

52

HJ: MISCELLANEOUS

2

Mr. William Ruddy

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October 14, 1970

I have not taken into account library facilities or recording office for the District Court. It is my understanding long term planning includes removing the recording function from the offices of the District Court. Should the District Court retain the recording function space would depend upon whether or not micro-filming would be used. This decision rests with the Chief Justice and I'm not familiar with his feelings in this matter.

Very truly yours,



Bruce Monroe,
Presiding District Judge

Chief Justice Boney
The Honorable Thomas B. Stewart
Mr. Douglas Gregg

STATE OF ALASKA

KEITH H. MILLER, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

POUCH N. CAPITOL BUILDING
JUNEAU 99801

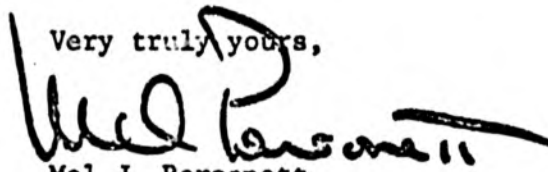
October 16, 1970

Mr. Allan A. Engstrom
Attorney at Law
217 Second Street
Juneau, Alaska 99801

Dear Mr. Engstrom:

As per your request, office space requirements for the Juneau Judicial Services functions at the present time and in the foreseeable future should not exceed 1,000 square feet.

Very truly yours,



Mel J. Personett
Commissioner

STATE OF ALASKA

KEITH H. MILLER, GOVERNOR

DEPARTMENT OF HEALTH & WELFARE
DIVISION OF CORRECTIONS

P. O. Box 1224
JUNEAU - JUNEAU 99801

October 21, 1970

Mr. F. O. Eastaugh
Juneau Bar Association
Chairman, Committee on
Proposed Juneau Courthouse
P. O. Box 1211
Juneau, Alaska 99801

RECEIVED
OCT 23 1970
JUNEAU, ALASKA

Dear Mr. Eastaugh:

With reference to our telephone conversation of yesterday, let me offer the following information concerning the proposed Juneau Court facility. Speaking specifically to the needs of probation for the future, keeping in mind an increased emphasis on the community service type programming I see that probation services are becoming involved in three basic spheres which in turn will have their impact upon the office space, location and function. In my brief analysis of the problem and projected needs, I am keeping in mind the statistics you referred to me concerning population growth in the Juneau area by 1975 and 1980 as set out by the State Department of Labor; these figures being 25,000 and 27,000 respectively.

The three program areas which I made reference to earlier are the relationship with the Superior Court-Children's Court, the relationship with the community and the working relationship the Probation Office should have with the detention facility located in a close proximity with the Children's Court. So when we speak of office space for probation, we are really talking about program service space and our programs are in these three basic areas. I believe they are all best utilized in a close proximity to the Superior Court, however, not all in the same building. For example, at the present time, we are establishing a Neighborhood Probation Center in downtown Juneau which is funded largely by Law Enforcement Assistance Act funds, Model City funds and State funds. This Center calls for a staff of four which includes three probation officers. At the same time, we have our offices in the Capitol Building which are in very close proximity to Superior Court. This is very helpful and is to be desired. Communication with the Superior Court is a necessity for the best possible programming. (As an aside, I would like to state that I think it is very difficult

To: F. O. Eastaugh
October 21, 1970
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for the Anchorage Probation Office to complete a satisfactory job for the Superior Court in Anchorage when there are many blocks across town, a fact in itself which creates barriers to communication, breakdown in communication and distorted communication, all of which work to the detriment of the program trying to be established.)

I would like then to project briefly our needs in these three categorical spheres as follows:

- 1) Office space immediately accessible to the Superior Court (in the same building). Space should be available here for not less than six probation officers, one office for Regional Administrator and secretarial staff of three. At this time, we have positions as follows: One Regional Administrator, five Probation Officers and a secretarial staff of two.
- 2) The second area under discussion will be the Neighborhood Probation Center which is a "store front" type facility which should be located in downtown Juneau close to the movie theaters and restaurants, also within a short distance of the Superior Court facility. This office should be staffed with at least four, hopefully, five probation officers, plus a clerical staff of two. Work at this level is primarily that of prevention of delinquency and work with the young child, the first offender, as well as school dropouts and large amounts of time devoted to community program participation.
- 3) The third basic area I have mentioned is the short term detention facility for juveniles (this is not to be confused with the very short time holding cell for adult prisoners being brought to Court on arraignment or some other purpose). The detention facility could be placed in a close proximity with the Court to aid in communication as mentioned previously and it should be under the direction of the Regional Administrator of Probation and Parole. The Children's Court Rules indicate clearly that the Superior Court Judge or his designee have the power to detain or release children based on protection to themselves, society, or to insure their presence at further court hearings. The primary reason for the location of the facility, however, is that re-

To: F. O. Eastaugh
October 21, 1970
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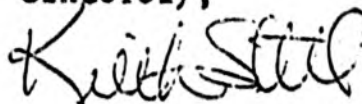
should not be severed upon the child being placed in a detention facility. Attempts should be made repeatedly to resolve the problems that are causing the child to behave in an unacceptable manner. These problem-solving attempts are only hampered by the inability of a parent or relative to be able to converse with their child because the facility is located several miles out of town and they have not taxi fare or transportation to and from the detention unit. These problems can be solved if a detention unit is placed in close proximity to the Superior Court in the more populated area of the City of Juneau.

As to the location of the Court itself, I personally believe that the Court should be located within the city limits of Juneau within reasonable walking distance of the Federal Building and the new Capitol Office Building and provided with adequate parking.

To summarize briefly then, we need three basic offices, one unit works very close with the Superior Court, the second unit concentrates larger amounts of time to prevention and community activities and the third unit is a detention type facility staffed appropriately for twenty-four hour service and under the direction of the Regional Administrator, Probation and Parole of the Division of Corrections.

All of the above units must be close to the courthouse. The first unit and the last unit should be incorporated in the design of the structure.

Sincerely,



Keith Stell
Regional Administrator
Probation-Parole

KS/mjr

cc: Hon. Thomas B. Stewart, Superior Court Judge
Mr. Charles Adams, Director
Division of Corrections

ROBERTSON, MONAGLE, EASTAUGH, ANNIS & BRADLEY

ATTORNEYS AT LAW

P. O. BOX 1211

JUNEAU, ALASKA 99801

D F ROBERTSON (1955-1961)
M F MONAGLE
F G EASTAUGH
R J ANNIS
J B BRADLEY
W G RUDDY
T P BLANTON
L B JACOBSON
R B MAKER

ZOO NATIONAL BANK OF ALASKA BLDG
PHONE 589-02
CABLE ADDRESS: JUNEAU

October 22, 1970

W. G. Ruddy, President
Juneau Bar Association
Juneau, Alaska

Re: State Courthouse Committee

Dear Bill:

The committee you appointed met October 12th and divided the assignments between themselves, the results of which are as follows:

1. Supreme Court Requirements - letter from Justice Dimond. Area requirement estimated as 8,239 square feet.
2. Superior Court Requirements - letter from Judge Stewart through Robert Boochever. Area requirement estimated as between 20,000-30,000 square feet without related facilities allowance.
3. District Court - letter from Judge Monroe. Functional needs described but no estimated area requirements included.
4. Public Safety - letter from Commissioner Personatt. Area needs estimated at 1,000 square feet.
5. Press - no letters yet received, but orally I have been informed an area approximately 300 square feet would be sufficient.
6. Division of Corrections - letter from Keith Stell describing the needed functions but not providing area requirements.

Due to the delay in getting the foregoing from some of the sources, I am sending a copy of this letter, with copies of all of the mentioned letters, directly to Frank Doogan to carry to the meeting of the Judicial Council.

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Y

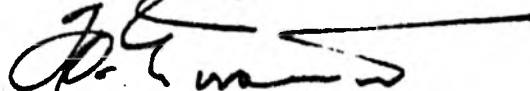
William G. Ruddy

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October 22, 1970

I cannot add anything more at this time, except to request Frank to convey to the Council the recommendation from the Juneau Bar Association that there is a great need for the project. The Committee will meet again soon and further consider these matters and this preliminary report.

Very truly yours,



F. O. Eastaugh

FOE:ab

cc: Frank Doogan w/encl.

THE PRECEDING PAGES WERE TREATED AS
A UNIT IN THE ORIGINAL FILE.

THE FOLLOWING PAGES WERE TREATED AS
A UNIT IN THE ORIGINAL FILE.

PROPOSED ACT DEALING WITH THE
ADMINISTRATION OF TRUSTS IN THE STATE OF ALASKA
WITH REFERENCE TO THE FEDERAL TAX REFORM ACT OF
1969

1. In the administration of any trust which is a "private foundation" as defined in Section 509 of the Internal Revenue Code of 1954, "charitable trust" as described in Section 4947(a)(1) of the Internal Revenue Code of 1954, or "split-interest trust" as described in Section 4947(a)(2) of the Internal Revenue Code of 1954, the acts described in Section 2 shall be prohibited.

2. The trust instrument of any trust described in Section 1 above shall be deemed to contain provisions prohibiting the trustee from:

(a) engaging in any act of "self-dealing" as defined in §4941(d) of the Internal Revenue Code of 1954), which would give rise to any liability for the tax imposed by §4941(a) of the Internal Revenue Code of 1954;

(b) retaining any "excess business holdings" (as defined in §4943(c) of the Internal Revenue Code of 1954) which would give rise to any liability for the tax imposed by §4943(a) of the Internal Revenue Code of 1954;

(c) making any investments which would jeopardize the carrying out of any of the exempt purposes of the trust, within the meaning of §4944 of the Internal Revenue Code of 1954, so as to give rise to any liability for the tax imposed by §4944(a) of the Internal Revenue Code of 1954; and

(d) making any "taxable expenditures" (as defined in §4945(d) of the Internal Revenue Code of 1954) which would give rise to any liability for the tax imposed by §4945(a) of the Internal Revenue Code of 1954;

provided, however, that this section shall not apply either to those split-interest trusts or to amounts thereof which are not subject to the prohibitions applicable to private foundations by reason of the provisions of §4947 of the Internal Revenue Code of 1954.

3. The trust instrument of each trust described in Section 2 above, except "split-interest" trusts, shall be deemed to contain a provision requiring the Trustee to distribute, for the purposes specified in the trust instrument, for each taxable year of the trust, amounts at least sufficient to avoid liability for the tax imposed by Section 4942(a) of the Internal Revenue Code of 1954.

4. Nothing in this Act shall impair the rights and powers of the courts or the attorney general of this state with respect to any trust.

5. All references to sections of the Internal Revenue Code of 1954 shall include future amendments to such sections and corresponding provisions of future Internal Revenue laws.

6. Nothing in this Act shall limit the power of a person who creates a trust after the effective date of this Act or the power of a person who has retained or has been granted the right to amend a trust created before the effective date of this Act, to include a specific provision in the trust instrument or an amendment thereto, as the case may be, which provides that some or all of the provisions of Sections 2 and 3 of this Act shall have no application to such trust.

7. If any provision of this Act or the application thereof to any trust is held invalid, such invalidity shall not affect the other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

PROPOSED ACT DEALING WITH
ALASKA NONPROFIT CORPORATION ACT
WITH REFERENCE TO THE TAX REFORM ACT OF
1969

1. This Act shall apply to every Alaska nonprofit corporation to which A.S. 10.20 applies, and which is a "private foundation" as defined in §509 of the Internal Revenue Code of 1954, and which has been or shall be incorporated under the laws of the State of Alaska.

2. The articles of incorporation of every corporation to which this Act applies shall be deemed to contain provisions prohibiting the corporation from:

(a) engaging in any act of "self-dealing" (as defined in §4941(d) of the Internal Revenue code of 1954), which would give rise to any liability for the tax imposed by §4941(a) of the Internal Revenue Code of 1954;

(b) retaining any "excess business holdings" (as defined in §4943(c) of the Internal Revenue Code of 1954), which would give rise to any liability for the tax imposed by §4943(a) of the Internal Revenue Code of 1954;

(c) making any investment which would jeopardize the carrying out of any of its exempt purposes, within the meaning of §4944 of the Internal Revenue Code of 1954, so as to give rise to any liability for the tax imposed by §4944(a) of the Internal Revenue Code of 1954; and

(d) making any "taxable expenditures" (as defined in §4945(d) of the Internal Revenue Code of 1954) which would give rise to any liability for the tax imposed by

§4945(a) of the Internal Revenue Code of 1954.

3. The articles of incorporation of every corporation to which this Act applies shall be deemed to contain a provision requiring such corporation to distribute, for the purposes specified in its articles of incorporation, for each taxable year, amounts at least sufficient to avoid liability for the tax imposed by §4942(a) of the Internal Revenue Code of 1954.

4. Nothing in this Act shall impair the rights and powers of the courts or the attorney general of this state with respect to any corporation.

5. All references to sections of the Internal Revenue Code of 1954 shall include future amendments to such sections and corresponding provisions of future Internal Revenue Laws.

6. Nothing in this Act shall limit the power of any nonprofit corporation now or hereafter incorporated under the laws of the State of Alaska:

(a) to at any time amend its articles of incorporation or other instrument governing such corporation by any amendment process open to such corporation under the laws of the State of Alaska to provide that some or all provisions of sections 2 and 3 of this Act shall have no application to such corporation, or

(b) in the case of any such corporation formed after the effective date of this Act, to provide in its articles of incorporation that some or all provisions of sections 2 and 3 of this Act shall have no application to such corporation.

7. If any provision of this Act or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

THE PRECEDING PAGES WERE TREATED AS
A UNIT IN THE ORIGINAL FILE.

THE FOLLOWING PAGES WERE TREATED AS
A UNIT IN THE ORIGINAL FILE.

February 10, 1971

The Honorable William A. Egan
Governor, State of Alaska
Pouch A
Juneau, Alaska 99801

Dear Bill:

Re: Anchorage Judicial Complex

As I agreed to during our conversation in Juneau on February 5, I am enclosing for your consideration the report concerning the adequacies of the proposed additions of the judicial complex in Anchorage.

In order to meet the needs through 1975, the courts must have a building addition of 128,350 square feet. This building would be adequate to house all the courts in the Anchorage area, along with the offices of other state agencies which participate in the administration of justice. Adequate space would be provided for the attorney general, district attorney, public defender, and the Division of Corrections. This facility would provide adequate holding cells and feeding facilities for prisoners who would be transported from the new state jail at Eagle River to the state courthouse. At the present time we have \$3,782,000 to construct an addition to our present courthouse. Present construction estimates supplied to us by the architect average \$50 per square foot. This means that our total costs would be \$6,417,500. It is my opinion that it is imperative that we obtain authorization for the issuance of additional ASIA bonds in the amount of \$2,645,500.

The Honorable William A. Egan
February 10, 1971
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As I mentioned to you in our conversation, the court has no way to expand except to the four lots to the east. Three of these lots are vacant and one has a building which is approximately 35 years old. From the best information obtainable, I believe that the maximum value of these four lots including the building should not exceed \$500,000.

It would be deeply appreciated if you would consider recommending these capital improvements and submitting a bill to the legislature during this session. If the enabling legislation is passed this session, construction could begin during this construction season. In order to expedite this matter, I am sending Robert N. Reeves, administrative director, to meet with you and your designated commissioners.

If you have any further questions concerning this matter, please do not hesitate to call upon me.

With very good wishes, I remain,

Most sincerely,

George F. Boney
Chief Justice

GFB:ch



Supreme Court

State of Alaska

CHIEF JUSTICE
GEORGE F. BONEY

941 FOURTH AVENUE
ANCHORAGE, ALASKA
99501

ASSOCIATE JUSTICES
JOHN H. DIMOND
JAY A. RABINOWITZ
ROGER G. CONNOR
ROBERT C. ERWIN

February 10, 1971

Mr. Robert N. Reeves
Administrative Director
Alaska Court System
941 Fourth Avenue
Anchorage, Alaska 99501

Dear Mr. Reeves:

As chairman of the committee on space requirements for the new courthouse, I am including herewith a copy of the report and recommendations of the committee concerning space requirements for the new courthouse. These recommendations were agreed to by the members of the committee herein, and constitute the considered opinion of the people involved. It is further the very strong recommendation of the committee that it would be far better to await construction on an adequate building than it would be to start construction on a building with inadequate space at the present time. The committee specifically recommends the following steps be taken:

1. That the remaining four lots in the courtroom block be immediately acquired for long-term expansion plans of the court system.

2. That the present building be primarily occupied by the District Court and offices and that a minimum of modification of the building take place until a comprehensive plan can be worked out taking into account borough-city unification, area-wide police services and assumption of city court facilities in the present building.

Mr. Robert N. Reeves
February 10, 1971
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3. That the new building to be built include as large a square footage on each floor as possible, but in the minimum from 18,000 to 20,000 square feet, in order to permit the grouping of the various services as closely as possible for reasons of both efficiency and public convenience.

4. That in long-range planning the new court building be primarily a superior court building with the law library on the first floor and in the basement, with the upper floors being occupied by the supreme court and the court administrative office. It is ultimately considered that the supreme court and the administrative office in future expansion would be removed from the building the the superior court ultimately to be expanded throughout the entire structure.

5. That at the present time the public defender's office, the attorney general's office, the district attorney's office, the state police judicial services section, the division of corrections, and if at all possible, the borough attorney's prosecuting office be incorporated into the office space in the existing structure, and on one full floor of the new building to be built. In the ultimate long-range plan, these offices would be moved to the third phase of the project, along with the supreme court, and the ultimate need for parking which would be incorporated into a third building.

6. That as presently conceived the building of approximately five stories and a full basement with 12,000 square feet per floor is simply not sufficient to permit reasonable operation for any of the member agencies which might occupy the building and does not provide sufficient net working space to permit efficiency of operation. This can readily be seen by the listing of space requirements which follows for the various courts and agencies:

Superior Court -	67,000 sq. feet
District Court -	40,000 sq. feet
Attorney General -	6,000 sq. feet
District Attorney -	5,000 sq. feet
Public Defender -	3,100 sq. feet
Division of Corrections - (Probation & Jail holding facilities)	7,000 sq. feet
Borough Attorney -	750 sq. feet

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February 10, 1971
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Supreme Court Administrative Office -	16,600 sq. feet
Law Library -	18,000 sq. feet
Administrative office supply facility -	7,000 sq. feet
Supreme Court -	<u>18,000 sq. feet</u>

TOTAL SPACE REQUIREMENTS FOR
THREE TO FIVE YEAR PROJECTIONS: 186,350 sq. feet

When you subtract from this total the usable square footage in the present building of 58,000 square feet, we are left with an immediate space requirement for a three-year projection which would be the approximate time for completion of the building, of 128,350 square feet. Thus, in any building which would only have five floors and a full basement, including 70,000 usable square feet, of which one-third must be reduced for the public spaces necessary in high-rise buildings, we have a building not capable of efficient use by anyone.

7. We urge that immediate steps be taken to authorize additional AHA Bonds in the approximate amount of \$2,500,000 to \$3,000,000 to complete the erection of an adequate courthouse and supporting services building necessary in Anchorage at the present time, and which would not take into account the possible building of the pipeline or the Native Land Claims settlement, both of which could substantially increase the need referred to herein.

Sincerely yours,

Robert C. Erwin
Associate Justice

James M. Fitzgerald
Presiding Superior Court Judge

Paul Jones
Presiding District Court Judge

Mr. Robert N. Reeves
February 10, 1971
Page Four

Seaborn J. Buckalew
District Attorney

Herbert D. Soll
Public Defender

Robert Hartig
Assistant Attorney General

Edward B. Coleman
Regional Administrator
for Division of Corrections

March 1, 1971

Mr. William J. Moran
Chairman, House Judiciary Committee
Pouch 5
Juneau, Alaska 99801

Mr. Robert Ziegler
Chairman, Senate Judiciary Committee
Pouch 5
Juneau, Alaska 99801

Gentlemen:

This letter is simply to inform you of certain problems which are presently facing the court system at Anchorage, Alaska, with regard to the new addition to be constructed behind the present courthouse, and with certain additional statewide problems which call for immediate action on the supplemental appropriation.

At the present time, I am enclosing a letter which indicates the space requirements for the various agencies who wish office facilities in the new building. As you are aware, ASNA bond financing had been arranged by the last legislature, and the sum of \$4,500,000 was available for the construction of this new courthouse facility. The construction budget is approximately \$3,750,000 at the present time, with the other costs going to design, etc. We have preliminary estimates from the architect, Mr. Don Coolidge, which indicate that for the construction budget as presently noted, that a building of approximately 70,000 gross square feet can be built and that

Mr. William J. Moran
Mr. Robert Ziegler
March 1, 1971
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amount must be reduced by approximately 15% for public space, etc., available to the court system.

The immediate problem is the fact that the superior court alone at Anchorage, Alaska, needs space of 67,000 square feet in order to take care of the present expansion of superior court judges in Anchorage and to have available facilities at the time that the new courthouse opens approximately two years hence.

The superior court in Anchorage has experienced unprecedented growth at the present time and well in advance of any possible anticipated growth which is a result of the pipeline or native land claims settlement. Judge Fitzgerald has indicated that the superior court has seven resident superior court judges and has the use of one full-time extra superior court judge by virtue of reassignment of either Judge Hanson of Kenai or Judge Burke of Kodiak, with a total of eight superior court judges available at any one time. Additionally, Judge Sanders has been brought to Anchorage at various times in order to handle matters because of the large workload in this area. In the present structure at 941 Fourth Avenue, Anchorage, Alaska, there are only four superior court courtrooms, and a fifth superior court courtroom for family matters was constructed on the first floor, approximately a year ago. Additionally, there is no office space for the additional superior court judges and at the present time, Judge Hanson, Judge Burke and Judge Singleton are making do with makeshift offices with an absolute minimum of space to work.

In order to make the maximum possible use out of the courtroom space available, Judge Fitzgerald ordered double shifting of the courts with court starting in each courtroom at 8:00 a.m. and going through to 1:00 p.m., when the judge on the morning shift would vacate the bench, and the judge on the afternoon shift would take up with a totally new trial from 1:00 p.m. to 6:30 to 7:00 p.m. While this has given us a maximum utilization of the courtroom facilities, it has not been possible to satisfy many of the complaints of the supporting staff who understandably are reluctant to

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come to work at 7:30 in the morning and continue through to 6:30 at night. This necessitates a shifting of the personnel so far as hours of employment are concerned, and, of course, gives us quite a problem with the paperwork attendant with the filing and trial of all cases. The supporting staff is almost always required to do certain work in the clerk's office to make certain that we have no problems in that regard.

The shifting has caused serious burdens on them, but so far they have gone along because of the necessity to clear trials.

The double shifting has created another problem, and that is with the calendaring of a large number of cases. A trial court administrator was obtained after aid was given by the legislature for this position, and at the present time, he has taken over the very difficult chore of calendaring all of the cases in the superior court with the exception of family court division, in order to free Judge Fitzgerald of a great number of administrative burdens which were growing impossible. This aid has been quite successful, and at the present time a calendar study by the accounting firm of Ernst & Ernst has prepared a preliminary draft of the calendar system which we hope will work in this district. It goes without saying that if there is no space for the judges to operate, a calendar study would seem to be somewhat useless under the circumstances.

In the district court, Judge Paul Jones has noted at least a 50% increase in cases from last year, due primarily to the new contract between the city and the Spenard Service Area of Anchorage. Police services are now available on a full-time basis in the Spenard area, which in the past was served by the State Police when they could get there. They did a fine job for the personnel that they had, but the State Police are not equipped to provide urban police services and in heavily populated areas. As a result of a comprehensive police activity in this area, 3,000 additional misdemeanor cases a month are coming into the district court at the courthouse at 941 Fourth Avenue. Previously, these cases were simply not filed,

Mr. William J. Moran
Mr. Robert Ziegler
March 1, 1971
Page Four

and it is now taking almost the full time of two district court judges to handle what was not in existence four or five months ago. An attendant problem with this is the fact that the district court courtrooms at Anchorage are of very small size and will not accommodate more than 50 to 60 people at one time. Arraignments on traffic matters in the past few months bring in as many as 200 to 250 people, and there is not a courtroom to accommodate them.

An additional problem is created by the fact that the new courtrooms constructed on the first floor by the superior court have taken all of the district court jury facilities, etc., and at the present time the jurors mingle in the halls with those charged with traffic violations, and defendants in the cases they are about to sit on. This problem co-exists in the superior court where the use of every available square foot of space by both administrative and supporting functions and the judges themselves has taken away all jury assembly rooms, etc., and the jurors must stand in the hallway without chairs. The public, of course, is very upset about this situation, as are the jurors who must co-mingle with everyone, including lawyers, defendants and witnesses which appear in the trials.

Judge Jones indicates that an additional problem will be created because of the inability to get agreement with the Anchorage City Council for funding of court activities in the municipal court, which is presently carried on at 6th and C Street in Anchorage. The city has refused to enter into a new contract for judicial services, and to pay its share of expenses, and therefore it appears it will become necessary for us to vacate those facilities and to bring the city cases down to the 941 Fourth Avenue location. Since the city hears approximately 3,000 cases a month, the additional burden on the district court is not difficult to realize. An additional problem, however, will be created by the lack of jail holding facilities in the courthouse which is magnified by the problem that normally in city court there is arraignment of 40 to 50 prisoners every morning. These prisoners are misdemeanant defendants who have

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been arrested by the city police in downtown areas during the preceding evening. If they must be transferred to the present courthouse, then we have a definite security problem, both transporting and holding them. While a great deal can be done about arraigning them in the jail, etc., there is still the additional problem created by the sheer numbers of people involved in this particular transaction.

Judge Jones further anticipates substantial growth if there is a full unification of the City of Anchorage and the Greater Anchorage Area Borough, and he can predict an immediate one-third increase very similar to the increase which happened when the Spenard Service Area obtained extensive police services. Since the population in that area would be roughly equivalent to what happens in Spenard, the prediction would appear to be accurate, and will call for some rather fancy footwork so far as handling of traffic and misdemeanor matters is concerned.

Again, these requirements have been placed upon us in the absence of both a pipeline and a native land claims settlement, and we are almost unable to judge at the present time how great a growth will be necessary in the district court except that it appears that the growth will be very substantial. It is our present plan that as soon as the present courthouse has more space available, that the district court will expand into the area vacated by the superior court to take advantage of the necessary courtroom space, etc.

The aforementioned problems afford a very critical analysis of the problem facing the court system with regard to its supplemental appropriation, and the need for additional jury monies and construction costs for remodeling the courthouse in Anchorage. The tremendous increase of caseload in the district court, the double shifting in the superior court, and the increase by the Supreme Court of jury fees paid to each individual from \$9 to \$21 have seriously overtaxed the budget of the court system. In fact, at the present time, the jury fee account

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March 1, 1971

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has been overspent to approximately \$75,000 and this matter increases by geometric proportions each month as we continue to double up on use of the facilities.

The Supreme Court is faced with the alternative of continuing to have jury trials to dispose of the cases in the time requirement set by the United States Constitution, or to in fact cut out jury trials because of the lack of money and the possibility of foundering our own budget in an attempt to keep the trials going. Unless the legislature provides some relief immediately, the Supreme Court will be forced to make a decision to stop all jury trials with the attendant disruption of calendars which are normally set six to seven months in advance, and with the attendant problem of figuring out methods of release for those prisoners who cannot be tried but who are available for trial because they have been incarcerated. It would not be permissible under prevailing constitutional law to deny a person a jury trial because of lack of money for such service and to keep him incarcerated during this period of time.

An additional part of the supplemental appropriation is the actual construction of two additional courtrooms in the present space in Anchorage, Alaska, which was made possible by moving out the probate department of the superior court which has been placed in a house trailer directly behind the courthouse, and the recorder's office which will be moved to the Voyager Hotel. While neither of these arrangements is satisfactory, it will at least give the present judges more space to hear cases and enable us to ease up on the double shifting problem which has overtaxed the administrative staff to a great degree.

These problems, of course, point out the urgent need for a building at Anchorage, Alaska, with sufficient space to accommodate the various purposes. The attached letter points out a need for approximately 128,000 square feet of usable space, and, of course, that is far in excess of the ability to pay at the present time. It is therefore the suggestion of the committee that all of the funds that are available be used immediately to

Mr. William J. Moran
Mr. Robert Ziegler
March 1, 1971
Page Six

construct a superior court court building behind the present structure of four floors, with the top two floors being left entirely vacant and the other floors finished to take care of immediate needs. Without question, before the building is moved into, there will be a requirement for a finishing of the third floor in order to accommodate even the available judges as well as a certain increase in the number of judges necessary to handle judicial duties in the superior court at Anchorage. We are anticipating a need for a minimum of 11 to 12 courtrooms, and, of course, the finishing only of the basement and the two floors on the present construction budget would not permit that many courtrooms to be constructed.

Because of the need for additional construction on the top two floors of the new courthouse, a need for a courthouse in Juneau, a need for a courthouse in Sitka, and requests from the federal government to purchase the courthouse in Nome, we would ask for authorization through ASHA bond financing or such other method as the legislature deems feasible, to provide monies for these various projects.

Particularly in Anchorage the funding would be such to permit the finishing of the superior court court building, the acquisition of the additional four lots in the courthouse block here in Anchorage at a cost of approximately \$600,000, and the construction of a court-related office building which would house the Supreme Court of Alaska, the attorney general's office, the district attorney's office, the public defender's office, the highway section of the attorney general's office, the borough prosecution office, the Alaska court administrative office, and parking facilities. In this manner we could develop a plan for the orderly transition in the various buildings and provide service to the public which would be appropriate. We are not talking about judicial frills; we are talking about the basic minimum service that is required by the Constitution of the United States and of the State of Alaska.

Mr. William J. Moran
Mr. Robert Ziegler
March 1, 1971
Page Seven.

While this letter is somewhat rambling in content, it is meant simply to set down on paper the problems which we are immediately faced with and the urgent need of seeking some sort of solutions to them. It is fairly obvious that if we have these problems without the building of a pipeline, or a native land claims settlement, their impact on this problem area may very well completely break down the machinery of justice which is necessary for a vitally functioning state.

Sincerely,

Robert C. Erwin

RCE:kf

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A UNIT IN THE ORIGINAL FILE.

Bush Justice

RICHARD WHITTAKER
ATTORNEY AT LAW
BOX 13 KETCHIKAN, ALASKA 99901
107 STEDMAN STREET CA 5-8333

April 24, 1971

The Honorable Chief Justice George Boney
Alaska Supreme Court
941 - Fourth Avenue
Anchorage, Alaska 99501

Dear Chief Justice Boney:

Your visit to Juneau and attendance at the meeting of the House of Representatives bush league meeting and a recent conversation I had with Justice Dimond have brought to mind a couple of matters which I wanted to mention to you, and I am taking the liberty of addressing myself to the problems by mail, in order to get them to your attention as quickly as possible.

The Supreme Court should be aware that in the early part of January of next session, the House Local Government Committee intends to work over the various bills which aim toward setting up a Department of Community and Regional Affairs, including the Rural Alaska Development Group bill, which would set up regional government and use it as a means of compelling service from State government. The committee and others are looking at several different ways of bringing State government closer to the people of the bush. Indeed, the House Local Government Committee in passing out the Governor's regional service area bill, did so on the theory that if nothing else, it would give people in the unorganized borough a chance to experiment with area government as a concept. What this is all leading up to is that in reading through the bush justice conference report, which I have at hand, it occurs to me that one of the basic concepts is completely incorrect. I refer of course to the fact that the State agency which so often has the most contact with villages on a regular basis is the Department of Public Safety. I simply do not believe that the State of Alaska puts its best foot forward when Troopers are sent to the villages. What should be sent is a governmental officer of relatively high rank, who is trained in all the departmental needs, and acts as an ombudsman of sorts, and who can do some investigatory work if necessary and transport prisoners if necessary, but who is a person who is able to develop action for areas which are lacking action and who serves perhaps as some

The Honorable Chief Justice George Boney
Alaska Supreme Court

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April 24, 1971

quasi-judicial authority. In short, a completely different concept. What we require now is a State Trooper who functions in this fashion, but of course it's impossible because of lack of training and a different direction. In the old days of Tammany Hall, the smiling Irish cop on the beat had many of the attributes I have set forth because he related to a political machine which was able to bring about answers outside of the police and legal machinery.

I think additionally that the Court should give considerable consideration to revising the Rules of Court which relate to the magistrate's court and indeed the District Court unless the District Court has become such a magnificent forum that no one except he who is represented by counsel may attend. I think that we need to completely review the need of a District Court in the bush, and even as it applies to larger communities, and provide rules and laws in its jurisdiction which are relatively easier of administration. Perhaps I am still in legislative shock. It occurs to me that a manual could be written and adopted setting forth both the criminal and civil jurisdiction and the rules of court which would solve 90% of the problems brought to court and which would allow two intelligent men without the need of counsel with a judge who is disposed to seek truth and justice, whatever they are, to accomplish the ends of justice. At least this must needs be done before the magistrate's court. Perhaps this is how that court functions now in any one given community, but I think that the lawyers amongst us can go a long way in helping to clarify some of the legal ideas which are involved in the use of the magistrate's court.

Thirdly, I should like to recommend most strongly that the Supreme Court review the situation of the small claims court. I know that as a general rule lawyers don't go there, but when I opened up my practice in Ketchikan before the advent of Legal Services, Inc., I did go to that court to defend persons who had been harrassed by collection agencies, and I found that there were no rules, and what rules there were were incomprehensible. The problem in the small claims court is that it is not a people's court as it was intended, but rather a court for the few, i.e., the collection agencies. I have discussed with other attorneys in Ketchikan the possibility of trying to work out a plan of attack on the need for rules in the small claims court as a project of the Ketchikan Bar Association, but none of us have had time to

The Honorable Chief Justice George Boney
Alaska Supreme Court

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April 24, 1971

do this, and I do not foresee in the near future any particular amount of time that I will have, the Legislature having done such damage to my law practice.

In conclusion, I want to applaud the court system for attending to the needs of the bush as it has, particularly in a time of crisis, where the court system is being accused of all kinds of strange things, including "crime in the streets", whatever that is. I have taken a view on the floor of the House of Representatives which is defensive of the court system. The court has come under attack whenever we talk about loaded dockets and criminal problems as if it were the court which had created these problems. I disagree that the court has, and have urged on my colleagues that it has been the State Police and the Department of Fish and Game and certain other agencies which have caused more problems than they seek to solve. I particularly like to refer to the "celebrated dingo" case at Fairbanks, which unfortunately is typical of the kind of thing the Department of Fish and Game likes to foist on the court system during the winter months when they have nothing better to do. I would further point out to the court that much time is utilized in the lesser courts of the State handling speeding matters, which is rather strange to me because I have been told by the Department of Highways that speed limits are set by following radar study and an averaging of speeds. If this is true, then it's ridiculous that the State Police waste the time of the court by bringing in anybody who has done any less than 20 miles over the speed limit, unless it truly can be said that he is driving in an unsafe fashion.

I do not seek an answer to this letter, as I know you are very busy, but did want to call these matters to your attention, and perhaps some time we could discuss them further.

Sincerely yours,

RICHARD WHITTAKER

RW:ca

cc: Associate Justice John H. Dimond
Alaska Legal Services, Inc.
Juneau
Ketchikan
Anchorage

THE FOLLOWING PAGES WERE TREATED AS
A UNIT IN THE ORIGINAL FILE.



Alaska Judicial Council

841 FOURTH AVENUE
ANCHORAGE, ALASKA
99501

BUSH JUSTICE CONFERENCE

MT. ALYESKA

GIRDWOOD, ALASKA

DECEMBER 8 - DECEMBER 11

JUDICIAL COUNCIL MEMBERS

Chief Justice George F. Boney, Chairman
Lester W. Miller, Law Member, Anchorage
V. Paul Gavora, Lay Member, Fairbanks
Ken Brady, Lay Member, Anchorage
Frank M. Doogan, Law Member, Juneau
Peter D. Meland, Lay Member, Sitka
Michael A. Stepovich, Law Member, Fairbanks

CONFERENCE RESOLUTIONS

WHEREAS: THE QUALITY OF JUSTICE IN THE ALASKAN BUSH AREAS SHOULD BE IMPROVED:

BE IT RESOLVED THAT:

1. THE LOCUS OF DECISION-MAKING IN THE ADMINISTRATION OF JUSTICE IN VILLAGE ALASKA MUST MOVE CLOSER TO THE VILLAGE. TO ACHIEVE THIS RESULT THERE MUST BE GREATER NATIVE PARTICIPATION AT ALL LEVELS IN THE ADMINISTRATION OF JUSTICE.

a. There should be greater direct participation by Native citizens in the administration of justice at all levels, including their employment in policy-making positions in all agencies involved. Every agency should examine its qualifications requirements in order to revise them wherever they may arbitrarily exclude otherwise qualified Alaskan Natives. Examples include the height requirements for Alaska State Troopers, minor criminal records, formal education, etc..

b. Appointment of an Alaskan Native to membership on the Judicial Council and the Judicial Disqualification Commission is recommended.

c. The selection and removal of magistrates should be made more responsive to the desires of the communities served. Continuing critical evaluation of performance of duties by magistrates should be made. Consideration should be given to assigning principal responsibility for appointment and removal of magistrates to presiding district court judges.

d. The strengthening of village councils is central to the administration of justice in remote Alaska.

e. The Local Affairs Agency must be strengthened and upgraded to department level and its technical assistance functions fostered if there is to be successful administration of justice in the villages.

Representatives of the Local Affairs Agency should visit villages to work with local officials. They should help the villages draft and revise ordinances, facilitate participation of villages in revenue-sharing programs, and improve law enforcement techniques.

2. THERE MUST BE A GREATER ACCESS TO LEGAL SERVICES AND THE PROCESS OF JUSTICE IN VILLAGE ALASKA.

a. The ordinary method of travel in the bush is by air. To meet the basic requirements of regular travel and to enable emergency service, State Troopers should be authorized to operate leased or state owned aircraft for their official duties and to aid officers of the court and associated agencies in the performance of their duties.

b. The Alaska Legislature should fund a program creating village constables in village Alaska to be chosen by village governing bodies to serve at their pleasure and to act as village law enforcement officers with the support of the Alaska State Troopers.

c. The travel budgets of the superior and district courts should be increased so that they may hold trials where the parties and witnesses live. When trials are elsewhere, but witnesses live in the bush, the courts should use special masters to take evidence in the witnesses' villages. When actions are filed in places not accessible to defendants or their witnesses, changes of venue to the defendants' homes should be liberally allowed. These changes would facilitate more accurate factual determinations, avoid unfair default judgments, and provide education in judicial processes and substantive law in the bush.

d. The Supreme Court is encouraged to order at least an annual circuit court session of the superior court in the major community

in each House election district.

e. The State Legislature should fund staff offices in Bethel and Nome for Alaska Legal Services Corporation and a Public Defender Agency office in Bethel as a step toward creation and support of rural principal judicial centers.

f. Techniques should be explored to encourage the private bar associations to provide better services in Alaska Villages. As an example, group legal services experiments in other states should be studied. Public interest law firm efforts might also be encouraged.

g. Every village should have a detention facility and a juvenile detention facility separate from the detention facility and standards should be established for such facilities. These are needed to protect villages from dangerous persons without delay and without unduly long incarceration because of transportation time.

h. Special emphasis must be given to the development of manpower capable of dealing effectively with the administration of justice in village Alaska, and to appropriate education for the affected public.

(1) The colleges and universities within the state should establish programs for the training and continuing education of magistrates, constables, paralegal and other associated personnel. Such programs should be developed and operated in cooperation with the Judicial Council, the Department of Public Safety, the Alaska Federation of Natives, and other appropriate agencies and organizations. Major emphasis should be placed on on-the-job training.

(2) The University of Alaska should establish an institute to train legal personnel in both rural and urban areas in Native culture and languages. Incentives should be provided for attendance at this institute.

(3) The Department of Education should develop curriculum

concerning legal concepts, processes, rights and remedies for junior high school students throughout Alaska.

(4) The colleges and universities within the state should establish adult education programs concerning legal concepts, processes, rights and remedies for Alaskan villages. This program should include dissemination of printed materials in attractive format which explain the rights of individuals under the statutes and decisions.

(5) A program should be established for recruiting bi-lingual lawyers fluent in English and another recognized language common to a region of Alaska to serve in Alaskan public programs which relate to the administration of justice. Such a program would work through law school scholarships and financial grants equivalent to what bi-lingual college graduates might otherwise earn if they chose to work in other Alaskan community leadership or service positions.

(6) The colleges and universities within the state should be encouraged to establish a training and continuing education program for the development of paralegal personnel. Persons participating in and successfully completing such a program should be considered for certification to counsel persons within the limits of their training and expertise.

i. Greater understanding of and more information about all direct and related aspects of judicial administration are needed to provide a basis for policy making, for establishing appropriate administrative arrangements, for training and education, and for improving other aspects of providing justice in rural areas. In particular, the cultural context and impact of judicial administration must be thoroughly understood by all involved in the system of bush justice. Toward these ends, the Judicial Council, the State Administration, the University of Alaska, and other appropriate organizations should initiate, sponsor

and undertake programs of research concerning such areas as the character and processes of village law-making, judicial administration, and law enforcement.

3. SOME MODIFICATIONS IN SUBSTANTIVE LAW ARE NECESSARY TO CORRECT INEQUITIES IN VILLAGE ALASKA. SUCH MODIFICATIONS RELATE TO THE ADMINISTRATION OF JUSTICE IN URBAN ALASKA AS WELL.

a. There should be a study of the program effectiveness of present correctional and dispositional alternatives in village Alaska. If particular techniques are inefficacious, they should no longer be employed.

b. Dispositional process alternatives prior to invocation of the criminal and juvenile process should be legitimated and encouraged. In the process, there should be guidance on what dispositional alternatives prior to invocation of the criminal process are appropriate.

c. Local alternatives for the control and rehabilitation of juveniles should be developed.

d. Review and changing of the laws concerning alcohol-related offenses should be continued to provide non-criminal alternatives. This conference recommends that detoxification facilities be established as an alternative to incarceration for alcoholic and alcohol-related offenders throughout all areas of the state. This conference further recommends that training be given to all officers of the criminal justice system to recognize alcoholism as an illness and that this be done in conjunction with broad community education.

e. Waivers of rights to counsel, silence, trial by jury, trial by the district court, and other related rights, should be accepted by magistrates only after the most careful scrutiny for voluntariness

and understanding. Advice as to rights should be thorough and discursive and in the language primarily spoken by the defendant. Where an attorney or appropriate paraprofessional is available, his presence on behalf of the defendant should ordinarily be obtained.

f. It shall be a mitigating factor in sentencing, but not in the determination of guilt, that an act, violative of law, was committed pursuant to custom.

g. The courts and legislature should recognize customary adoptions common among Alaska Native people. Recognition of customary adoptions should not involve lengthy court procedures but rather summary procedures.

h. Court arraignment procedures must include the advising of constitutional rights in a language understandable to the defendant. Boards of qualified interpreters should be established and funded and their services made available throughout the state for this purpose.

i. It is recommended that the boundaries and number of judicial districts be examined and changed where necessary to facilitate access to judicial services. The social and transportation patterns of the individuals to be served should be given prime consideration in the establishment of judicial districts. Example: Barrow should be part of the fourth judicial district and Bethel should be either part of the third judicial district or a new special Superior Court District should be created for Bethel.

j. The Alaska Administrative Procedures Act and the Alaska Administrative Code should be amended to:

(1) Require that hearings on administrative licenses, rules, and orders be held in the organized community or communities affected by the issuance of the license, rule or order.

(2) Extend the time allowed for administrative appeals from

30 days to 60 days.

(3) Require the posting of notice at the situs, the publication of notice in the newspaper published nearest the situs and public hearing be held at the situs or community nearest the situs prior to the granting of the application, the license or any interest in tidelands or property, in order to adequately protect rights or interests in these tidelands or property.

k. Civil Rule 53 should be interpreted and implemented to allow for the liberal appointment of special masters to take factual evidence in areas not frequently served by the superior court and where required for the ends of justice.

1. Changes in venue requirements should be as follows:

(1) For criminal actions, venue should be originally set in the election district in which the alleged crime was committed; for civil actions venue shall originally be set in the election district which has the most significant contacts with the transaction which is the subject of the action.

(2) AS 22.10.040 should be amended by deleting subsection (2) and enacting a new statute in the place of subsection (2) which reads:

A motion for change of venue shall be granted when required for the convenience of the witnesses and the ends of justice.

(This amendment will change the existing law which places a venue change for witness convenience and justice in the discretion of the superior court judge to a mandatory change requirement in this one instance.)

BE IT FURTHER RESOLVED THAT:

4. THE STATE SHOULD ENCOURAGE AND PROVIDE PLANNING ASSISTANCE IN THE ESTABLISHMENT OF COMMUNITY MENTAL HEALTH CENTERS IN THE REGIONAL

SERVICE CENTERS OF THE STATE, SUCH AS BETHEL, NOME, KOTZEBUE, BARROW, FORT YUKON AND OTHERS. ALSO, THE COMMISSIONER OF THE DEPARTMENT OF HEALTH AND WELFARE SHOULD CONSULT WITH THE DIRECTOR OF MENTAL HEALTH AND THE SUPERINTENDENT OF THE ALASKA PSYCHIATRIC INSTITUTE TO PROVIDE RESIDENT QUARTERS FOR PERSONS REFERRED BY THE COURTS FROM RURAL AREAS FOR EVALUATION AND REFERRAL UNTIL SUCH TIME AS MENTAL HEALTH FACILITIES ARE AVAILABLE.

5. THE STATE DIRECTOR OF COMMUNICATIONS SHOULD COORDINATE PRESENT EXISTING RADIO COMMUNICATIONS NETS AND ESTABLISH OTHERS AS REQUIRED, WHEREBY ALL AREAS NOT HAVING ACCESS TO COMMUNICATIONS MAY BE SERVED. THE CENTER OF EACH NET SHOULD BE LOCATED IN THE AREA OF EACH PRESIDING DISTRICT COURT JUDGE OF EACH JUDICIAL DISTRICT AND BE MADE AVAILABLE TO ALL AGENCIES AND PERSONS ASSOCIATED WITH THE JUSTICE SYSTEM ON A 24 HOUR PER DAY BASIS. IN CONJUNCTION WITH THE ABOVE, THE JUDICIAL COUNCIL OR OTHER APPROPRIATE AGENCIES SHOULD INTERVENE IN THE FCC DOCKET ON DOMESTIC SATELLITES TO URGE THE NEED IN VILLAGE ALASKA FOR IMPROVED COMMUNICATIONS IN THE ADMINISTRATION OF JUSTICE.

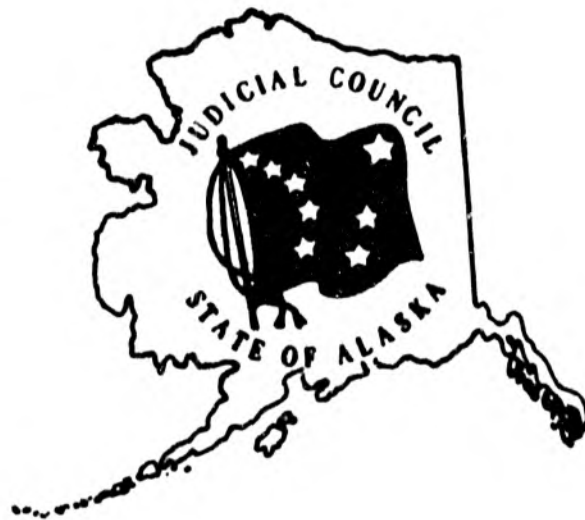
6. AS EACH COMMUNITY SHOULD HAVE BETTER CONTROL OF ITS AFFAIRS, LEGISLATION SHOULD BE ENACTED TO AUTHORIZE THE ISSUANCE OF PACKAGE AND BY-THE-DRINK LIQUOR LICENSES TO CORPORATIONS WHOLLY OWNED BY MUNICIPAL CORPORATIONS OR ORGANIZED COMMUNITIES.

7. THIS CONFERENCE RECOMMENDS THAT ANOTHER JUSTICE IN THE BUSH CONFERENCE BE HELD SOMEWHERE IN A RURAL COMMUNITY.

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A UNIT IN THE ORIGINAL FILE.

ALASKA JUDICIAL COUNCIL

SIXTH REPORT 1969 - 1970



SECRETARY TO THE JUDICIAL COUNCIL
941 Fourth Avenue Anchorage, Alaska

ALASKA JUDICIAL COUNCIL

SIXTH REPORT

1969-1970

Prepared by Theodore R. Dunn
Secretary to the Judicial Council
941 Fourth Avenue
Anchorage, Alaska

ALASKA JUDICIAL COUNCIL


941 Fourth Avenue
Anchorage, Alaska

February 1971

TO: GOVERNOR WILLIAM EGAN
SUPREME COURT OF ALASKA
PRESIDENT OF THE SENATE
SPEAKER OF THE HOUSE OF REPRESENTATIVES

In accordance with the provisions of Section 9 of Article IV, Constitution of the State of Alaska, there is respectfully submitted herewith the report of the Alaska Judicial Council for the period from January 1, 1969, through December 31, 1970. It is intended to provide a review of the work of the Council during this period and to offer current recommendations for improvement of the administration of justice.

Sincerely,



George F. Boney, Chairman
Alaska Judicial Council

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I.

INTRODUCTION

The Alaska Judicial Council is established by Article IV, Section 9 of the Constitution of the State of Alaska. The Council is composed of seven members including the Chief Justice of the Alaska Supreme Court who serves as Chairman. Three of its members are appointed by the Board of Governors of the Alaska Bar Association. Three members are non-lawyers appointed by the Governor, and confirmed by the legislature. The Council has two functions. First, it makes nominations to the Governor for the appointment of persons to vacant positions in the Judiciary or to the post of Alaska Public Defender. The Council also conducts studies and makes recommendations for improvements in the administration of justice throughout the State. It is required by the Constitution to submit a report and recommendations to the Supreme Court and to the legislature at intervals of not more than two years.

The judicial nomination process engaged in by the Council begins with the solicitation by the Secretary of the Council for applicants for specific judgeships. Notice is given to all active members of the Alaska Bar Association. All applicants are then brought to a meeting of the Judicial Council, at the expense of the Council, for personal interviews. At this time the Council also considers the results of a qualifications poll which has been conducted with respect to each candidate by the Alaska Bar Association. The Council then votes to nominate applicants to the Governor for specific

judgeships. The Governor then appoints from the list of nominees.

To arrive at its recommendations for improvement of the administration of justice in Alaska the Council engages in various activities. First, of course, are the regular Council meetings wherein various problems are brought to the attention of the Council either by its members or by persons who have requested to appear. Also, the Council conducts public hearings throughout the State on the subject of the administration of justice. The Council also sponsors and conducts seminars and studies relating to specific problem areas. Ultimately drawing upon all of these sources, the Council makes its recommendations to the legislature, the Court System or the Governor for action to be taken for the improvement of justice.

This report covers the activities of the Council in carrying out its Constitutional mandate during the years 1969 and 1970 and contains the current recommendations of the Council for improvements in the administration of justice in the State of Alaska. This report is not meant to be repetitive of prior reports and because of this will refer to material contained in those reports without fully reproducing it.

II.

SUMMARY OF MEETINGS

February 20, 1969 - Juneau, Alaska

The first meeting of 1969 was held in Juneau on February 20th. Present were Chief Justice Buell A. Nesbett, Chairman; Mr. Jack Werner, lay member of Seward; Mr. Frank Doogan, law member of Juneau; Mr. Peter Meland, lay member of Sitka; and Mr. V. Paul Gavora, lay member of Fairbanks. Mr. Michael Stepovich, law member of Fairbanks was absent outside the state and Mr. Lester W. Miller, law member of Anchorage, was present for the afternoon session. The Chairman opened the meeting by reviewing the Council's recommendations in its Fifth Report. These were: establishment of a public defender agency, increase of judicial salaries, relieving District Judges of coroner-public administrator duties, and micro-filming of public records. It was agreed that no priorities be given to these items. The Council then generally discussed each of these items in turn. The proposed bill for handling the coroner-public administrator problem was presented and reviewed by the Council and the Council voted to go on record favoring the concept of the transfer of the duties of coroner and public administrator to the Commissioner of Public Safety.

After reviewing the legislature program, the Council considered a report by the Statewide Committee on Sentencing and Appellate Review of Sentences which included a recommendation to amend AS 22.05.010 to give the Supreme

Court jurisdiction to hear appeals from sentences imposed by the Superior Court on the grounds that the sentence was either excessive or too lenient and to modify the sentence accordingly. The report also proposed that for this purpose that the Supreme Court be permitted to sit in divisions. It contained an additional provision providing for appeal from the District Court to Superior Court in some cases. The recommendation included other proposals for reform of the appellate system. The Council voted to approve the committee report, following lengthy discussion, and to recommend to the legislature that it be implemented.

The Chairman also presented the report prepared by the Subcommittee on Probation and Parole which had been approved by the Statewide Committee. The report related to several subjects including: (1) increasing the probation personnel of the Division of Corrections; (2) changing the personnel requirements so as to reduce turnover within the Division of Corrections; (3) the placing of more persons under probation-parole supervision; (4) giving more supervision to offenders; (5) protecting the society at large by virtue of adequate supervision and evaluation of persons placed on probation and (6) salvaging of more criminal offenders as a result of adequate probation. The report also questioned whether the Division of Corrections should be in the Department of Health and Welfare. The Council then voted to go on record urging the legislature to implement the present

probation staff in order that it become more effective; the Council further determined to make a study regarding the desirability of the probation function being moved from the Department of Health and Welfare and placed in the court system.

In the afternoon the Council met with Governor Miller and discussed its recommendations as contained in the Fifth Report. The need for a public defender agency was stated and Council member Lester Miller advised the Governor that the Bar Association wholeheartedly supported such a program. The Chairman then advised the Governor that the need for a salary increase for judges was urgent and that Governor Hickel had previously agreed with the Council's recommendation that state judicial salaries should be equated with those paid the federal judiciary. The Governor assured the Council that a salary bill would be forthcoming. The Council also advised the Governor of its recommendations with respect to appellate review of sentences, probation, micro-filming of public records and the proposed coroner-public administrator legislation. The Governor concluded the meeting by thanking the members of the Council for their attendance and assuring the Council that he would do everything possible on behalf of the salary recommendation.

The Council then met with members of the House and Senate Joint Judiciary and Finance Committees. Legislators present were Senator Vance Phillips, Representatives Ray,

Banfield, Croft and Metcalf. Each of the Council's recommendations which had been discussed with the Governor was discussed with the legislators. Also, at the request of Senator Phillips, the Chairman reviewed with the legislators the manner in which judicial applicants are nominated by the Council.

Following meeting with the legislators the Council reconvened briefly. Mr. Werner advised the Council that as his term was expiring this would probably be his last meeting. He commended the Chief Justice for his contributions as Chairman and stated in the ten years he had been a part of the Council he felt it operated well without political considerations and in a progressive forthright manner. The Chairman responded commending Mr. Werner on his service and contributions to the Council and to the State of Alaska.

June 20, 1969 - Anchorage, Alaska

The primary purpose of the June 20th meeting was to nominate to the Governor candidates for the office of Public Defender for the State of Alaska. All members of the Council were present including newly-appointed member Mr. Ken Brady, lay member from Anchorage, who succeeded to the position previously held by Mr. Jack Werner of Seward. The Chairman reported on the results of the Council's legislative program for the 1969 legislature. The recommendations on appellate review passed the legislature. The coroner's legislation was opposed and did not pass. The Public Defender bill had passed

substantially as hoped for by the Council, but the Chairman believed the appropriation to be inadequate. The Chairman reported that the principal office of the Public Defender would be located in Anchorage with field offices in Fairbanks and Juneau. The Judicial Qualifications Commission had been organized with Associate Justice John Dimond as chairman. However, the finance committee had not passed on the supplementary budget and the Judicial Qualifications Commission was without funds. The chairman stated that the Commission would be treated as an independent budget by the administrative office of the Court System which would process claims and vouchers at the request of the chairman.

The Chairman reported that there were vacancies in the District Court, but in view of the fact the salaries of District Court judges had been raised by only \$1,500 he recommended that the Council not solicit applicants for the vacancies until the salary was increased; the judgeships would be held on an interim basis pending that time. In this regard, Chief Justice reported that the resistance to District Court salary increases was intense in the recently concluded legislature. Several of the members indicated they would personally make appeals to legislators to increase the salaries.

The Council then next considered the applicants for Public Defender and nominated three candidates to the Governor. The Council further discussed the urgent need for improve-

ment of judicial salaries and voted to establish a committee for the purpose of presenting a salary plan for the upgrading of judicial salaries. The Chairman also reported on the status of the Anchorage court facility expansion plan. He stated that the legislature had authorized a bond issue sufficient to cover the construction project, but that the interest ceiling on the bond issue would preclude sale of the bonds. Therefore, the legislature might have to take steps to improve the saleability of the bond issue by increasing the interest ceiling during the next session. Mr. Stepovich requested that the matter of additional Superior Court judges for the Alaska Court System be placed on a future agenda and in view of the general feeling that there was a growing need for additional judges the Chairman directed that this be done.

November 6 & 7, 1969 - Anchorage, Alaska

The principal purpose of the November meeting was to consider the Council's 1970 legislative program. Present were Michael Stepovich, law member of Fairbanks; Frank Doogan, law member of Juneau; Lester W. Miller, law member of Anchorage; Kenneth Brady, lay member of Anchorage; and Paul Gavora, lay member of Fairbanks. Chief Justice Nesbett, the Chairman, was undergoing treatment in San Diego for injuries sustained in an aircraft accident and Mr. Meland of Sitka was required to be absent for business reasons. Associate Justice John H. Dimond was also in attendance. In view of

the Chief Justice's absence Vice Chairman Michael A. Stepovich presided. The first agenda item considered was that of judicial salaries. Justice Dimond stated to the Council that there was an urgent need for increase in judicial salaries, noting that increases by the previous session of the legislature were inadequate. He reported that the Alaska Bar Association was completely behind the Court System and the Council with respect to judicial salaries and stated that young, capable lawyers were not interested in judicial positions because they could not afford it. Mr. Peter LaBate, president of the Anchorage Bar Association, appeared to state the Anchorage Bar Association's position with respect to judicial salaries. He pointed out that existing salaries were inadequate to attract experienced lawyers into the judiciary and stated his opinion that the Superior Court judges should be paid at least \$40,000 and the District Court judges at least \$25,000. Presiding District Court Judge Paul B. Jones of the Third Judicial District also appeared. He pointed out that for many people their contact with the Court System occurred in the District Court and it was imperative that salaries at that court be attractive to encourage applicants for judgeships. Also appearing was former District Court Judge James Hanson who stated that he had recently resigned from the court because promised salary increases were not forthcoming. It was determined that the Council invite Senator Vance Phillips to discuss the matter of salaries with the Council at the next Council meeting

Mr. James Fisher, an attorney from Kenai, Alaska, appeared before the Council to state the need for a Superior Court judge for Kenai and Kodiak. Mr. Roy Madson of Kodiak also appeared urging that a Superior Court judge be made available for these two communities.

The next agenda item to be considered by the Council was that of additional Superior Court judgeships. Mr. Doogan discussed the need for an additional Superior Court judge in Southeastern Alaska pointing out that the one judge available did not have time to take care of all his business. He did not make a specific recommendation as to where the judge should be located. The Council voted to recommend the creation of an additional Superior Court judgeship in the First Judicial District.

Mr. Stepovich then discussed the need for an additional judge in the Fairbanks area in view of the increase of population and increased activity on the Arctic North Slope. The Council unanimously voted to recommend an additional Superior Court judge for the Fourth Judicial District.

Judge James M. Fitzgerald of the Third Judicial District appeared and concurred with the need for higher salaries, pointing out the judicial salaries in Alaska have consistently dropped behind salaries paid to other officials. For example, he recalled when there was \$3,000 difference in the salaries between the federal district judges and Alaska

Superior Court judges and noted that the difference had grown to over \$13,000. He recommended establishment of an independent salary commission to recommend salaries to the legislature. Judge Fitzgerald also reported on the need for additional judges in the Third Judicial District. He believed two additional judges were needed. Judge Fitzgerald also urged the creation of a court administrator in the Third Judicial District for the Superior Court to free the presiding judge from many administrative duties. The Council then resolved that it be recommended to the legislature that the Third Judicial District be provided with two additional Superior Court judges and that the Superior Court be permitted to hire a trial court administrator.

Judge Fitzgerald also reported that he felt that judges should be reimbursed for their actual expenses when traveling on court business as is done in the federal system. However, on the recommendation of Justice Dimond the Council moved to recommend to the legislature that Court System personnel traveling on court business be granted \$35 per day.

The Council also considered the question of how the peremptory challenge law was operating. Judge Fitzgerald stated that he did not believe most attorneys were abusing the law although peremptory challenges cause some problems in calendaring cases. The Council determined to make no recommendation with respect to the peremptory challenge law.

The Council received a report from Mr. Victor Carlson, Public Defender, who appeared at the meeting. He also presented the Council with his 1970-71 budget. Following his report the Council voted to recommend to the legislature that the Public Defender Agency's budget be adequately funded.

Again the Council considered the question of judicial salaries. Mr. Reynolds, secretary to the Council, reported that the Chief Justice had expressed by telephone his wish that judicial salaries be equated with those paid in the federal court system. Mr. Reynolds reported that in 1969 the Council had recommended that the existing federal scale be applied. However, in the interim there had been a salary increase in the federal judiciary. It was noted by Justice Dimond that although the legislature and other state employees had received salary increases in the past legislature of from 12 to 14 percent the judiciary received an average increase of about 4 percent. The Council voted to recommend to the legislature that the salaries of Supreme Court and Superior Court judges be equated with the Federal Circuit Court of Appeals and U. S. District Courts respectively, and that State District Court judge salaries be raised a commensurate percentage. The Council also discussed the need for a permanent salary commission to make studies and recommendations for salary increases in proportion to the cost of living and other factors. The Council, following the discussion of District Court vacancies in Sitka, Wrangell, Kodiak and Anchorage, voted to circularize

to fill these positions. The Council discussed improvements in the method of polling the Bar Association on judicial applicants.

The question of the need for expansion of the Anchorage Court facility was considered together with the action taken by the legislature in this regard during the 1969 session. Although bonds had been provided, they apparently were not saleable at the six percent interest rate. In view of the seriousness of the situation, Justice Dimond proposed, and the Council passed, a resolution to the Governor to appraise him of the situation and urge him to take all necessary action to expedite the Anchorage expansion. In the resolution the Council pointed out that if the new facility was not available in eighteen months, minimum necessary standards for the administration of justice could not be met.

The Council determined that public hearings should be conducted in Fairbanks, Anchorage and Juneau prior to the 1970 legislative session. The topics stated in the notice of hearing would include, adequacy of court facilities and services, use and selection of judges, delays in the judicial process, and other areas affecting the administration of justice. Hearings were scheduled for Fairbanks January 5, 1970, Anchorage January 6, 1970, and Juneau January 8, 1970.

The Council voted to recommend to the legislature that coroner-public administrator positions in the Court System budget be approved. The Council also voted to endorse

micro-filming program contained in the fiscal 1969-70 budget. The Council then discussed the serious difficulties that the Court System had in obtaining appropriate classification for its personnel by Department of Administration. Justice Dimond reported that there were apparent inequities in the classifications existing in the judicial branch and the Council voted to authorize the administrative director to expend up to \$5,000 of the Council's funds to obtain an independent study of Court System personnel classifications and salaries. The Council discussed the fiscal year 1970-71 Alaska Court System budget emphasizing the need for adequate budgeting for the judicial system. It also considered the Judicial Council's budget and voted that the consideration of that budget was a matter within the sole authority of the Council although the mechanics of preparation and accounting procedures would remain within the Court System. The Council then voted to approve its budget in the amount of \$8,000 for travel and per diem and \$20,000 for studies during the fiscal year 1970-71. A committee was appointed to meet with the Governor prior to the coming legislature to discuss matters pertaining to the recommendations of the Judicial Council.

January 5, 6 & 8, 1970 - Fairbanks, Anchorage & Juneau

The January 5, 6 & 8th meetings were held respectively in Fairbanks, Anchorage and Juneau. These meetings were for the purpose of holding public hearings regarding the

administration of justice in the State of Alaska. In attendance at the Fairbanks meeting as members of the Council were Michael Stepovich, law member of Fairbanks; Frank Doogan, law member of Juneau; Lester W. Miller, law member of Anchorage; V. Paul Gavora, lay member of Fairbanks; and Peter Meland, lay member of Sitka. Testimony was taken regarding a wide range of matters relating to the administration of justice and the testimony was recorded and a transcript subsequently prepared. The Anchorage meeting was held on January 6, 1970 and all members were present except Chief Justice Nesbett who was still recuperating from injuries suffered in an aircraft accident. The Council then met on January 8, 1970 in Juneau with all members in attendance except Chief Justice Nesbett and Lester Miller, law member of Anchorage. The entire proceedings were transcribed.

While in Juneau the Council held a business meeting at which it determined to recommend to the legislature that the office of the Chief Justice of the Supreme Court be rotated among the five justices once every three years.

The Council also discussed the presentation of its legislative program to the legislature and the individual Council members were assigned to present each aspect of the program.

January 29, 1970 - Juneau, Alaska

The January 29th meeting was held in Juneau for

the purpose of presenting the Judicial Council's 1970 legislative program to the Senate and House Finance and Judiciary Committees. All members of the Council were in attendance except Mr. Ken Brady, lay member of Anchorage, who was outside the State and Chief Justice Nesbett who was undergoing medical treatment in California. Justice John H. Dimond of the Alaska Supreme Court also attended. The Council met with the Senate and House Finance and Judiciary Committees. Senators Vance Phillips, Lewis, Blodgett, Rader, Miller, Koslosky, Bradshaw, Haggland and Merdes were present as were House members E. Miller, Metcalf, Fink, Croft, Cornelius, Banfield, Ray and Kay. Members of the Council presented each topic in the legislative program. At this meeting Senator Vance Phillips stated his disapproval of the request for increased judicial salaries. Following the meeting with the legislators the Council held a regular business meeting in which it endorsed in principle raising the monetary jurisdiction of the District Court from \$3,000 to \$7,500, providing that the jurisdiction should be concurrent with that the Superior Court.

The Secretary to the Council reported that the personnel study had not yet been undertaken as authorized because the Division of Personnel was conducting a study which should be completed first.

April 30, 1970 - Anchorage, Alaska

The principal purpose of the April 30th meeting was

to nominate to the Governor candidates to fill the positions of Chief Justice of the Supreme Court of the State of Alaska. All members of the Council were present. On April 1, 1970 Chief Justice Buell A. Nesbett had retired and the chairmanship of the Council was vacant.

Mr. Robert Erwin, of Anchorage and Chairman of the Alaska Bar Association's legislative liaison committee reported on the progress of the Judicial Council's legislative program. He reported that most of the program had been considered by the legislature with the main problem occurring with respect to the increase in salaries and Salary Commission bill. He reported that the House had passed a bill providing for increased judicial salaries and hoped that it would pass the legislature. He reported that there were two bills for consideration relating to rotation of the office of Chief Justice. The bond bill had passed both Houses raising the ASHA bond interest rate to seven percent which would hopefully assure additional Anchorage court facilities. He reported that the Bar Association was supporting an increase in the District Court salary to \$25,000. A general discussion ensued wherein Mr. Erwin answered specific questions regarding the progress of the Council's legislative program.

The Council was advised that there had been favorable comment within the legislature regarding the public hearings held in January. Also, at least one change in the Court System had evolved as a result of the hearings with respect to

the holding of arraignments in District Court in Fairbanks. It was determined that a representative body of the Judicial Council have public hearings in Sitka, Juneau, Kenai and Kodiak prior to recommending locations for new Superior Court judgeships. The Council discussed at length the general subject of public hearings. The Secretary reported that the Council had expended all of its travel and per diem funds. Funds were available, however, from the study funds in the Council budget.

The Council then considered the applicants for the position of Chief Justice. Each of the applicants appeared before the Council and the Council made two nominations to the Governor.

June 18, 1970 - Anchorage, Alaska

The June 18th meeting was attended by all members of the Council and presided over by Chief Justice George F. Boney, the new Chairman. Chief Justice Boney advised the Council that judicial salaries had been raised to \$36,000 for Supreme Court Justices, \$33,000 for Superior Court Judges and \$25,000 for District Court Judges. He also advised that the trial court administrator had been funded. He stated that he would propose a central filing system for public records to be placed on micro-film.

Mr. Harold Toby, District Attorney for Anchorage appeared and commented upon Grand Jury reports recently hand-

ed down which were critical of the administration of criminal justice. He reported that the Grand Jury generally wished to express displeasure regarding sentencing and bail in criminal cases. He responded to questions from the Council regarding these matters. Mr. Tobey stated that the Grand Jury was concerned about cases where persons found guilty of aggravated crimes receive suspended sentences. The Council also heard Judge James M. Fitzgerald, presiding judge, Third Judicial District, with respect to the Grand Jury reports. He stated that a great number of sentences imposed by the Superior Court were imposed upon the recommendation of the District Attorney's office following a plea negotiation. With respect to bail Judge Fitzgerald pointed out that in 1969 out of 435 cases filed in the Superior Court a bail forfeiture occurred in only eight. He stated that it appeared to him that if the purpose of the bail system was to guarantee appearance at trial, it was working. He said that he felt that the answer to the bail problem was not preventive detention, but rather bringing defendants quickly to trial. He responded to questions from the Council on these matters. The Council discussed at length the questions raised by the Grand Jury report and by the presentations of Judge Fitzgerald and Mr. Tobey. Council then determined to call the foreman in the Grand Jury and permit him to appear to discuss these questions. Mr. Johnson appeared from the Grand Jury. He reported that one matter, among others, that had concerned the Grand Jury was the number

of persons whose names came before the Grand Jury who had prior records. The Council then interviewed applicants for the position of Associate Justice of the Supreme Court, which had been vacated upon the appointment of Justice Boney as Chief Justice, and made nominations to the Governor.

June 19 and 20, 1970 - Kodiak, Kenai, Alaska

On June 19, 1970 the Council held public hearings at Kodiak, Alaska. Present were Chief Justice George Boney, Chairman; Frank Doogan, Juneau law member; Michael Stepovich, Fairbanks law member; Paul Gavora, Fairbanks lay member; Peter Meland, Sitka lay member; and Lester W. Miller, Anchorage law member. On June 20th, the hearings were continued in Kenai. A number of residents and local lawyers appeared to advise the Council of the need for a Superior Court judge in those communities. The residents also pointed out the scarcity in State Troopers for local law enforcement. Following the hearing in Kenai the Council held a brief business meeting at which it voted to solicit candidates for vacant District and Superior Court judgeships. It also determined its itinerary for public hearings to be held in Southeastern Alaska in July.

July 14, 15 & 16, 1970 - Southeastern Alaska

On July 14th, 15th and 16th the Council met in Sitka, Juneau and Ketchikan for the purpose of conducting public

hearings. Present on the Council were Chief Justice George Boney, Chairman; Frank M. Doogan, Juneau law member; Peter Meland, Sitka lay member; Lester W. Miller, Anchorage law member; and Ken Brady, Anchorage lay member. Mr. Gavora of Fairbanks joined the hearings later that day and Mr. Stepovich, law member of Fairbanks, was involved in a trial and unable to attend. The purpose of the hearing was to gather facts helpful to the administration of justice and improvement of the Court System.

September 16 - 19, 1970 - Anchorage, Fairbanks and Nome, Alaska

At the Council meeting in Anchorage on September 16, 1970 the Council interviewed applicants for Superior Court judgeships. All members were present. The Council moved to Fairbanks on September 17, and continued the interviews. On September 19, the Council conducted public hearings in Nome and concluded the interviews of Superior Court applicants. While in Nome, the Council voted to recommend that the new Superior Court judgeships be located as follows: Third Judicial District, one each in Kenai, Kodiak and Anchorage; First Judicial District, Sitka. The Council also elected Theodore R. Dunn as executive secretary to the Council.

October 23, 1970 - Anchorage, Alaska

All members were present at the October 23rd meeting except Mr. Meland, lay member of Sitka. The Council

discussed its proposed budget in a total amount of \$55,220 and voted to approve it as to amount. The fiscal year 1971-72 budget contained allowances for an executive secretary and a part-time clerk-stenographer. These additions were necessary in order to insure the independence of the Council and continuity in its activities as well as to give the public a day-to-day point of contact with the Council. The Council also considered the problems that would occur in Valdez relating to the administration of justice when population increased as a result of pipeline work. It then voted to recommend that a District judgeship be created in Valdez when needed.

The Council also made plans for a seminar on bush justice to be held at Alyeska on December 8, 9 and 10, 1970. Several nation-wide organizations were to participate and the Council voted to sponsor the program as a preliminary program on bush justice.

The Council then determined to conduct personal interviews of applicants for District Court appointments. It was also determined that Superior Court candidates who had been interviewed at the last meeting and who were unsuccessful could be considered for a District Court appointment if they so wished. The executive secretary was directed to notify the unsuccessful Superior Court candidates as soon as appointments were made for those positions.

The Council then discussed those conditions which it had observed in Nome for the detention of juvenile offenders. These facilities were deemed woefully inadequate and the Council directed that a letter be written to the Department of Health and Welfare advising that agency of the problem.

November 9, 1970 - Anchorage, Alaska

The November 9th meeting was called principally to interview and nominate candidates for District Court judge-ships in Kodiak, Sitka, Wrangell, Anchorage and Barrow. All members of the Council were present. The applicants appeared and were interviewed. Following the discussion of the qualifications of these applicants nominations were made to the Governor.

Judge Thomas Stewart, presiding judge of the Superior Court, First Judicial District, appeared before the Council and advised it of the desperate need for a new court facility in Juneau and the Council discussed this matter with him..

November 28, 1970 - Anchorage, Alaska

All members of the Council were present at the November 28, 1970 meeting except Mr. Stepovich who had been called out of the State on an emergency matter. The Council interviewed candidates for the position of Public Defender which had been vacated following the appointment of Victor Carlson as Superior Court Judge in the First Judicial District.

The Council nominated to the Governor for appointment two of the applicants.

The Council then considered at length the need for a separate courthouse facility in Juneau. The Chief Justice reported that approximately 55,000 square feet of space was needed. The Council then voted to recommend to the legislature that monies be authorized and appropriated for site acquisition and pre-construction planning for a separate court facility in Juneau. The Council also voted to recommend to the legislature that salaries of Alaska judges be equated with those paid the federal judiciary and that a salary commission be established to maintain equality of salaries.

Also, the Council considered the advisability of increasing the jurisdiction of District Judges. The Chief Justice pointed out the need of making the courts available to more people and expanding the quality of judicial services throughout the State. It was also believed that the increased jurisdiction would relieve the Superior Court calendar. The Council then voted to recommend to the legislature that jurisdiction of the District Courts be increased to \$10,000 to include equity jurisdiction in lien foreclosure matters involving up to \$10,000.

The Council then discussed problems of criminal law enforcement. Some members expressed concern that the relationship between the State Troopers and the Attorney General's office was not as it should be. It was hoped that new per-

sonnel with the incoming administration would help resolve the problem.

The Council then took note that this was the last meeting to be attended by Mr. Meland, lay member of Sitka, and unanimously voted to commend him for outstanding service as a member of the Council since his appointment in 1966.

III.

SELECTION OF JUDGES

I. Supreme Court Justices

On April 1, 1970 Chief Justice Buell A. Nesbitt retired following a lengthy convalescence from injuries suffered in an aircraft accident the previous year. Notice of the vacancy was given to members of the Alaska Bar Association and applicants were received by the Council for nominations to fill the vacancy. At its April 30, 1970 meeting the Council interviewed those persons who had applied for Chief Justice of the Alaska Supreme Court. These applicants were: Justices George F. Boney and John H. Dimond of the Supreme Court and Superior Court Judge C. J. Occhipinti. The Council nominated Justices Dimond and Boney for the position of Chief Justice. Governor Keith Miller subsequently appointed Justice George F. Boney as Chief Justice.

Shortly thereafter notice was given that applications would be accepted for the Associate Justice position vacated by Justice Boney. A Bar poll was conducted and on June 18, 1970 the Council interview applicants. Those applicants were: Superior Court Judge William H. Sanders of Nome, Superior Court Judge C. J. Occhipinti of Anchorage, Superior Court Judge Eben H. Lewis of Anchorage, Robert C. Erwin of Anchorage, L. S. Kurtz, Jr. of Anchorage, and Robert A. Parrish of Fairbanks. At the conclusion of its meeting the Council nominated Robert C. Erwin, L. S. Kurtz, Jr., Superior Court Judge Eben

H. Lewis, and Robert A. Parrish for the position of Associate Justice. The Governor subsequently appointed to that position Robert C. Erwin.

II. Superior Court Judges

The 1970 legislature voted to add one Superior Court Judge in the First Judicial District, three Superior Court Judges in the Third Judicial District and one Superior Court Judge in the Fourth Judicial District.

The Judicial Council solicited applications for these new judgeships and the Bar Association conducted a poll of its membership. On September 16, 1970 the Judicial Council interviewed the applicants. Prior to conducting its interviews the Council determined that the new First Judicial District judge would be assigned to Sitka and in the Third Judicial District one judge would be assigned to Anchorage, one to Kodiak and one to Kenai. The new Fourth Judicial District judge would be in Fairbanks. The applicants in the Third Judicial District were asked to state the locations within that District for which they wished to apply. The following applicants were interviewed for the position and the location stated.

S. J. Buckalew, Jr.	Anchorage, Kenai, Fairbanks
Edmond Burke	Sitka, Anchorage, Kenai, Kodiak
Victor Carlson	Sitka, Anchorage, Kenai, Kodiak Fairbanks
Warren Christianson	Sitka
Hugh Connelly	Fairbanks
M. Ashley Dickerson	Sitka, Anchorage, Kenai, Kodiak, Fairbanks
Wm. Erwin	Anchorage, Kenai
Marvin Frankel	Anchorage
Dorothy Hawes Haaland	Anchorage

Robert E. Hammond	Anchorage, Kenai
James Hanson	Sitka, Kenai, Anchorage
Peter J. Kalamarides	Anchorage
Henry Keene, Jr.	Sitka
Denis Lazarus	Anchorage, Kenai, Kodiak
Roy Madsen	Kodiak
James Merbs	Anchorage
Mary Alice Miller	Fairbanks
James Nordale	Sitka, Anchorage, Kenai, Kodiak
	Fairbanks
Robert Opland	Anchorage
David Pree	Anchorage, Kenai, Kodiak
Ernest Rehbock	Anchorage
Wm. Sanders	Anchorage, Kenai, Kodiak,
	Fairbanks
Thomas Schultz	Sitka, Anchorage, Kenai, Kodiak,
	Fairbanks
Sylvia Short	Anchorage, Kenai, Kodiak
J. H. Shortell	Sitka, Anchorage, Kenai, Kodiak,
	Fairbanks
James Singleton	Sitka, Anchorage, Kenai, Kodiak,
	Fairbanks
Gerald Van Hoomissen	Fairbanks
Benjamin Walters	Sitka, Anchorage, Kenai, Kodiak

Following the interviews the Council nominated the following persons:

<u>Sitka</u>	James Hanson, Thomas Schultz James Singleton, Edmond Burke, Victor Carlson
<u>Anchorage</u>	S. J. Buckalew, Edmond Burke, Wm. Erwin, Peter J. Kalamarides, Robert Opland, James Hanson, Victor Carlson, James Singleton, Thomas Schultz
<u>Kenai</u>	S. J. Buckalew, Edmond Burke, William Erwin, James Singleton, James Hanson, Victor Carlson, William Sanders, Thomas Schultz
<u>Kodiak</u>	Edmond Burke, Roy Madsen, James Singleton, J. H. Shortell, Victor Carlson, Wm. Sanders, Thomas Schultz

Fairbanks

Victor Carlson, Gerald Van
Hoomissen, Mary Alice Miller,
S. J. Buckalew, James Singleton

Governor Miller made the following appointments:

First Judicial District at Sitka, Victor Carlson; Third Judicial District at Anchorage, James Singleton; at Kodiak, Edmond Burke; at Kenai, James Hanson; Fourth Judicial District at Fairbanks, Gerald Van Hoomissen.

III. District Court Judges

During the years 1969 and 1970 several of the positions of District Court judges were being held on an interim basis and others became vacant. As a result, the Judicial Council gave notice of accepting applications for a District Court judgeship in each of the following locations: Kodiak, Sitka, Wrangell, Anchorage and Barrow. At its meeting on November 9, 1970 the Council interviewed applicants for those positions. These applicants were Hal Horton of Fairbanks (Kodiak, Sitka, Wrangell, Anchorage); Roger DuBrock of Sitka (Sitka, Kodiak and Wrangell); Harris Bullerwell of Wrangell (Wrangell, Sitka); Edith Glennon of Kodiak (Kodiak, Wrangell, Sitka, Anchorage and Barrow); Louis Agi of Anchorage, (Anchorage, Kodiak); John Mason of Anchorage, (Anchorage, Kodiak, Sitka, Wrangell); Thomas Payne of Anchorage (Anchorage, Kodiak, Sitka, Wrangell, Barrow); William Tull of Anchorage (Anchorage); Virgil Vochoska of Anchorage (Anchorage); L. Eugene Williams of Anchorage (Anchorage). Following the

interviews and consideration of the Bar poll which had been taken on these applicants the following nominations were made to the Governor:

First Judicial District - Sitka

Harris R. Bullerwell
Roger W. DuBrock
Hal R. Horton
Thomas B. Payne

First Judicial District - Wrangell

Harris R. Bullerwell
Roger W. DuBrock
Hal R. Horton

Third Judicial District - Kodiak

Roger W. DuBrock
Hal R. Horton
Thomas B. Payne

Third Judicial District - Anchorage

Hal R. Horton
John D. Mason
Virgil D. Vochoska
L. Eugene Williams

Governor Miller subsequently made the following appointments:

Roger W. DuBrock	First Judicial District - Sitka
Harris R. Bullerwell	First Judicial District - Wrangell
Hal R. Horton	Third Judicial District - Kodiak
John D. Mason	Third Judicial District - Anchorage

It had been determined following the interviews of all candidates by the Council that it would not submit nominations to fill the post at Barrow.

IV. Public Defender

The 1969 legislature established the Public Defender Agency. SLA 1969, Chapter 109. The legislation provided that the Governor appoint the Public Defender from among two or more persons nominated for that position from the Judicial Council. On June 20, 1969 the Council interviewed applicants for the position of Public Defender. The Bar Association had previously conducted a poll of the qualifications of the

applicants which was made available to the Judicial Council. Those applicants were: Victor D. Carlson of Anchorage; Charles K. Cranston of Juneau; Stanley Ditus, formerly of Anchorage; Marvin S. Frankel of Anchorage; Johnston Jeffries of Soldotna; Irvin Raven of Fairbanks; Warren A. Taylor of Fairbanks; Harold W. Tobey of Anchorage; and Benjamin O. Walters, Jr. of Anchorage. Following the interviews the Council nominated to the Governor Victor D. Carlson, Marvin S. Frankel and Harold W. Tobey. Subsequently, the Governor appointed Victor D. Carlson.

In November of 1970, Victor Carlson was appointed Superior Court Judge, First Judicial District. Applications were solicited by the Judicial Council to fill the vacancy in the office of Public Defender and a poll of the applicants' qualifications was conducted by the Bar Association. On November 28th the Judicial Council interviewed the candidates for Public Defender, who were: Herbert Soll of Anchorage, Richard Madsen of Fairbanks, and Stanley Ditus, presently residing outside the State of Alaska. The Council nominated to the Governor for appointment Herbert Soll and Richard Madsen. Governor Egan appointed Herbert Soll as Public Defender following his assumption of the office of Governor in December, 1970.

IV.

STUDIES, HEARINGS & PROGRAMS

In order to determine what recommendations it should make to the legislature and the Supreme Court the Judicial Council is required to conduct studies for the purpose of determining the problems which exist in the administration of justice and arriving at solutions to these problems. Not all of the studies conducted result in specific proposals to the various branches of government, however, each broadens the knowledge of the Council and its ability to deal with related problems.

A. Public Hearings and Conferences 1969-70

February 19, 1969 - Juneau, Alaska Alaska Judicial Council
Statewide Committee on
Sentencing and Appellate
Review of Sentences

In December, 1968 at Sitka, a committee appointed by the Chief Justice under the auspices of the Judicial Council met to consider sentencing and appellate review of sentences. The committee was reconvened in February, 1969 at Juneau. The committee was composed of more than fifty persons from various backgrounds and interests, most of whom, of course, were not members of the Council. At the Juneau meeting reports of subcommittees were presented. The Statewide Committee then adopted the subcommittee report on appellate review of sentences and recommended it to the Alaska Judicial Council which in turn recommended that the proposals contained in that