerning the resolution of many types of civil cases. AS 9.28.130 was enacted to help the legislature gauge the consequences of tort reform enacted in 1997. The legislature also amended Alaska Civil Rule 41(a) and Alaska Appellate Rule 511 to require attorneys and litigants to submit this information to the Judicial Council. The legislature added \$19,200 to the Council's budget to facilitate the Council's collection and analysis of this information.

Past Reports

The Council issued its first analysis of civil case data in February 2000. The Council's analysis was based on information collected from cases that were resolved between September 1997 and May 1999. The Judicial Council issued its second analysis in May 2001. This analysis considered civil cases closed between June 1999 and December 2000.

In its 2001 report, the Council recommended that the legislature eliminate the automatic reporting of civil case information and substitute a requirement that information be provided only in response to a specific request by the Judicial Council. The Council based its recommendation on providing a more targeted and less burdensome method of compiling information about the compromise or other resolution of civil cases.

Data Collection Since 2001

The Council has continued to collect data provided by attorneys and litigants pursuant the reporting requirement. However, much more often than not, attorneys and litigants have failed to comply with the reporting requirement. The Council lacks authority and resources to enforce the reporting requirement. From 1/1/2001 through 12/31/2010:

- 88,873 cases were resolved in the Alaska Court System that were subject to the reporting requirement.
- Because each case had at least two parties, the Council should have received 177,746 or more reports. This is a conservative estimate because many cases had more than two parties.
- The Council received 23,257 reports. This represents 13% of the Council's conservative estimate of the number of reports it should have received.
- The Council received at least one report for 18,387 cases, about 21% of the cases

resolved during this time.

The low rate of reporting is the reason that the Council has not issued a report since 2001. An analysis based on less than 13% of potentially available data would not be reliable. There is no reason to believe that the information provided to the Council is a representative sample of all available information.

Division of Insurance

AS 21.06.087, enacted at the same time, required the Division of Insurance to compile information to evaluate the effect of the tort reform legislation on the availability and cost of insurance in Alaska. The law requires that the information collected under this provision be reported annually to the governor and the judiciary committees of both houses of the legislature. Since 1997, the Division of Insurance has issued four reports. The most recent report was issued in 2004, seven years ago.

Reports issued in 2000, 2003, and 2004 included the results of surveys sent by the Division to insurers transacting casualty business in Alaska. On each occasion, the Division observed that insurers reported that there had been no change on the costs and availability of insurance or that they had been unable to assess the effect of tort reform on the costs and availability of insurance in Alaska.¹ A fourth report, issued in 2001, summarized two public teleconferences to discuss available data to evaluate the effects of tort reform on the costs and availability of insurance. After these teleconferences, the Division similarly concluded that it had not been able to identify specific types of information that would provide reliable estimates of the impact of tort reform.²

Recommendation

The Council renews its recommendation that the legislature substitute a requirement that information about the resolution of civil cases be provided only in response to a specific request by the Council. Proposed legislation is appended. (Appendix B)

It is a waste of state resources to collect data that cannot be credibly analyzed. If legislation is enacted to repeal the automatic reporting requirement, the Council will file a negative fiscal note in the amount of \$19,200 so that these funds can be put to better use. In the future, if the Council or the legislature identifies a need to collect information about specific types of case resolutions, the Council will seek additional funding.

¹Division of Insurance Reports dated 11/7/00, 12/18/03, and 11/11/04.

²Division of Insurance Report, undated, but attributed to 2001 (e-mail from Director of Insurance Linda Hall to Council Executive Director Larry Cohn dated 8/12/11).

Appendix A AS 09.68.130

Sec. 09.68.130. Collection of settlement information.

(a) Except as provided in (c) of this section, the Alaska Judicial Council shall collect and evaluate information relating to the compromise or other resolution of all civil litigation. The information shall be collected on a form developed by the council for that purpose and must include

- (1) the case name and file number;
- (2) a general description of the claims being settled;
- (3) if the case is resolved by way of settlement,
 - (A) the gross dollar amount of the settlement;
 - (B) to whom the settlement was paid;
 - (C) the dollar amount of advanced costs and attorney fees that were deducted from the gross dollar amount of the settlement before disbursement to the claimant;
 - (D) the net amount actually disbursed to the claimant;
 - (E) the total costs and attorney fees paid by or owed by all parties; and
 - (F) any non-monetary terms, including whether the attorney fees incurred by the claimant were based on a contingent fee agreement or upon an hourly rate; if a contingent fee was paid, the percentage of the total settlement represented by the fee must be included; or, if an hourly rate, the hourly rate paid;
- (4) if the case is resolved by dismissal, summary judgment, trial, or otherwise,
 - (A) the gross dollar amount of the judgment;
 - (B) the amount of attorney fees awarded and to which party;
 - (C) the amount of costs awarded and to which party;
 - (D) the net amount, after deduction of (B) and (C) of this paragraph, for which the prevailing party has judgment;
 - (E) the dollar amount of advanced costs and attorney fees that were deducted from the gross dollar amount of the judgment before distribution to the claimant;
 - (F) the total costs and attorney fees paid by defending parties; and
 - (G) any non-monetary terms, including whether the attorney fees incurred by the claimant were based on a contingent fee agreement or upon an hourly rate; if a contingent fee was paid, the percentage of the total settlement represented by the fee must be included; or, if an hourly rate, the hourly rate paid.

(b) The information received by the council under (a) of this section is confidential. This restriction does not prevent the disclosure of summaries and statistics in a manner that does not allow the identification of particular cases or parties.

(c) The requirements of (a) of this section do not apply to the following types of cases:

- (1) divorce and dissolution;
- (2) adoption, custody, support, visitation, and emancipation of children;
- (3) children-in-need-of-aid cases under AS 47.10 or delinquent minors cases under 47.12;
- (4) domestic violence protective orders under [AS 18.66.100](#) - 18.66.180;
- (5) estate, guardianship, and trust cases filed under AS 13;
- (6) small claims under [AS 22.15.040](#);
- (7) forcible entry and detainer cases;
- (8) administrative appeals;
- (9) motor vehicle impound or forfeiture actions under municipal ordinance.

(d) A party to a civil case, except a civil case described in (c) of this section, or, if the party is represented by an attorney, the party's attorney shall submit the information described in (a) of this section to the Alaska Judicial Council. The information must be submitted within 30 days after the case is finally resolved as to that party and on a form specified by the Alaska Judicial Council.

Appendix B Proposed Legislation

A BILL

FOR AN ACT ENTITLED

“An Act relating to collection of information about civil litigation; amending rule 41(a)(3), Alaska Rules of Civil Procedure, and Rule 511(e), Alaska Rules of Appellate Procedure; and providing for an effective date.”

***Section 1.** AS 09.68.130 is repealed and reenacted to provide:

(a) The Alaska Judicial Council shall periodically collect and evaluate information relating to the compromise or other resolution of civil litigation. The information collected shall include, but need not be limited to:

(1) general case information such as the characteristics of the case and the parties;

(2) case processing information about the court civil justice process;

(3) information about the relief sought by each party;

(4) information about the settlement or judgment, including attorneys fees and costs awarded to or paid by each party to the case;

(5) information about any insurance coverage and contribution.

(b) A party to a civil case or, if the party is represented by an attorney, the party's attorney shall submit the civil case information required by (a) of this section to the Alaska Judicial Council if requested to do so by the Council. The information must be submitted within 30 days after receipt of a written request from the Council requesting the information, and must be on a form specified by the Alaska Judicial Council.

(c) The information received by the Council under (a) of this section is confidential. This restriction does not prevent the disclosure of summaries and statistics in a manner that does not allow the identification of particular cases or parties.

***Section 2.** The court rules amendments made by ch.26 §§ 41 & 46 SLA 1997 and ch. 14 § 3SLA 1999 are repealed.

***Section 3.** This Act takes effect immediately under AS 01.10.070 (c).

RULES OF APPELLATE PROCEDURE

Rule 511. Dismissal of Causes.

(c) Certification. An agreement or motion for dismissal filed under (a) or (b) of this rule must include a certification that the settlement information required under AS 09.68.130 and (e) of this rule has been submitted, or will be submitted within the time period allowed by subsection (e) of this rule, to the Alaska Judicial Council or that the case is exempt from this requirement.

(e) Information about the Resolution of Civil Cases. If a proceeding is dismissed under paragraph (a) or (b) of this rule, each party or, if a party is represented by an attorney, the party's attorney must submit the information described in AS 09.68.130(a) to the Alaska Judicial Council. The information must be submitted within 30 days after the proceeding is finally resolved as to that party and on a form specified by the Alaska Judicial Council. The following types of cases are exempt from this requirement:

- (1) divorce and dissolution;
- (2) adoption, custody, support, visitation, and emancipation of children;
- (3) children-in-need-of-aid cases under AS 47.10 or delinquent minors cases under 47.12;
- (4) domestic violence protective orders under AS 18.66.100 - 18.66.180;
- (5) estate, guardianship, and trust cases filed under AS 13;
- (6) small claims under AS 22.15.040;

(7) forcible entry and detainer cases;

(8) administrative appeals; and

(9) motor vehicle

RULES OF CIVIL PROCEDURE

Rule 41. Dismissal of Actions.

(a) Voluntary Dismissal—Effect Thereof.

(3) Information about the Resolution of Civil Cases. If an action is voluntarily dismissed under paragraph (a) of this rule, each party or, if a party is represented by an attorney, the party's attorney must submit the information described in AS 09.68.130(a) to the Alaska Judicial Council. The information must be submitted within 30 days after the case is finally resolved as to that party and on a form specified by the Alaska Judicial Council. The following types of cases are exempt from this requirement:

(A) divorce and dissolution;

(B) adoption, custody, support, visitation, and emancipation of children;

(C) children-in-need-of-aid cases under AS 47.10 or delinquent minors cases under 47.12;

(D) domestic violence protective orders under AS 18.66.100–18.66.180;

(E) estate, guardianship, and trust cases filed under AS 13;

(F) small claims under AS 22.15.040;

(G) forcible entry and detainer cases;

(H) administrative appeals; and

(I) motor vehicle impound or forfeiture actions under municipal ordinance.

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February 18, 2017

Representative Matt Claman
State Capitol, Room 118
Juneau AK 99801

Representative Gabrielle LeDoux
State Capitol, Room 216
Juneau AK 99801

Re: HB 104, 30th Legislature, Repeal of AS 09.68.130
Civil Case Reporting Requirements

Dear Representatives Claman and LeDoux,

Thank you for the introduction of HB 104 as a Committee bill. This bill, when enacted, will solve a lot of problems for civil attorneys and clients, as well as save the State the costs of collection of unusable data.

Please let me know if there is anything that I can do to help, or if you have any questions.

Thanks again!! I wish you all a good and productive Legislative session.

Very truly yours,

KENNETH P. JACOBUS, P.C.

By


Kenneth P. Jacobus

KPJ:me

February 22, 2017

Dear Representative Claman,

I've taken a look at this bill and have some comments to offer. My comments are my own, but I'll bet many attorneys feel as I do.

This bill (HB 104), as I understand it, 1) repeals the AS 09.68.130 requirement that upon settlement of an injury/death case, both sides must submit a 'results' form to the AK Judicial Council, but 2) seems to direct the AJC to "periodically" collect the same information sometime in the future. I respectfully support the repeal measure for reasons that follow, but think mandatory direction to the AJC to collect in the future that which it has ignored in the past is a bad idea. Section 1 should announce repeal of AS 09.68.130 and nothing more.

It is my memory that a number of defense firms refused to comply with the reporting requirement upon passage of the statute in 1997, hence negating the value of the information that has been collected [intended to see how expenditure of and payment for plaintiff and insurance defense resources compare, but failing this goal because of non-compliance with the reporting requirement]. Though I can't independently verify this number, I have been told that only about 20% of those who should be reporting are now reporting as the 18 year old statute demands.

The Alaska Judicial Council may have published some data early on, but it was not terribly useful and nothing has been published in years that I am aware of. I mean no criticism of the AJC: it may be under-loved and under-staffed. One way or the other, the current reporting requirement is just a time-wasting "unfunded mandate" upon otherwise busy professionals, that fails to benefit anyone.

The bill, as I read it, uses mandatory ("shall") language in section 1(a) to direct the AJC to collect the now-required information in the future. For the reasons above, I think this is a bad idea. If there is a major concern about the authority of the AJC in this regard, and a fear that such authority may be needed in the future, I would ask that the language in section 1(a) be softened to use "may" instead of "shall."

Thanks for sponsoring this bill and for your time in considering my comments.

Respectfully Yours,



Michael J. Schneider
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