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Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

To: Charlie Parr, Chairman, and Members of the House
Judiciary Committee

From: Margaret W. Berck, Staff

Date: November 26, 1979

Subject: Bail System

I. INTRODUCTION

The Alaska Constitution, Art. I, Sec. 11, provides that the accused in criminal prosecutions is "entitled to be released on bail, except for capital offenses when the proof is evident or the presumption great...." Thus, except in certain capital cases, adult criminal defendants in Alaska have a constitutional right to bail. Since there are no capital offenses in Alaska at this time, every criminal offense carries the right to bail. This right to pre-trial freedom springs from the presumption of innocence, fundamental to the criminal justice system. The purpose of bail is to assure the defendant's appearance at trial. Excessive bail may not be imposed under both the Alaska, Art. I, Sec. 12, and United States, Eighth Amendment, Constitutions.

II. BAIL SCHEDULES

Each judicial district in the state is required by Supreme Court order to adopt misdemeanor bail schedules. Copies of those misdemeanor

bail schedules, together with the Supreme Court order, are attached to this report. In addition to misdemeanor bail schedules, each judicial district also has traffic bail schedules. Furthermore, two judicial districts, the Second Judicial District and the First Judicial District, have adopted felony bail schedules.

Bail schedules are utilized by jailors in order that accused individuals might be released pending their arraignment. Such releases are granted on a cash deposit basis and the accused individual is entitled to telephone friends or relatives in order to obtain the necessary cash. Unless unusual circumstances exist, such releases are granted by jailors without additional judicial intervention or approval. If unusual circumstances exist involving questions of public safety or protection, scheduled bail amounts do not apply and a judicial officer must be contacted. Furthermore, scheduled bail amounts do not apply and a judicial officer must be contacted at the request of the accused if the accused is immediately unable to post the scheduled amount and circumstances exist indicating that his appearance can be assured by other means. Judicial officers include magistrates as well as District and Superior Court judges.

III. JUDICIAL PROCEEDINGS REGARDING BAIL

A person who is charged with an offense and detained in jail must be brought before the nearest available magistrate or judge without unnecessary delay. Unnecessary delay is defined as a period not to exceed 24 hours after arrest, including Sundays and holidays. Alaska Rules of Court, Criminal Rule 5.

At this first judicial proceeding, the judicial officer shall admit the accused to bail as provided by law. Alaska Statutes, AS 12.30.010,

et. seq., provide that the judicial officer must release the accused on his own personal recognizance or upon the execution of an unsecured appearance bond in an amount to be determined by the judicial officer unless the judicial officer finds that such release will not adequately assure the accused's appearance at trial or would pose a danger to the community. If the judicial officer makes such a determination, the judicial officer may release the accused under various conditions enumerated in the law, AS 12.30.020, a copy of which is attached hereto.

The accused is entitled to have the conditions of his bail reviewed if he remains in custody 48 hours after his first judicial appearance because of his inability to make bail. If review is requested, the judicial officer must set out in writing the reasons for requiring the conditions imposed. If the accused remains in custody after this initial review, he is entitled to move the court having jurisdiction over the offense to amend the conditions of bail. Should either the district or superior court, whichever is applicable, uphold the conditions of bail, the accused is then entitled to appeal the matter to the appropriate appellate court. AS 12.30.020, AS 12.30.030.

IV. COMMITTING MAGISTRATES IN ANCHORAGE

Bail determinations in Anchorage, unlike any other town in Alaska, are made by committing magistrates. There are five committing magistrates in Anchorage. These magistrates are available 24 hours each day. Unlike rural magistrates, committing magistrates must have a law degree. The function of the committing magistrates is to set bail within a few hours of arrest in order to reduce the overcrowding of jail facilities in Anchorage.

Although proceedings before the committing magistrates are conducted in the jail facilities, they are formal judicial proceedings which are electronically recorded. Both the defendant and a law enforcement officer are present. The testimony sought from the law enforcement officer includes the defendant's criminal record or history, if any.

In determining the conditions of bail, committing magistrates have as a reference the misdemeanor bail schedule for the Third Judicial District, but they are not bound by those scheduled amounts. Committing magistrates are authorized to release individuals on their own recognizance and frequently grant such releases in misdemeanor cases. A copy of the form "Order and Conditions of Release" utilized by the committing magistrates is attached hereto. That order indicates the full range of bail conditions, which include: release on personal recognizance, Unsecured Bond, 10% Deposit Bond, Full Deposit or Secured Bond, and Third Party Custody.

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 309

Temporarily Requiring the
Adoption of Misdemeanor
Bail Schedules in Local
Communities.

IT IS ORDERED:

1) Until further order of this Court, the Presiding Judge of each judicial district shall forthwith adopt a misdemeanor bail schedule for use in each community within his district in which there are facilities for overnight pre-trial detention of more than twelve persons. The Presiding Judge may adopt a misdemeanor bail schedule for use in other communities in his district.

2) Before adopting a schedule for a community, the Presiding Judge shall consult with the judicial officers in that community who regularly set bail in misdemeanor cases.

3) An order adopting a bail schedule must provide that the scheduled bail amount shall not apply and a judicial officer shall be contacted in any case in which unusual circumstances exist involving questions of protection of the public.

4) An order adopting a bail schedule must provide that the scheduled bail amount shall not apply and a judicial officer shall be contacted at the defendant's request if the defendant is immediately unable to post the scheduled amount in any case in which circumstances exist indicating that the defendant's appearance in court can be reasonably assured by one of the following:

- (a) release on personal recognizance;
- (b) release on other appropriate conditions;
- (c) the execution of an unsecured appearance bond in an amount equal to or less than the scheduled bail amount, and the deposit in cash or other security of not more than 10 per cent of the amount of the bond; or
- (d) the execution of a bail bond in an amount less than the scheduled bail amount, secured by cash or other solvent sureties.

5) Each Area Court Administrator, or the Presiding Judge in those judicial districts not having an Area Court Administrator, shall cooperate with state and local law enforcement personnel in his district to encourage the use of citations as authorized by AS 12.25.180 and Criminal Rule 3.

DATED: May 24 1978
EFFECTIVE DATE: May 24 1978

Robert Bookchin
Chief Justice
Joy A. Natunind
Justice
Roger G. Connor
Justice
Warren W. Matlock
Justice

I dissent from the adoption of this order for the reason that I am not satisfied that this Court has jurisdiction to require or authorize bail schedules.

Edmond T. Sule
Justice

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 - Magistrates
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 - Dep/Pub Safety
 - Ak. Legal Serv.

1 IN THE TRIAL COURTS FOR THE STATE OF ALASKA

2 FIRST JUDICIAL DISTRICT

3 In the Matter of)
4 A BAIL SCHEDULE,)
5 First Judicial)
6 District.)

7 ORDER

8 It appearing to the court that the orderly administration of
9 criminal justice will be served if the officials admitting persons
10 to the jails in Sitka, Ketchikan, Wrangell and Juneau, are
11 authorized to accept bail from such persons immediately after
12 their booking and pending arraignment, and accordingly, pursuant
13 to Supreme Court Order No. 309, it is

14 ORDERED as follows:

15 1) The officials in charge of the jails in the above-named
16 locations are authorized to accept bail from persons arrested and
17 admitted to those jails for the purpose of ensuring their appear-
18 ance at arraignment; the bail shall consist of a cash deposit in
19 the full amount listed except as otherwise ordered herein.

20 2) Nothing herein shall prevent the officials in charge of
21 the jails from refusing to receive bail pending arraignment from
22 a defendant who is under the influence of intoxicants, or of
23 narcotic or hallucinogenic drugs at the time of booking to such a
24 degree as to be a danger to themselves or the public. If unusual
25 circumstances exist involving questions of protection of the
26 public, the bail schedule will not apply and a judicial officer
27 shall be contacted.


28 3) The bail schedule will not apply, and a judicial
29 officer shall be contacted at the defendant's request, if the
30 defendant is immediately unable to post the scheduled amount and
31 it appears that circumstances exist indicating that the defend-
32 ant's appearance in court can be reasonably assured by one of the

1 following:

- 2 (a) release on personal recognizance;
- 3 (b) release on other appropriate conditions;
- 4 (c) the execution of an unsecured appearance bond in
5 an amount equal to or less than the scheduled
6 bail amount, and the deposit in cash or other
7 security of not more than ten percent of the amount
8 of the bond; or
- 9 (d) the execution of a bail bond in an amount less
10 than the scheduled bail amount, secured by cash
11 or other solvent sureties.

12 4) The bail schedule applicable in these designated loca-
13 tions of the First Judicial District shall be as shown in the
14 appendix to this order, consisting of two pages, effective on
15 and after the date hereof.

16 DATED: November 9, 1978.

17 
18 Thomas B. Stewart
19 Presiding Judge
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11.15.230	Assault	\$ 100
11.15.230	Assault and Battery	500
11.15.200	Careless Use of Firearms	500
11.55.020	Carrying a Concealed Weapon	250
11.20.275	Concealment of Merchandise	100
11.40.130	Contributing to Delinquency of Child (Misdemeanor)	500
11.20.480	Defrauding a Hotel Keeper	500
11.55.050	Discharge of Firearm in Public Place	500
11.45.030	Disorderly Conduct	150
28.35.010	Driving without Owner's Consent	500
28.15.300	Driving while License Revoked or Suspended	300
28.35.030	(250
13AAC02.545	Drinking while Driving	100
28.35.210	Defective Equipment	OR
11.30.090-093	Escape from Custody	500
04.15.100	Furnishing Liquor to Minor	250
04.15.100	Fraudulent Statement of Age by Minor	100
11.60.140	Gambling	500
28.35.660	Hit and Run, Minor Damage	250
28.35.060	Hit and Run, Major Damage	250
11.40.080	Indecent Exposure	250
33.30.055	Introducing Intoxicants into Jail	1,000
11.20.230	Larceny by Check - Under \$250	150
11.20.520-620	Malicious Destruction of Property	500
28.35.045	Negligent Driving	100
11.30.210	Obstructing an Officer	250
11.20.140	Petty Larceny	250
11.40.420	Pimping	500
11.55.070	Possession of Firearm while under Influence	500
17.12.110	Possession of Marijuana	100
17.12.110	Possession of Marijuana while Driving	200
17.12.110	Possession of Drugs	250
11.40.240	Prostitution	200
28.35.040	Reckless Driving	150
(Ordinances)	Resisting Arrest	300
11.55.060	Shooting at Building, etc.	250

11.20.010	Arson 1st Degree	\$20,000
11.20.010	Arson 2nd Degree	10,000
11.20.010	Arson 3rd Degree	3,000
11.20.010	Arson 4th Degree	3,000
11.15.190	Assault while Armed	3,000
11.15.220	Assault with a Dangerous Weapon	3,000
11.15.160	Assault with Intent to Kill, Rape or Rob	20,000
11.20.080	Burglary in a Dwelling	3,000
11.20.100	Burglary not in a Dwelling	2,000
11.40.130	Contributing to Delinquency of Child (Felony)	10,000
28.35.060	Hit and Run, Injury	1,000
11.20.230	Larceny by Check - Over \$250	300
11.15.134	Lewd and Lascivious Acts Toward a Child	10,000
11.15.010	Murder	20,000
11.20.140	Grand Larceny	500
11.55.040	Possession of Firearm by Convict	1,000
17.12.110	Possession of Drugs for Sale	10,000
11.15.130	Rape	10,000
11.15.240	Robbery	5,000
11.20.610	Trespassing	100
11.20.630		
11.45.050	Turning in False Fire Alarm	500
18.70.080	Unlawful Discharge of Fireworks	OR
	Unauthorized Entry	500
	Minor Consuming (18 years)	OR
	Minor in Possession (18 years)	OR
	Minor on Premises (18 years)	100
	Minor Purchasing (18 years)	100



Superior Court

State of Alaska

SECOND JUDICIAL DISTRICT

FEDERAL BUILDING

NOME, ALASKA

99702

WILLIAM H. SANDERS, PRESIDING JUDGE

September 10, 1979

Ms. Margaret W. Berck
Counsel
House Judiciary Committee
Pouch V
State Capitol
Juneau, Alaska 99811

Re: Misdemeanor Bail Schedule

Dear Ms. Berck:

Enclosed is a photostatic copy of our bail schedule for this area. This schedule is used by the jailers pending arraignment. After arraignment a vast majority of our misdemeanor defendants are released on their own OR.

We have a felony bail schedule and a traffic bail schedule.

The traffic bail schedule is the same as that in Anchorage. The felony bail schedule is separate and likewise is used by the jailers pending arraignment by the judge.

The judge in the majority of cases, including misdemeanors and felonies, allows defendant's release on their own OR unless the Court finds that they are a danger to the community or will not show up for the next hearing.

If there is anything further we can provide for you please so advise.

Sincerely,


WILLIAM H. SANDERS

Enclosure
WHS:gbb

IN THE TRIAL COURTS FOR THE STATE OF ALASKA

SECOND JUDICIAL DISTRICT

In the Matter of Bail Considerations)
For the Second Judicial District)
Misdemeanor Cases in the Nome Area)
_____)

ORDER SETTING BAIL SCHEDULE
IN MISDEMEANOR CASES

IT IS ORDERED that bail for misdemeanors is scheduled as follows:

I. BAIL:

A. Any misdemeanor bail not listed on a warrant or on the following schedule shall be \$50.00- (except when the only penalty is a fine, see paragraph II, unless the Court sets a different bail).

B. LISTED OFFENSES: BAIL

- 1. Possession of Drugs except marijuana (when misdemeanor)..... \$250.00
- 2. Riot, Rescue, & Escape (when misdemeanor)..... \$500.00
- 3. Prostitution offenses (assignment & soliciting)..... \$250.00
- 4. Gun Violations (including Carrying a Concealed Weapon when it is a gun..... \$1000.00
- 5. Assault & Battery (including Assault or Battery)..... \$500.00
- 6. Reckless Driving, OMVI, Leaving Scene of Accident, Driving While License is Cancelled, Suspended or Revoked, Violation of Limited License, Joyriding..... \$250.00
- 7. Impersonating a Police Officer or Peace Officer..... \$500.00
- 8. Petty Larceny, Shoplifting or Disorderly Conduct..... \$100.00

C. The scheduled bail amount shall not apply and a judicial officer shall be contacted in any case in which unusual circumstances exist involving questions of protection of the public.

II. PENALTY FINES:

No person may be held in custody and no bail shall be required on a misdemeanor charge where the penalty can only be a fine (trespass, public possession of small amounts of marijuana, etc.).

III. ORDERED that the Nome State Correctional Facility or any other detention facility shall take cash bail as set by this schedule and if the defendant is released he is to report to the trial court in the Federal Building in Nome, Alaska, the next work day at 1:30 p.m. for arraignment with the following conditions of release:

- (1) Promise to appear in Court.
- (2) Not to consume any alcoholic beverages or enter any bar or liquor store where alcoholic beverages are sold.
- (3) Promise not to contact, talk or approach any witnesses to the incident or the victim involved in the case (his attorney may investigate the matter).
- (4) Not to violate any City, State or Federal laws. It is further

IV. ORDERED that all defendants shall be arraigned within 24 hours of their detention, and all defendants who have been arraigned coming in from the bush to Nome shall be taken before the judge or magistrate in Nome within 24 hours of his/her detention in Nome for his/her bail to be

reviewed and assignment of counsel. No distinction shall be drawn between cases in which arrest was made pursuant to a warrant and cases in which arrest was made without a warrant. (In any case in which there may be some misunderstanding or confusion please call a judge or magistrate for directions). (Defendants released on bail are to report to the Court on the next workday for arraignment. Workdays are Mondays through Fridays).

DATED at Nome, Alaska this 15th day of May, 1979.

William H. Sanders *Grand B. Pankhurst*

WILLIAM H. SANDERS
Superior Court Judge
Home Telephone: 443-2360

GRAND B. PANKHURST
District Court Judge
Home Telephone: 443-5585

Janet M. Tobuk

JANET M. TOBUK
Magistrate
Home Telephone: 443-2751

All Judges and Magistrates
Office Number: 443-5216

DISTRIBUTION:

Third Judicial District

MUNICIPAL BAIL SCHEDULE

<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
8.05.010	Alcoholic Liquor - Sale - Gift - Delivery to Designated Persons Prohibited	\$ 500.00
8.05.030	Assault and Battery	\$ 250.00
8.05.030(d)	Assault and Battery on Officer, Fireman, Paramedic	\$ 500.00
8.05.070	Concealed Weapon	\$ 250.00
8.05.080	Consuming Liquor in Public Place	\$ 50.00
8.05.100	Defrauding Innkeeper	\$ 250.00
8.05.120	Disorderly Conduct	\$ 100.00
8.05.150	Drunk on Roadway	\$ 50.00
8.05.160	Enticement	\$ 500.00
8.05.170	Escape	JUDGE
8.05.180	Evidence - Withholding of	\$ 500.00
8.05.190	False Report of Crime	\$ 500.00
8.05.200	False Complaints and Alarms	\$ 500.00
8.05.210	False Bomb Report	\$1000.00
8.05.220	False Pretenses - Obtaining Money by	\$ 500.00
8.05.240	Firearms - Discharging of	\$ 500.00
8.05.250	Firearms on Licensed Premises	\$ 250.00
8.05.270	Fireworks	\$ 50.00
8.05.290	Impersonation of Officer	\$ 500.00
8.05.300	Indecent Exposure or Exhibition	\$ 250.00
8.05.360	Larceny, Petty (less than \$250.00)	\$ 500.00
8.05.370	Littering and Defacing	\$ 250.00
8.05.380	Lost Property - Retention of	\$ 100.00
8.05.390	Magazine Subscription Sales	\$ 50.00
8.05.400	Malicious Destruction of Property	\$ 500.00

MUNICIPAL BAIL SCHEDULE

<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
8.05.420	Minors-Disseminating Indecent Material to	\$ 250.00
8.05.425	Sexual Exploitation of Children	\$1000.00
8.05.430	Minors - Sale of Firearms to	\$ 250.00
8.05.440	Minors - Curfew	\$ 50.00
8.05.450	Minors - Sale of Tobacco Products to	\$ 100.00
8.05.480	Notices - Destruction of	\$ 50.00
8.05.490	Public Excretion	\$ 100.00
8.05.530	Resisting Officers	\$ 250.00
8.05.550	Shoplifting	\$ 250.00
8.05.560	Solicitation of Illegal Act	\$ 500.00
8.05.580	Switchblade Knives	\$ 250.00
8.05.590	Telephones - Illegal Use of	\$ 250.00
8.05.600	Theft of Vehicle and Joyriding	\$1000.00
8.05.610	Unauthorized Use of Keys (duplication)	50.00
8.05.620	Unauthorized Entry	\$ 500.00
8.05.660	Vehicle - Tampering with	\$ 250.00
8.05.670	Weapon - Possession of with Intent to Assault	JUDGE
8.14.	Prostitution & related offenses	\$ 500.00
8.16.020	Gambling & related offenses	\$ 500.00
8.30.010	Trespass	\$ 100.00
9.28.010	Reckless Driving	\$ 500.00
9.28.020	Driving While under the Influence of Intoxicating Liquor	\$ 500.00
9.28.040	Eluding Police Officer	\$ 500.00
9.10.036	Leaving Scene of Accident(Hit & Run)	\$ 500.00

STATE BAIL SCHEDULE

<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
4.10.010	Sales without a License	\$ 500.00
4.10.110	Sales Other than to Licensee	\$ 500.00
4.10.190	Perjury	JUDGE
4.15.010	Sales during Closed Hours	\$ 500.00
4.15.020	Sales to Minors	\$ 500.00
4.15.020(d)	Minor on Premises	\$ 50.00
4.15.035	Warehousing of Intoxicating Liquors in Unlicensed Premises	\$ 500.00
4.15.060	Purchasing Liquor by Minor	\$ 50.00
4.15.060(e)	Allowing Minor to Remain on Premises	\$ 500.00
4.15.080	Non-licensee Giving Intoxicating Liquor to Minor	\$ 500.00
4.15.085	Giving Intoxicating Liquor on Credit	\$ 500.00
4.15.110	Sales in Violation of Local Option	\$1000.00
15 AAC 20.040	Operating Bottle Club	\$ 500.00
15 AAC 20.100	Possession by a Minor	\$ 50.00
15 AAC 20.100(a)	Consumption by a Minor	\$ 50.00
4.10.070	Sales to Other than Club Members	\$ 500.00

STATE BAIL SCHEDULE/MISDEMEANORS

<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
AS 28.10.181(j)	Improper Use of Dealer Plates	\$ 50.00
AS 28.10.271	Failure to Transfer Registration	\$ 50.00
AS 28.10.271(b)	Failure to Notify Department of Motor Vehicles of Transfer	\$ 50.00
AS 28.10.351	Failure to Surrender Title and Registration	\$ 100.00
AS 28.10.271	Failure to Endorse or Deliver Title	100.00
AS 28.11.010	Unlawful Abandonment of Vehicle	\$ 250.00
AS 28.15.171	Driving While License Suspended by Another State	500.00
AS 28.15.281(1)	Possession of Invalid License	500.00
	(2) Using Another's License	100.00
	(4) Allowing Use of License by Another	100.00
AS 28.15.291	Driving While License Suspended	500.00
	Driving in Violation of Limited License	500.00

STATE BAIL SCHEDULE/MISDEMEANORS

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<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
DRIVER TRAINING:		
AS 28.17.011	Instructor's License Required	\$ 100.00
FINANCIAL RESPONSIBILITY:		
AS 28.20.560(a)	Giving False Affidavit	\$ 500.00
AS 28.20.560(b)	Failure to Surrender License	\$ 500.00
AS 28.20.570	Falsified Proof of Financial Responsibility	\$ 500.00
MISCELLANEOUS:		
AS 28.35.010(a)	Joyriding	\$1000.00
AS 28.35.015	Vehicle Tampering	\$ 250.00
AS 28.35.024(a)	Person Renting Vehicle Not Licensed	\$ 100.00
AS 28.35.024(b)	Renter Failing to Inspect	\$ 50.00
AS 28.35.024(c)	Renter Failing to Keep Information	\$ 50.00
AS 28.35.030	Operating a Motor Vehicle Under the Influence	\$ 500.00
AS 28.35.040	Reckless Driving	\$ 500.00
AS 28.35.045	Negligent Driving	\$ 250.00
AS 28.35.045(b)	Failure to Remain at Scene of Accident with Attended Vehicle	\$ 500.00
AS 28.35.045(c)	Failure to Remain at Scene of Accident with Unattended Vehicle	\$ 500.00
AS 28.35.045(d)	Leaving Scene of Unattended Vehicle without Leaving Information statement	\$ 500.00
AS 28.35.060(a)	Failure to Give Information at Accident Resulting in Injury or Damage to Attended Vehicle	\$ 500.00
AS 28.35.080(a)	Operator Failure to Notify of Accident	\$ 100.00
AS 28.35.080(b)	Operator Failure to Forward Report of Accident	\$ 100.00
AS 28.35.090(a)	Occupant Failure to Notify of Accident	\$ 100.00
AS 28.35.090(b)	Owner Failure to Forward Report of \$500.00 Accident	\$ 100.00

STATE BAIL SCHEDULE/MISDEMEANORS

<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
AS 28.35.110(a)	Falsification of Accident Report	\$ 500.00
AS 28.35.130	Concealing Evidence of Accident	500.00
AS 28.35.135(b)	Notification of Change of Address	50.00

STATE BAIL SCHEDULE/MISDEMEANORS

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<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
TITLE II:		
AS 11.15.200	Careless Use of Firearms	\$ 250.00
AS 11.15.230	Assault and Battery	\$ 250.00
AS 11.15.230(a)	Assault and Battery on a Police Officer	\$ 500.00
AS 11.15.340	Negligent Use of Combustible Materials	\$ 500.00
AS 11.20.135	Unauthorized Entry	\$ 500.00
AS 11.20.140	Petty Larceny (under \$250.00)	\$ 500.00
AS 11.20.145	Unconsensual Taking Watercraft or Aircraft	\$1000.00
AS 11.20.170	Driving Animals from Range	\$ 250.00
AS 11.20.210	ICWOF	\$ 500.00
AS 11.20.230	ICWOF with Intent to Defraud (under \$250.00)	\$ 500.00
AS 11.20.275	Concealment of Merchandise	\$ 250.00
AS 11.20.280	Embezzlement by Employee (under \$100.00)	\$ 500.00
AS 11.20.290	Embezzlement by Bailee (under \$100.00)	\$ 500.00
AS 11.20.330	Embezzlement by Trustee (under \$100.00)	\$ 500.00
AS 11.20.340	Embezzlement by Fiduciary (under \$100.00)	\$ 500.00
AS 11.20.350	Buying, Receiving and Concealing Stolen Property (under \$250.00)	\$ 500.00
AS 11.20.430	False Corporation Records	\$ 500.00
AS 11.20.440	False Corporation Reports	\$ 500.00
AS 11.20.450	False Pretenses for Organization	\$ 500.00
AS 11.20.470	False Statements about Financial Institutions	\$ 250.00
AS 11.20.480	Defrauding Innkeeper	\$ 250.00
AS 11.20.495	Fraudulent Use of Telecommunications Service	\$ 500.00
AS 11.20.500	Unauthorized Use of Badge or Emblem	\$ 50.00

STATE BAIL SCHEDULE/MISDEMEANORS
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<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
AS 11.20.510	False Labeling of Jewelry	\$ 500.00
AS 11.20.515(a)	Malicious Destruction of Private Property	\$ 500.00
AS 11.20.515(b)	Tampering with Property	\$ 250.00
AS 11.20.517	Destruction of Gas and Oil Signs	\$ 500.00
AS 11.20.575	Malicious Destruction by Tenant	\$ 500.00
AS 11.20.590	Injury to Public Highway, Recreation Facilities and Highway Signs	\$ 500.00
AS 11.20.610	Trespassing on Improved Lands	\$ 100.00
AS 11.20.630	Trespass	\$ 100.00
AS 11.20.635	Trespass on Oil or Gas Property	\$ 100.00
AS 11.20.650	Trespass on Mining Claims	\$ 100.00
AS 11.20.660	Opening Sealed Letters	\$ 250.00
AS 11.20.670	Destruction of a Camp	\$ 500.00
AS 11.22.010	Theft of Credit Card	\$ 500.00
AS 11.22.020	Possession of Stolen Credit Card	\$ 500.00
AS 11.22.030	Sale and Purchase of a Credit Card	\$1000.00
AS 11.22.040	Obtaining Credit Card as Security with Intent to Defraud	\$ 500.00
AS 11.22.060	Signing Credit Card of Another	\$ 500.00
AS 11.22.070	Fraudulent Use of Credit Card (under \$500.00)	\$ 500.00
AS 11.22.080	Fraud by Provider of Goods	\$ 500.00
AS 11.22.090	Misrepresentation to Issuer	\$ 500.00
AS 11.22.110	Receiving Stolen Goods of Services Knowing Obtained Fraudulently	\$ 500.00
AS 11.25.080	Counterfeiting or Imitating Brands	\$ 250.00

STATE BAIL SCHEDULE/MISDEMEANORS
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<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
AS 11.30.200	Refusal to Aid Officer	\$ 500.00
AS 11.30.220	Impersonating Peace Officer	\$1000.00
AS 11.30.230	Public Officer Misconduct	\$ 500.00
AS 11.30.240	Mishandling Public Records	\$ 500.00
AS 11.30.315	Destruction of Evidence	\$ 500.00
AS 11.30.210	Obstructing an Officer	\$ 250.00
AS 11.30.090	Escape (Misdemeanor)	JUDGE
AS 11.30.215	False Police Report	\$ 500.00
AS 11.30.245	Obstruction of Access to Public Records	\$ 500.00
AS 11.30.190	Compounding a Crime	\$ 500.00
AS 11.35.010	Non-support	\$ 500.00
AS 11.35.015	Failure to Permit Visitation	\$ 100.00
AS 11.40.080	Indecent Exposure	\$ 250.00
AS 11.40.090	Concealment of Death of Child	\$1000.00
AS 11.40.130	Contributing to Delinquency of Child (Misdemeanor only)	\$ 500.00
AS 11.40.160	Objectional Comic Books	\$ 250.00
AS 11.40.220	Prostitution	\$ 500.00
AS 11.40.230	Procuring for Prostitution	\$ 500.00
AS 11.40.240	Receiving for Prostitution	\$ 500.00
AS 11.40.260	Keeping Bawdyhouse	\$1000.00
AS 11.40.420	Pimping	\$ 500.00
AS 11.40.440	Disinterment of Body	JUDGE
AS 11.40.450	Attaching or Detaining Dead Body for Debt	\$ 500.00
AS 11.40.460	Damage to Cemetery	\$ 250.00
AS 11.40.470	Road through Cemetery	\$ 250.00

STATE BAIL SCHEDULE/MISDEMEANORS
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<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
AS 11.40.510	Use of Live Birds as Target	\$ 250.00
AS 11.40.500	Abandoning Disabled Animals to Die	\$ 250.00
AS 11.40.520	Illegal Fighting Animals	\$ 500.00
AS 11.40.530	Unsanitary Pet Shop	\$ 500.00
AS 11.40.480- 17.05.090	Cruelty to Animals	\$ 250.00
AS 11.45.010	Riot	\$1000.00
AS 11.45.030	Disorderly Conduct	\$ 100.00
AS 11.45.035	Illegal Use of Telephones	\$ 250.00
AS 11.45.050	False Alarms	\$ 500.00
AS 11.45.055	Threats and False Reports of Bombing	\$1000.00
AS 11.55.010	C.C.V.	\$ 250.00
AS 11.55.050	Flourishing	\$ 500.00
AS 11.55.060	Shooting at Buildings	\$ 500.00
AS 11.55.070	P.F.W.I.	\$ 500.00
AS 11.60.225	Improper Use of State Seal	\$ 100.00
AS 11.60.010	Lottery	\$ 500.00
AS 11.60.020	Selling Tickets or Shares	\$ 250.00
AS 11.60.030	Advertising Tickets or Shares	\$ 250.00
AS 11.50.040	Selling Fictitious Tickets or Tickets in Fictitious Lotteries	\$ 500.00
AS 11.50.070	Minors in Card Rooms	\$ 500.00
AS 11.60.080	Selling or Giving Tobacco to Minors	\$ 100.00
AS 11.60.100	Frequenting Opium Dens	\$ 250.00
AS 11.60.140	Dealing or Conducting Gambling Game	\$ 500.00
AS 11.60.200	Permitting Dangerous Animals to be at Large	\$ 250.00
AS 11.60.220	Desecration of Flag	\$ 250.00

STATE BAIL SCHEDULE/MISDEMEANORS

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<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
AS 11.60.270	Penalty for Violation of Curfew	\$ 50.00
AS 11.60.280	Unauthorized Publication or Use of Communications	\$ 250.00
AS 11.60.290	Eavesdropping	\$ 250.00
AS 11.60.350	Deprivation of Rights under Color of Law	\$ 500.00
AS 11.65.010	Discharging Ballast into Navigable Waters	\$1000.00
AS 11.65.020	Interfering with Buoys and Beacons	\$1000.00
AS 11.65.030	Tampering with Posted Notices	\$ 500.00
AS 17.	All Title 17 Misdemeanors are to be set at	\$ 250.00
	with the exception of	
AS 17.12.010	Possession of Marijuana	\$ 100.00

ALCOHOLIC BEVERAGE CONTROL BOARD BAIL SCHEDULE

<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
AS 4.10.010	Sales without a License	\$ 500.00
AS 4.10.010	Trafficing in Alcoholic Beverage without a License	\$ 500.00
AS 4.10.110	Sales other than to a Licensee	\$ 500.00
AS 4.10.190	Perjury	JUDGE
AS 4.15.010) 15 AAC 20.070)	Sales During Closed Hours	\$ 500.00
AS 4.15.010	Consumption on Premises During Closed Hours	\$ 100.00
AS 4.15.020(a)	Sales to Minor	\$ 500.00
AS 4.15.020(a)	Sales to Intoxicated Person	\$ 500.00
AS 4.15.020(a)	Licensee or His Employee Furnishing to a Minor	\$ 500.00
AS 4.15.020(d)	Minor on Licensed Premises	\$ 50.00
AS 4.15.035(a)	Warehousing of Intoxicating Liquors in Unlicensed Premises	\$ 500.00
AS 4.15.060(a)	Purchasing Liquor by a Minor	\$ 50.00
AS 4.15.060(c)	Use of False I.D.	\$ 50.00
AS 4.15.060(e)	Allowing a Minor to Remain on Licensed Premises	\$ 500.00
AS 4.15.080	Non-licensee Giving Intoxicating Liquor to a Minor	\$ 500.00
AS 4.15.085	Giving Intoxicating Liquor on Credit	\$ 500.00
AS 4.15.110	Sales in Violation of Local Option	\$1000.00
15 AAC 20.040	Operating a Bottle Club	\$ 500.00
15 AAC 20.100	Possession by a Minor	\$ 50.00
15 AAC 20.100	Consumption by a Minor	\$ 50.00
AS 4.10.070	Sales Other Than to Club Members	\$ 500.00
15 AAC 20.170	Sales Other Than to Club Members	\$ 500.00

FISH AND GAME BAIL SCHEDULE

<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
UNLAWFUL ACTS:		
AS 16.05.920	Polar Bear	\$5000.00
	Brown Bear	\$5000.00
	Glazier Bear	\$5000.00
	Sheep, Waste	\$5000.00
	Walrus, Bison or Specified Game (same day airborne, illegal taking and possession)	\$2500.00
	Black Bear	\$1000.00
	Moose, Elk, Caribou, Goat	\$1500.00
	Undersized Sheep	\$1500.00
	Deer	\$ 500.00
	Wolf, Wolverine	\$100.00
	Sale of Game Meat	\$2500.00
	Import of Exotic Species	\$1000.00
	License/Tags:	
	Sport Fishing without License	\$ 100.00
	Sport Hunting, Small Game	\$ 500.00
	Sport Hunting, Big Game	\$ 500.00
	Falsification of License	\$ 500.00
	Illegal Means, Except Same Day Airborne	\$ 500.00
	Sport Fish:	
	Overlimit	\$ 250.00
	Closed Waters	\$ 500.00
	Snagging	\$ 250.00
	Illegal Gear	\$ 500.00
	Illegal Size	\$ 500.00
	All Other Sport Fishing Violations	\$ 500.00

FISH AND GAME BAIL SCHEDULE
Page -2-

<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
	Unlawful Sale of Fish	\$2500.00
	All Trapping	\$ 500.00
	Waterfowl	\$ 250.00
	Limited Entry:	
	Closed Waters	\$5000.00
	Closed Period	\$5000.00
	Closed Season	\$5000.00
	Illegal Gear	\$5000.00
	Illegal Possession	\$5000.00
	Crew Member	\$2000.00

NATURAL RESOURCES BAIL SCHEDULE

<u>CITE</u>	<u>CHARGE</u>	<u>BAIL</u>
11 AAC 12.010	Limitation on Use of Park Lands and Water	\$ 100.00
11 AAC 12.020	Speed Limit in Parks	\$ 2.00 p/mph
11 AAC 12.030	Waters Closed to Aircraft and Boats	\$ 100.00
11 AAC 12.040	Special Event by Permit	\$ 100.00
11 AAC 12.050	Refuse and Waste (Littering)	\$ 100.00 or 8 hrs. picking up litter
11 AAC 12.100	Vehicles (Off-road Operation)	\$ 500.00
11 AAC 12.110	Motor Vehicle Operation	\$ 50.00
11 AAC 12.120	Horses	\$ 50.00 p/hors
11 AAC 12.130	Pets	\$ 100.00
11 AAC 12.140	Construction of Structures	\$ 100.00
11 AAC 12.150	Construction of Signs	\$ 50.00
11 AAC 12.160	Assembly by Permit	\$ 100.00
11 AAC 12.170	Disturbance of Natural Material	\$ 250.00
11 AAC 12.180	Fires (Building in Wrong Place)	\$ 50.00
11 AAC 12.190	Explosives and Fireworks	\$ 100.00
11 AAC 12.200	Underwater Diving Safety	\$ 50.00
11 AAC 12.210	Limitation as to Numbers	\$ 50.00
11 AAC 12.230	Camping	\$ 50.00
11 AAC 12.300	Peddling	\$ 100.00
11 AAC 12.310(a)	Fees	\$ 50.00
11 AAC 12.310(b)		
11 AAC 18.010	State Park Incompatible Uses	\$ 500.00
AS 41.	Protection of Forest Lands	\$ 500.00

State of Alaska
Department of Commerce and Economic Development
Weights and Measures Section

FINES AND PENALTIES GUIDELINE

- AS 45.75.100(b) Sell or offer for sale "off sale" commodity
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 110(b) Violation of "stop use" order
1st \$100
2nd \$250
- 180 Failure to correct device within 30 days
1st \$50/count
2nd \$100/count
- 180 Use a rejected device
1st \$100/count
2nd \$250/count
- 190 Incorrect method of sale
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 200(a)(1) No declaration of net quantity
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 200(a)(2) No declaration of origin
1st \$20/count, \$50 minimum
2nd \$50/count, \$100 minimum
- 200(a)(3) No declaration of identity
1st \$20/count, \$50 minimum
2nd \$50/count, \$100 minimum
- 210 No declaration of unit price
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 220 Misleading packaging
1st \$50/count, \$250 minimum
2nd \$100/count, \$500 minimum
- 225(a) No "price per quantity" declaration in advertising
1st \$100
2nd \$250

- 225(c) Use of qualifying term in advertising
1st \$100/count
2nd \$250/count
- 230 Misrepresentation of price
1st \$50/count, \$250 minimum
2nd \$100/count, \$500 minimum
- 240 Incorrect sale of meat, poultry or seafood
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 250 Incorrect sale of bread
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 260 Incorrect sale of butter, oleo, or margarine
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 270 Incorrect sale of fluid dairy product
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 280 Incorrect sale of flour, cornmeal or hominy
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 282 Incorrect or no delivery ticket on bulk delivery
1st \$100/count
2nd \$250/count
- 288 Incorrect or no delivery ticket on bulk liquid fuel
1st \$100/count
2nd \$250/count
- 290(a) Incorrect sale of coal, coke and charcoal
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 290(b) Incorrect or no delivery ticket on bulk coal,
coke or charcoal
1st \$100/count
2nd \$250/count
- 300 Incorrect sale of textile products
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum

- 310 Incorrect sale of berries or small fruits
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 360 Hindering or obstructing an officer
1st \$100/count
2nd \$200/count, jail
- 370 Impersonation of an officer
1st \$250/count
2nd \$500/count, jail
- 380 Has or uses incorrect or fraudulent device
1st \$100/count
2nd \$250/count
- 380(2) Uses an unsealed device
1st \$100/count
2nd \$250/count
- 380(3) Disposes of an incorrect device
1st \$100/count
2nd \$250/count
- 380(4) Removes a seal
1st \$100/count
2nd \$250/count
- 380(5) Short quantity
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 380(6) Represents fraudulent quantity as buyer
1st \$50/count, \$200 minimum
2nd \$100/count, \$500 minimum
- 380(7) Keeps, sells or advertises contrary to law
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum
- 380(8) No customer indication of quantity on a device
1st \$100/count
2nd \$250/count
- 380(9) Violation of law or regulation
1st \$20/count, \$100 minimum
2nd \$50/count, \$250 minimum

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT

ADMINISTRATIVE DIRECTIVE NO. 121

Pursuant to the directive of the Supreme Court set forth in Supreme Court Order No. 309, IT IS HEREBY ORDERED that Administrative Directive No. 119 is hereby rescinded and replaced by the following directive:

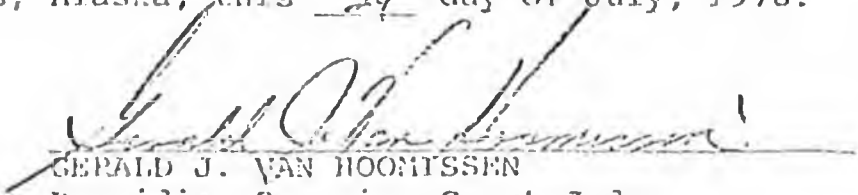
1. That bail schedule previously existing and as modified and appended hereto before issuance of Administrative Directive No. 119, is hereby reinstated subject to the following conditions:

A. In any case in which unusual circumstances exist, involving questions of the protection of the public, before release of defendant, the duty judge, or in the event of his unavailability, any other judge shall be contacted so that adequate bail may be determined.

B. In cases where defendant is unable to post the scheduled amount and so requests, the duty judge, or in cases of his unavailability, any other judge shall be immediately contacted so that adequate bail may be determined. The following alternatives to the scheduled amount shall be considered:

- 1) Release on personal recognizance;
- 2) Release on other appropriate conditions;
- 3) Release pursuant to execution of unsecured appearance bond in an amount equal to or less than the scheduled bail amount, and a deposit in cash or other security of not more than 10 percent of the amount of the bond; or
- 4) The execution of a bail bond in the amount less than the scheduled bail amount secured by cash or other appropriate security.

DATED at Fairbanks, Alaska, this 24 day of July, 1978.


GERALD J. VAN HOOFITSEN
Presiding Superior Court Judge

Attachment

Distribution

Supreme Court Justices
Superior Court Judges
District Court Judges
Magistrates
Magistrate Supervisor
Clerks of the Court
Law Librarian
Probate Master
Department of Law
Public Defender Agency
Department of Public Safety
Fairbanks City Police Department
Alaska Legal Services
Division of Corrections
Probation Department
Fairbanks Correctional Center
Judicial Services
Area Court Administrator

BAIL SCHEDULE

- A. Ordinarily, bail on any and all felonies shall be set at arraignment or the initial presentment before the judge or magistrate. If the defendant has been arrested on a felony warrant, that bail will control until the defendant appears before a judge or magistrate unless a judge or magistrate otherwise directs.
- B. Any misdemeanor not listed on a warrant or on the following schedule shall be \$50.00 unless the court sets a different bail.

	<u>OFFENSE</u>	<u>BAIL</u>
1.	Possession of Drugs <u>except marijuana</u> (when misdemeanor)	\$ 500.00
2.	Riot, Rescue, and Escape (when misdemeanor)	1,000.00
3.	Prostitution offenses (including assignation and soliciting)	1,000.00
4.	Gun violations (including Carrying Concealed Weapon when it is a gun)	500.00
5.	Assault and Battery (including Battery or Assault)	500.00
6.	Assault and Battery on a Police Officer	1,000.00
7.	Impersonating a Police Officer or Peace Officer	500.00
8.	Reckless Driving, OMVI, Leaving Scene of Accident, Driving While License is Cancelled, Suspended, or Revoked, Joyriding, Violation of Limited License	250.00
9.	Petty Larceny and Shoplifting	500.00

Sec. 12.30.020. Release before trial. (a) A person charged with an offense shall, at his first appearance before a judicial officer, be ordered released pending trial on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer unless the officer determines that the release of the person will not reasonably assure the appearance of the person as required, or will pose a danger to other persons and the community. If the offense with which a person is charged is a felony, on motion of the prosecuting attorney, the judicial officer may allow the prosecuting attorney up to 48 hours to demonstrate that release of the person on his personal recognizance or upon the execution of an unsecured appearance bond will not reasonably assure the appearance of the person, or will pose a danger to other persons and the community.

(b) If a judicial officer determines under (a) of this section that the release of a person will not reasonably assure the appearance of the person, or will pose a danger to other persons and the community, the judicial officer may

(1) place the person in the custody of a designated person or organization agreeing to supervise him;

(2) place restrictions on the travel, association, or place of abode of the person during the period of release;

(3) require the person to return to custody after daylight hours on designated conditions;

(4) require the execution of an appearance bond in a specified amount and the deposit in the registry of the court, in cash or other security, a sum not to exceed 10 per cent of the amount of the bond; the deposit to be returned upon the performance of the condition of release;

(5) require the execution of a bail bond with sufficient solvent sureties or the deposit of cash; or

(6) impose any other condition considered reasonably necessary to assure the defendant's appearance as required and the safety of other persons and the community.

(c) In determining the conditions of release under (b) of this section, the judicial officer shall take into account

(1) the nature and circumstances of the offense charged,

(2) the weight of the evidence against the person,

(3) the person's family ties,

(4) the person's employment,

(5) the person's financial resources,

(6) the person's character and mental condition,

(7) the length of the person's residence in the community,

(8) the person's record of convictions,

(9) the person's record of appearance at court proceedings,

(10) the flight of the accused to avoid prosecution or his failure to appear at court proceedings.

(d) A judicial officer authorizing the release of a person under this section shall issue an order containing a statement of the conditions imposed.

§ 12.30.020

(e) The judicial officer shall inform the person of the penalties which may be imposed for a violation of the conditions of his release and advise him that a warrant for his arrest will be issued immediately upon a violation.

(f) A person who remains in custody 48 hours after his appearance before a judicial officer because of his inability to meet the conditions of release shall, upon application, be entitled to have the conditions reviewed by the judicial officer who imposed them. If the judicial officer who imposed the conditions of release is not available, any other judicial officer in the district may review the conditions. If the conditions are not amended and the person remains in custody, the judicial officer shall set out in writing the reasons for requiring the conditions imposed.
(am §§ 1, 2 ch 39 SLA 1974)

(g) A judicial officer who orders the release of a person on a condition specified in (b) of this section may at any time amend his order to impose additional or different conditions of release, or to release the person under (a) of this section.

(h) Information offered or introduced at a hearing before a judicial officer to determine the conditions of release need not conform to the rules governing the admissibility of evidence in a court of law. (§ 1 ch 20 SLA 1966; am §§ 1, 2 ch 112 SLA 1967)

Cross reference.—See Cr. R. 41(a), (b), (c), (e), (f), (g) and (m).

Effect of amendment. — The 1967 amendment added "or will pose a danger to other persons and the community" at the end of subsection (a), inserted "or will pose a danger to other persons and the community" in the introductory portion of subsection

(b), and added "and the safety of other persons and the community" at the end of paragraph (6) of such subsection.

Legislative committee reports.—For report on ch. 20, SLA 1966, see 1966 House Journal, pp. 110, 111. For report on ch. 112, SLA 1967 (HB 166), see 1967 House Journal, p. 339.

IN THE (SUPERIOR)(DISTRICT) COURT FOR THE STATE OF ALASKA

AT _____

() STATE OF ALASKA)
())
Plaintiff,)
vs.)
)
)
)
Defendant)

CASE NO. _____ CR

ORDER AND CONDITIONS OF RELEASE

IT IS ORDERED that _____, defendant, be released on the condition that he promises to appear at all scheduled hearings as required.

Upon a finding that additional conditions are necessary to assure the defendant's appearance or to protect the community, it is FURTHER ORDERED that the following conditions be imposed:

- 1. UNSECURED BOND. The defendant will execute a bond binding himself to pay the State of Alaska the sum of \$ _____ in the event he fails to appear as required. No security will be required to support the bond.
- 2. 10% DEPOSIT BOND. The defendant will execute a bond binding himself to pay the State of Alaska the sum of \$ _____ and will deposit with the court \$ _____ in cash equaling 10% of the amount of the bond.
- 3. FULL DEPOSIT OR SECURED BOND. The defendant will execute a bond in the sum of \$ _____, secured either by the undertakings of sufficient solvent sureties or by the deposit of an equal amount of cash.
- 4. THIRD PARTY CUSTODY. The defendant is placed in the custody of:

(Name of Person or Organization)

(Address) (Telephone No.)

Who agrees to:

- a) Supervise the defendant in accordance with the conditions checked;
- b) Use every effort to assure the appearance of the defendant at all scheduled hearings;
- c) Notify the Court immediately in the event the defendant violates any condition of his release or disappears.

I accept responsibility for supervision of the defendant.

DATE

CUSTODIAN (Signature)

5. PART-TIME RELEASE. The defendant will be released from _____ (a.m.)(p.m.) to _____ (a.m.)(p.m.) on _____ (days of the week)

for the purpose of _____ on the condition that he return to custody at _____ each day.
(Place of Imprisonment)

GENERAL CONDITIONS OF RELEASE

- Defendant shall not depart from _____ without the written permission of the court.
- Defendant shall not, during the period of release, consume any intoxicating beverage or enter any establishment where intoxicating liquors are sold.
- Defendant shall stay in his home at _____ between _____ p.m. and _____ a.m.
- Defendant shall not associate with or contact, directly or indirectly, the following persons:

- Defendant shall obey all municipal, state and federal laws and ordinances.
- Defendant shall _____

NEXT APPEARANCE

IT IS FURTHER ORDERED that the defendant shall appear at:

Address: _____

Date and Time: _____

and such other places and times as the court may order or direct.

PENALTIES

If the defendant violates any conditions of his release, a warrant for his arrest will issue immediately. After arrest, the terms and conditions of any further release will be redetermined.

If the defendant fails to appear before any court or judicial officer as required, an additional criminal case may be instituted against him. If the failure to appear is in connection with a felony charge, or while awaiting sentence appeal, or pending appeal after conviction, the penalty is a fine of not more than \$5,000 or imprisonment for not more than five years, or both. If he fails

to appear after being released on a misdemeanor charge, the penalty is a fine of not more than the maximum provided for the misdemeanor charge, or imprisonment for not more than one year, or both.

In addition to the above penalty or instead of the above penalty, the defendant may be charged with Contempt of Court for violation of any of the conditions of his release or violation of any court order.

(SEAL)

DATE

JUDGE/CLERK

ACKNOWLEDGEMENT BY DEFENDANT

I, _____, understand the methods and conditions of my release which have been checked above and the penalties and forfeitures applicable in the event I violate any condition or fail to appear as required.

I agree to comply fully with each of the obligations imposed on my release and to notify the court promptly in the event I change the address written below. I also agree not to leave the State of Alaska without written permission of the court.

I have received a copy of this order.

DEFENDANT (Signature)

RESIDENCE ADDRESS

TELEPHONE NUMBER

LEGAL
REP FOR
INDIGENT



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

To: Charlie Parr, Chairman, and Members of the House
Judiciary Committee

From: Margaret W. Berck, Staff

Date: September 13, 1979

Subject: Court Appointed Attorneys for Indigents in the Alaska
Court System.

I. INTRODUCTION

Under certain circumstances, legal representation is provided for indigents by court appointed counsel. State courts are required to furnish such representation for indigent defendants in criminal proceedings when for good cause the public defender cannot represent the defendant.¹ In addition, the courts are authorized to appoint counsel to represent a child's interests in a divorce proceeding when custody, visitation or support are at issue.² Finally, pursuant to a recent supreme court case, an indigent party in a divorce action is entitled to court appointed counsel if child custody is an issue and his or her spouse is represented by Alaska Legal Services Corporation³

¹See AS 18.85.130.

²See AS 09.65.130.

³See Flores v. Flores, Alaska Supreme Court, opinion number 1875, July 13, 1979.

II. COURT APPOINTED COUNSEL IN CRIMINAL ACTIONS

An indigent defendant is entitled to a court appointed attorney when the public defender for good cause cannot provide legal representation. The bulk of these appointments arise when the public defender has a conflict of interest precluding such representation. The majority of the public defender conflicts occur in multiple defendant cases. In a criminal proceeding against two or more indigent defendants, the public defender for conflict of interest reasons may represent only one of the defendants. Another frequently occurring public defender conflict involves the representation of informers. If the public defender is representing a client against whom an informer has provided state's evidence, the public defender is precluded from representing the informer should he or she be subsequently charged with a criminal offense.

Pursuant to statute, court appointed counsel are entitled to reasonable compensation according to a schedule of fees promulgated by the supreme court and reimbursement for expenses necessarily incurred.⁴ Since 1974 the responsibility of providing payments for these services has lodged with the Alaska court system.

Accounting
In fiscal year 1979 the court system was faced with a \$566,000 deficit due to unanticipated bills submitted by court appointed attorneys. Two factors contributed to this deficit. First, the court system did not maintain an account of the appointments as they were made. Second, insufficient monitoring mechanisms led to incurring one billing for over \$100,000 and another at \$60,000. To cover this deficit, the court system sought a supplemental appropriation, but was

⁴See AS 18.85.130.

able to obtain only 75% of the deficit or \$406,000 from the 1979 legislature.

This funding situation has triggered a number of responses. First, the Alaska Supreme Court amended Administrative Rule 15 which provides for the compensation of court appointed attorneys. Although the new rule does not alter the rate of compensation, \$40.00 per hour, it does establish maximum limitations. For example, the maximum attorney fee award for cases disposed of by trial is \$500 for misdemeanors and \$2500 for felonies. Additionally, extraordinary expenses will be reimbursed only with the prior approval of the trial judge, presiding judge, or administrative director of the court system.⁵

Although it is estimated that the level of compensation established by the new rule will meet 80% of the awards sought under the prior rule, the private bar has objected strongly to the new fee schedule. The Alaska Bar Association contends that the legal profession should not be singled out to bear the financial burden of implementing the constitutional right to counsel. To overcome the resistance by private attorneys to accept such appointments, two judicial districts have had to establish mandatory lists of all attorneys in the district from which appointment selections are now made. Previously selections were made from volunteer lists. The use of these mandatory lists raises competency of counsel problems for those attorneys who have never handled a criminal case. The case law in this area indicates that the courts have the authority to establish mandatory appointment systems since these attorneys who believe that they would be incompetent have the option to hire another attorney to stand in their place.

⁵A copy of this amended Administrative Rule is attached at the conclusion of this report.

To resolve these problems a special committee was established comprised of representatives from the executive and judicial branches of government as well as representatives from the Board of Governors of the Alaska Bar Association. As a result of this committee's findings and recommendations, the Alaska court system has solicited contract offers⁶ from each attorney in the state to provide these legal services. The immediate goal of this solicitation is to obtain contracts within the court system's budgetary constraints which would provide these legal services on a state-wide basis for a period of four months. It is contemplated that payments under these contracts would be made in one of two ways. One, the contractor would be provided a lump sum amount for all such appointments occurring within a certain designated geographical area. Two, the contractor would be paid on a per case basis with set fees for each misdemeanor, felony and appeal appointment occurring within a designated geographical area. In addition, provision is made to permit the reimbursement of specified out-of-pocket expenses. Maximum limitations for these expenses are fixed at \$50.00 for each misdemeanor and \$100.00 for each felony. In order to obtain reimbursement in excess of these limitations, the contractor must seek prior approval from the trial judge, presiding judge, or from the administrative director. As the deadline for submitting offers under this solicitation was September 4, 1979, the court system is in the midst of reviewing all of the offers and no contracts had been let at the time of writing this report.

⁶Another solution to this problem, considered by the special committee, was the establishment of a Conflicts Office in the Office of the Governor. In essence, the Conflicts Office would have constituted an alternative public defender agency. As this solution was apparently rejected by the special committee, it is not addressed in this report.

In fiscal year 1979, the court system expended \$1,025,000 to \$1,050,000 for the services of court appointed attorneys in criminal cases. The fiscal 1980 allocation for these services is \$593,100. Although the implementation of the new fee schedule together with the possibility of securing contractual services may permit the court system to operate within its budgetary allocation, it is conceivable that additional funding will be required. If such is the case, any experiment with contractual services will provide valuable data as to the financial efficiency of this solution to the criminal appointment problem.

III. COURT APPOINTED ATTORNEYS IN DIVORCE ACTIONS

As noted in the introduction to this report, indigents are occasionally provided with counsel at public expense in divorce proceedings. Pursuant to statute, guardian ad litem are generally appointed to represent the child's interest if custody, visitation or support are at issue. Furthermore, in July 1979, the Alaska Supreme Court held that an indigent party to a divorce action in which child custody is at issue is entitled to a court appointed attorney if Alaska Legal Services Corporation is conflicted.

Attorneys appointed in these proceedings are compensated at \$40.00 an hour. There are no maximum limitations on these fee awards. In fiscal year 1979 the court system was allocated \$192,500 for guardian ad litem appointments, but disbursed \$294,200 for these appointments. The court system was able to make up the difference, some \$100,000, by savings accumulated under other items. The fiscal 1980 allocation for guardian ad litem expenses is \$199,700.

As a result of both the increasing costs of guardian ad litem appointments and the unanticipated expenses created by the recent supreme court ruling, problems similar to those encountered in the criminal appointments may arise with respect to these civil appointments. If such problems occur, solutions similar to those implemented for the criminal appointments may have to be established for these appointments as well.

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 376

Amending Administrative Rule
15 Relating to Compensation
of Court Appointed Counsel in
Criminal Cases

IT IS ORDERED:

1. Paragraph (f) of Rule 15, Rules Governing the Administration of All Courts is amended to read:

(f) Attorneys shall be compensated at the rate of \$40.00 per hour; provided that total compensation for any case shall not exceed the following schedule:

- (1) Misdemeanor disposed of following a plea of guilty or nolo contendere, or by dismissal....\$ 250
- (2) Misdemeanor disposed of following trial.....\$ 500
- (3) Felony disposed of following a plea of guilty or nolo contendere, or by dismissal....\$1,250
- (4) Felony disposed of following trial.....\$2,500
- (5) Probation or parole revocation proceeding or a proceeding under Criminal Rule 35(b)
 - (i) Misdemeanor.....\$ 350
 - (ii) Felony.....\$1,000
- (6) Appeal, including combined sentence and merit appeals:
 - (i) From the district court.....\$ 500
 - (ii) From the superior court.....\$1,500
- (7) Sentence appeal:
 - (i) From the district court.....\$ 250
 - (ii) From the superior court.....\$ 750
- (8) Petition for review, including any additional or successive petitions in the same case:
 - (i) From the district court.....\$ 350
 - (ii) From the superior court.....\$1,000

Multiple counts or charges in an indictment or information are to be considered as a single case for purposes of compensation under this rule, but in the discretion of the presiding judge, they may be treated as separate cases if separate trials have been ordered under Criminal Rule 14. Additional compensation for proceedings not specifically listed in this schedule may not be awarded except under (h) of this rule.

2. Paragraph (g) of Rule 15, Rules Governing the Administration of All Courts, is amended to read:

(g) Extraordinary expenses will be reimbursed only if prior authority has been obtained from the assigned trial judge, from the presiding judge, or from the Administrative Director. The assigned trial judge may authorize extraordinary expenses up to a total amount not to exceed \$1,000.00, and the presiding judge may authorize an amount not to exceed an additional \$2,500.00. Extraordinary expenses exceeding \$2,500.00 may be authorized only in extremely complex cases by

the Administrative Director upon the recommendation of the presiding judge. In this paragraph, "extraordinary expenses" are limited to expenses for

- (1) investigation;
- (2) expert witnesses; and
- (3) necessary travel and per diem by the defendant, appointed counsel, and witnesses. Travel and per diem may not exceed the rate authorized for state employees.

3. Rule 15, Rules Governing the Administration of All Courts is amended by adding new paragraphs to read:

(h) If necessary to prevent manifest injustice, the Administrative Director may authorize payment of compensation or expenses in excess of the amounts allowed under this rule.

(i) If the Administrative Director determines that the best interest of the Court System would be served, he may enter into agreements to provide representation for indigent defendants in criminal cases. The provisions of an agreement entered into under this paragraph supersede the other provisions of this rule.


4. The limitations adopted in Paragraphs 1 and 2 of this order apply to all services performed on or after the effective date of the order, including services performed under appointments made before the effective date; provided, however, that the limitations specified shall apply only to services performed after this date.

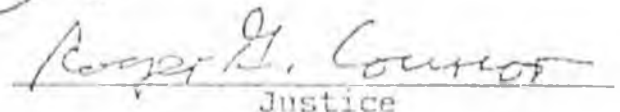
DATED: June 29, 1979

EFFECTIVE DATE: July 1, 1979

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Chief Justice


Justice


Justice


Justice


Justice

* Justice Boochever would prefer entering into agreements to provide representation for indigent defendants in criminal cases.



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

To: Charlie Parr, Chairman, and Members of the House
Judiciary Committee

From: Margaret W. Berck, Staff

Date: September 13, 1979

Subject: Alaska Public Defender Agency

I. INTRODUCTION

The Alaska Public Defender Agency (PD) was established by the Alaska Legislature in 1969¹ to serve the needs of indigent defendants. The agency is administered by the public defender who is appointed by the governor from two or more persons nominated by the judicial council. This appointment is subject to confirmation by majority of the members of the legislature in joint session. The PD serves a term of four years and may be retained for another term; however the retention must be confirmed by the legislature. Currently the PD position is filled by Mr. Brian Shortell.

The PD operates six offices in the state and, additionally, contracts² with one private law firm and one local Alaska Legal Services Corporation office to provide legal representation to indigent defendants.

¹See AS 18.85.010 - AS 18.85.170.

²The PD is empowered to contract for legal services pursuant to AS 18.85.130(b).

Although generally the court appoints the PD to represent indigent defendants, under certain circumstances the court may appoint a private attorney to serve as a substitute defender.³ The bulk of these appointments arise when the PD has a conflict of interest and such legal representation would constitute a professional ethical violation. Consideration of this issue is addressed in a separate report. However it should be noted that the financial eligibility requirements are essentially the same regardless of whether a private attorney or the PD is appointed to represent the defendant.

II. SERVICES PROVIDED BY PD

The scope of legal services provided by the PD is generally defined in Alaska statutes. Pursuant to AS 18.85.100, an indigent is entitled to legal representation in the following circumstances: if he or she is being detained by a law enforcement officer in connection with a serious crime; if he or she is formally charged with, or being detained under a conviction of, a serious crime; if he or she is on probation or parole; if he or she is a juvenile charged with a delinquent act or a status offense; or if he or she is the subject of an involuntary mental health commitment. "Serious crime" is defined as a criminal matter in which a person is entitled to legal representation under the U.S. constitution or the Alaska constitution.⁴ This right to counsel has been interpreted by the U.S. Supreme Court and the Alaska Supreme Court as including any offense for which the defendant may be incarcerated, lose a valuable license, or suffer a heavy fine. As a result of this broad constitutional right to

³See AS 18.85.130(a).

⁴See AS 18.85.170(5)(A).

counsel, the PD is responsible for providing legal representation to defendants charged with both state felonies and state and city misdemeanors.

In addition to those types of cases immediately evident on the face of the statutory provisions, it should be noted that the PD is responsible for providing legal representation in the following matters: contempt proceedings in which the defendant may be subject to a criminal penalty, for example, a parent taking illegal custody of a child; post-conviction relief proceedings including, for example habeas corpus petitions, petitions to modify sentences, appeals, prisoner complaints, parole board proceedings, classification hearings, expungement proceedings, and probation revocation hearings.

The average caseload handled by an assistant PD is 246 cases. The average caseload of an assistant PD by judicial district is as follows: first judicial district, 202; second judicial district, 222; third judicial district, 255; fourth judicial district, 304.

These averages, if anything, ^{are understated} are low. Since they are based on new cases filed in fiscal year 1979, they do not reflect cases carried over from the preceding year. Furthermore, although I did not include Mr. Shortell as a service delivery attorney, I did count both Kodiak and Nome, the contract offices, as having two attorneys when, in fact, those offices have one to two attorneys available for PD services.

Additional caseload characteristics for the PD are attached at the conclusion of this report.

III. PD FINANCIAL ELIGIBILITY REQUIREMENTS

The financial eligibility requirements for PD legal representation is embodied generally in Alaska statutes. In accordance with AS 18.85.100(b) attorney services and court costs are to be provided at public expense "...to the extent that the person, at the time the court determines indigency, is unable to provide for payment without undue hardship." To the extent that a person is able to provide for legal representation or other costs, the court may order him or her to pay for such items. Such payments shall be paid into the state general fund.⁵ As a condition of receiving PD services, a person must affirm his indigency under oath to the court and execute a waiver authorizing release to the court of income information pertaining to any income source the person has had during the immediately preceding three years.⁶

Any person who has received PD assistance shall pay the state for the assistance if he or she was not entitled to it at the time indigency was determined. The attorney general may bring an action on behalf of the state to recover payment from such person.⁷

Thus, the courts are responsible for making determinations of indigency. Such determinations must be made in light of the statutory definition of indigency. An indigent is defined as a person who,

"...at the time his need is determined, does not have sufficient assets, credit, or other means to provide for payment of an attorney and all other necessary expenses of representation without depriving the party or his dependents of food, clothing or shelter and who has not disposed of any assets since the commission of the

⁵See AS 18.85.100(c).

⁶See AS 18.85.100(d).

⁷See AS 18.85.150.

offense with the intent or for the purpose of making himself eligible for assistance..."⁸

In practice, for most parts of Alaska, indigency determinations are made by the district court judges. When a defendant requests counsel at public expense, he or she is first provided with a form "affidavit of indigency"⁹ to complete and return to the court. Subsequently, a hearing is held before the district court judge at which time the defendant is examined more particularly as to his or her alleged indigency status. At the conclusion of the hearing the judge will appoint the PD if he believes that representation at public expense is proper. Furthermore, the district court judge may appoint the PD, but order the defendant to pay a portion of the costs of legal representation. It should be noted that the judges apparently reach these decisions without the assistance of any "in-house" guidelines or criteria.

In Anchorage, the mechanism for determining indigency status differs in several regards from the above general practice. First, the magistrates are responsible for making recommendations to the court on all indigency determinations of those defendants who are in state custody. Such recommendations are made on a specified court system form¹⁰ and filed in the defendant's case file. Second, when the court is faced with a borderline indigency situation, it may request the pre-trial services caseworker to recommend appropriate action to the court. The pre-trial services caseworker makes such recommendations without any

⁸See AS 18.85.170(4).

⁹This form, entitled Affidavit of Financial Inability to Employ Counsel, is attached at the conclusion of this report.

¹⁰A copy of this form, entitled Request for Appointed Counsel, is attached at the conclusion of this report. It should be noted that this is the only form used by the magistrates.

"in-house" guidelines or criteria. The caseworker utilizes two court system forms to make these recommendations.¹¹ Factors considered by the caseworker include: spouse's income, number of dependent children, outstanding debts and the nature of those debts, assets, and ability to obtain a loan. For example, enlisted military personnel may present a sufficiently low enough income to qualify, but would be rejected since they have a regular income and are generally good credit risks. Although the caseworker never requests tax returns to confirm wages, the caseworker does validate the income and debt allegations by phoning the Wages and Hours Division and creditors. If the individual or spouse is unemployed, the caseworker requires the individual to present his or her, or the spouse's, unemployment records.

If the caseworker finds that the individual has sufficient income or assets to bear a portion of the expenses of legal representation, the caseworker recommends to the court that the individual pay a certain amount, up to \$750 for a misdemeanor, or up to \$1850 for a felony. The rationale for these maximum amounts is that that is what a private attorney would charge.¹² At the conclusion of a case in which the defendant was ordered to pay a portion of the legal representation expenses, the PD is required to submit a time sheet. The individual is then billed at the rate of \$30.00 per hour of PD services.

¹¹Copies of these forms, entitled Request for Appointed Counsel and Financial Statement, are attached at the conclusion of this report.

¹²Undoubtedly, private attorneys would dispute those estimations.

According to the PD, defendants are required to pay a portion of the expenses in approximately 50 percent of all PD cases. The court system estimates that in nine months, from October 1978 through June 1979, approximately \$51,417.59 was recovered from such defendants. The bulk of this recovery, some \$45,399.39, was obtained in the Third Judicial District.

Currently the court system has no idea what the rate of recoupment is for these billings. The court system does not maintain accounts of totals owed or totals recovered. This discovery prompted the court system into considering the establishment of such accounts.

Accounting

IV. CLIENT GRIEVANCE PROCEDURE

A PD client basically has two recourses for lodging complaints against the agency. One, the client may initiate with the Alaska Bar Association a grievance action against a particular attorney employed by the PD.¹³ Upon receipt of a complaint, the Alaska Bar Association usually writes the PD for an explanation. Ultimately the Alaska Bar Association is empowered to reprimand or dis-bar the attorney involved. Two, the client may file a complaint with the Office of the Ombudsman. Generally the ombudsman is empowered to investigate complaints, report his findings to the agency involved, and publish his opinion and recommendations.¹⁴ It should be noted that one public defender indicated that complaints lodged with the ombudsman were ineffectual.

¹³The grievance procedure of the Alaska Bar Association will be addressed in a separate report in conjunction with the Committee's sunset review of that association.

¹⁴See AS 24.55.010, et seq.

V. PD BUDGET

The primary source of funding for the PD is derived from a legislative appropriation out of the general funds each year. Total expenditures by the PD in fiscal year 1978 were \$2,107,400; authorized expenditures for fiscal year 1979 were \$2,101,700. The fiscal 1978 PD budget by judicial districts, together with individual offices and professional staff positions was:

<u>DISTRICT</u>	<u>PROFESSIONAL STAFF</u>	<u>BUDGET</u>
<u>First Judicial District</u>		\$ 297,200.00
Ketchikan Office	2 Attorneys	
Juneau Office	2 Attorneys	
<u>Second Judicial District</u>		108,100.00
Nome - Larsen, Timbers & VanWinkle (on contract)	1 to 2 Attorneys 1 to 2 Attorneys	
<u>Third Judicial District</u>		1,024,200.00
Anchorage Office	13 Attorneys	
Kenai Office	1 Attorney 1 Paralegal	
Kodiak - Alaska Legal Services Corporation, Kodiak Office (on contract)	1 to 2 Attorneys	61,607.95
<u>Fourth Judicial District</u>		591,200.00
Bethel Office	1 Attorney 1 Paralegal	
Fairbanks Office	5 Attorneys	

(Each PD office has village responsibilities, as well as those arising out of the community in which the office is located.)

Currently the PD contends that it is under-budgeted by some four attorney positions. National guidelines defining appropriate caseloads for public defenders have been established by the National Conference on Criminal Justice under the Law Enforcement Assistance Administration. Every assistant public defender in Alaska carries a caseload in excess of those guidelines. Between fiscal years 1978 and 1979, the PD's caseload increased by some 646 cases. Due to particularly heavy individual attorney caseloads in the Fourth Judicial District, the PD sought additional funds from the legislature last regular session so that another attorney might be added to the Fairbanks office. The PD was unsuccessful in this effort. As a result of this funding deficiency, PD services in the bush are adversely impacted to a greater extent than urban service.



FY 78

ALASKA PUBLIC DEFENDER AGENCY
 FY 78 NEW CASE FILES
 JULY 1, 1977 - JUNE 30, 1978

	Parole Board	Misdemeanor- City	State	Felony	Juvenile	Sanity	Appeal	Total
Ketchikan	22	--	145	60	72	21	6	326
Juneau	<u>13</u>	<u>--</u>	<u>239</u>	<u>95</u>	<u>38</u>	<u>3</u>	<u>12</u>	<u>400</u>
Total 1st District	35	--	384	155	110	24	18	726
Nome	<u>2</u>	<u>--</u>	<u>199</u>	<u>73</u>	<u>38</u>	<u>--</u>	<u>8</u>	<u>320</u>
Total 2nd District	2	--	199	73	38	--	8	320
Anchorage	--	943	700	532	138	160	72	2545
Kenai	--	--	252	82	25	--	7	366
Kodiak	<u>11</u>	<u>74</u>	<u>294</u>	<u>101</u>	<u>31</u>	<u>--</u>	<u>5</u>	<u>516</u>
Total 3rd District	11	1017	1246	715	194	160	84	3427
Fairbanks	29	--	746	235	210	36	17	1273
Bethel	<u>55</u>	<u>--</u>	<u>337</u>	<u>81</u>	<u>30</u>	<u>--</u>	<u>--</u>	<u>503</u>
Total 4th District	84	--	1083	316	240	36	17	1776
Total Cases for FY 78	132	1017	2912	1259	582	220	127	6249

FY 79

ALASKA PUBLIC DEFENDER AGENCY
NEW CASES FILED

7/1/78 through 6/30/79

	Felony	Misdemeanor		Juvenile	Sanity	Appeal/ Other	TOTAL
		City	State				
Ketchikan	101	--	171	100	7	4	383
Juneau	54	--	324	32	1	13	424
Total 1st. Dist.	155	--	495	132	8	17	807
Nome	64	--	309	66	--	4	443
Total 2nd Dist.	64	--	309	66	--	4	443
Kenai	91	--	292	19	--	12	414
Kodiak	146	123	228	14	1	31	543
Anchorage	530	1283	692	120	157	82	2864
Total 3rd Dist.	767	1406	1212	153	158	125	3821
Bethel	66	--	274	43	--	36	419
Fairbanks	201	--	914	181	29	80	1405
Total 4th Dist.	267	--	1188	224	29	116	1824
TOTAL NEW CASES	1253	1406	3204	575	195	262	6895

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

STATE OF ALASKA,)
)
)
 Plaintiff,)
)
 vs.)
)
)
)
)
)
 Defendant.)
)
)

Case No. _____

AFFIDAVIT OF FINANCIAL INABILITY TO
EMPLOY COUNSEL

I am the defendant. I would like an attorney to help me, but do not feel I can afford to hire one. I, therefore, ask the Court to appoint an attorney to represent me. To help in determining my eligibility, I give this information.

I. INCOME

AMOUNT

- | | |
|---|---------------------------------------|
| 1. My present income from work | _____ / <input type="checkbox"/> None |
| 2. Spouse's Present income from work | _____ / <input type="checkbox"/> None |
| 3. Welfare grants to family | _____ / <input type="checkbox"/> None |
| 4. Unemployment benefits to family | _____ / <input type="checkbox"/> None |
| 5. Pensions or social security | _____ / <input type="checkbox"/> None |
| 6. Other regular income, e.g. dividends, rentals, interest | _____ / <input type="checkbox"/> None |
| 7. Expectations of income, e.g. tax refunds, claims, lawsuits | _____ / <input type="checkbox"/> None |

II. ASSETS

NET VALUE

- | | |
|--|---------------------------------------|
| 1. Cash on hand, in bank on account, or being held for you | _____ / <input type="checkbox"/> None |
| 2. Family interest in real property (land or buildings) | _____ / <input type="checkbox"/> None |
| 3. Family interest in cars or other vehicles | _____ / <input type="checkbox"/> None |
| 4. Family interest in trailer | _____ / <input type="checkbox"/> None |
| 5. Securities, e.g., stocks, bonds, notes | _____ / <input type="checkbox"/> None |
| 6. Family interest in business | _____ / <input type="checkbox"/> None |
| 7. Property other than clothing and household furniture | _____ / <input type="checkbox"/> None |

(Continued on page 2)

(Continued from page 1)

III. SUPPORT OBLIGATIONS

1. Your age _____ 2. Marital status _____
3. Who do you support? _____

NAME	RELATIONSHIP	AGE
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

IV. PRESENT FINANCIAL OBLIGATIONS

IF BEHIND, HOW MUCH

- | | | |
|---------------------------------|---------------------------------------|-------|
| 1. Food | _____ / <input type="checkbox"/> None | _____ |
| 2. Rent | _____ / <input type="checkbox"/> None | _____ |
| 3. Utilities | _____ / <input type="checkbox"/> None | _____ |
| 4. Car payments | _____ / <input type="checkbox"/> None | _____ |
| 5. Furniture & TV payments | _____ / <input type="checkbox"/> None | _____ |
| 6. Child support or alimony | _____ / <input type="checkbox"/> None | _____ |
| 7. Past court fines | _____ / <input type="checkbox"/> None | _____ |
| 8. Other loans or time payments | _____ / <input type="checkbox"/> None | _____ |

V. ADDITIONAL INFORMATION

1. What is your present bail status? _____

2. What efforts have you made to hire a lawyer? _____

3. Have you tried to borrow money to hire a lawyer? _____

4. What help do you expect from relatives or friends? _____

5. Where do you get the money to support yourself and family? _____

(Continued on page 3)

(Continued from page 2)

STATEMENT OF FINANCIAL RESPONSIBILITY

I understand that to the extent I am able to pay for an attorney, the other necessary services and facilities of representation, and court costs, the court may order me to pay for these items. Further, I understand that I must pay the State of Alaska for any assistance given to me by the Alaska Public Defender Agency if it is determined I was not entitled to the assistance.

GENERAL WAIVER

I hereby authorize anyone, including my past employers, to release to the Alaska Court System, all information concerning any income source I have had for a period of three years immediately preceding my first court appearance in the case which the Public Defender Agency is representing me. I understand that this information may be made available to the Attorney General upon request after the conclusion of my case, except as it may tend to incriminate me.

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

I declare, under oath, that (this affidavit has been read to me)
(I have read this affidavit)

and that the statements contained therein are true. I further certify that I have read or have had read to me the Statement of Financial Responsibility and the General Waiver authorizing release of income information.

Executed this _____ day of _____, 19 ____, in Juneau
Alaska.

Signature

Mailing Address

Residence Address

City/State/Zip Code

Telephone Number

SUBSCRIBED AND SWORN TO before me this _____ day of _____,
19 ____.

Clerk of Court/Deputy Clerk/
Notary Public
My Commission Expires _____

IV. FINANCIAL STATEMENT

A. Income information (after taxes, but before other deductions):

Your total net income during the past 12 months _____

Your spouse's total net income during the past 12 months _____

Your total NET monthly income from: Spouse's NET monthly income from:

Wages _____ Wages _____

Welfare _____ Welfare _____

Unemployment _____ Unemployment _____

Other (specify) _____ Other(specify) _____

Other (specify) _____ Other(specify) _____

Indicate Specific details here _____

B. Assets (All property, paid for or not, including such things as land cars, campers, airplanes, snowmobiles, tools, guns, valuable collections jewelry, furs, etc. Also include cash on hand, savings or checking accounts, life insurance policies, annuities, stocks, bonds, or other liquid securities. Indicate where cash, cash accounts, and securities are located and worth of each.

Description and locations of asset(s)	Equity
(1) _____	_____
(2) _____	_____
(3) _____	_____
(4) _____	_____
(5) _____	_____
(6) _____	_____
None _____	

Are you dependent upon any of the above to guarantee your survival or employment? (Yes No) If yes, indicate which assets (besides cash) and the reason. _____

C. Debts (Indicate the names of all persons and establishments you are indebted to, what you are indebted for, i.e. land, rent, personal loan, food, car, etc. The total amount you now owe, and the amount and terms of payment. List ALL monthly expenses.)

Creditor	Reason	Present Balance	Monthly Expense
(1) _____	_____	_____	_____
(2) _____	_____	_____	_____
(3) _____	_____	_____	_____
(4) _____	_____	_____	_____
(5) _____	_____	_____	_____
(6) _____	_____	_____	_____
(7) _____	_____	_____	_____
None _____			

Are you behind in any of your payments? (Yes No) If yes, indicate which ones and how much behind. (1) \$ _____ . () \$ _____
 () \$ _____ , () \$ _____ () \$ _____ .

D. Summary of financial statement:

(1) Total family income for the past 12 months	_____
(2) Total assets (equity)	_____
Cash	_____
(3) Total debts	_____
(4) Total family income each month	_____
(5) Total family expenses each month	_____
Amount behind	_____
(6) Total discretionary income each month	_____



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

To: Charlie Parr, Chairman, and Members of the House
Judiciary Committee

From: Margaret W. Berck, Staff

Date: September 13, 1979

Subject: Legal Representation of Indigent Defendants in the
Federal Court System.

I. INTRODUCTION

Pursuant to the Sixth Amendment of the United States Constitution, indigent defendants charged with violations of federal law are entitled to legal representation at public expense. This right to counsel must be furnished to indigents charged with a felony, misdemeanor, juvenile delinquency, or violation of probation. In addition indigents are entitled to counsel when they are subject to revocation of parole, in custody as a material witness, or seeking collateral relief. Furthermore, in some circumstances, indigents are entitled to counsel while under arrest. This legal representation includes attorney services, as well as investigative, expert, and other services necessary for an adequate defense.

To insure adequate representation of indigent defendants in these matters, each district court is required to establish a plan for furnishing such representation.¹ This plan must be approved by

¹See 18 USC 3006A which provides the statutory scheme for determining indigency status and appointing counsel to provide legal representation.

the judicial council of the circuit. A district court in which at least two hundred persons annually require the appointment of counsel may establish a defender organization to provide this representation. In Alaska there is no federal defender organization. Instead, each private attorney admitted to practice in federal district court is put on a list and appointments are made at random. Certain attorneys who have expressed an interest in providing these services are noted and selected more frequently.

II. DETERMINATIONS OF INDIGENCY AND APPOINTMENT OF COUNSEL

Primarily federal magistrates determine whether a defendant is indigent and entitled to legal representation at public expense. The alleged indigent is required to complete a financial affidavit² and subsequently is subject to examination by the magistrate at an indigency hearing.

If the magistrate is satisfied that the defendant is financially unable to obtain counsel, the magistrate shall appoint counsel to represent the defendant at every stage of the proceedings through appeal. It should be noted that the magistrate is required to appoint separate counsels for defendants having interests that cannot properly be represented by the same counsel, or when other good cause is shown. Furthermore, if, at any stage of the proceedings including appeal, the magistrate or court finds that a person is financially unable to pay counsel whom he or she has retained, it may appoint counsel to represent the defendant.

²A copy of this form is attached at the conclusion of this report.

III. PAYMENT FOR REPRESENTATION

Attorneys appointed to represent such defendants are compensated at the rate of \$30 per hour for time expended in court and \$20 per hour for time expended out of court. Additionally, attorneys are reimbursed for expenses reasonably incurred. These rates of compensation are not without limitation. The maximum legal fees permitted are as follows: \$1000 for felonies; \$400 for misdemeanors; \$1000 for Appellate Court representation; and \$250 for post-trial motions, probation or parole revocation proceedings, or legal services provided to a material witness in custody. Payment in excess of these maximums may be provided for extended or complex representation. However, such additional payments must be certified as necessary to provide fair compensation by the trial court and approved by the chief judge of the circuit.

Expenses to obtain investigative, expert, or other services necessary for adequate defense are closely monitored by the federal court and are subject to maximum reimbursement limits. Without prior court approval, the reimbursements for these services may not exceed \$150 and expenses reasonably incurred. Additional funds for these services may be provided only with the prior approval of the federal court. To obtain such approval, the attorney is required to file an ex parte application with the court. Upon a hearing on the application, the court is required to find that the services are necessary and that the defendant is financially unable to obtain them. If the court determines that additional costs are appropriate, reimbursement may be had up to \$300, exclusive of reimbursement for expenses reasonably incurred. Furthermore, payment in excess of that maximum may be

provided upon certification by the trial court that such additional payment is necessary for fair compensation. Any such payment in excess of the maximum, must also be approved by the chief judge of the circuit.

Furthermore, whenever the federal court finds that funds are available for payment from or on behalf of a person furnished representation, it may direct that such funds be paid to the appointed attorney or deposited in the U.S. Treasury.

In conclusion, it should be noted that this payment system is embodied in the federal law. Attorneys throughout the United States are compensated at the same level, regardless of the costs of doing business in particular states or locales.

FINANCIAL AFFIDAVIT

CJA 23

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE

IN UNITED STATES
IN THE CASE OF

MAGISTRATE DISTRICT APPEALS COURT or OTHER PANEL (Specify below)

FOR

AT

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)

- 1 Defendant—Adult
- 2 Defendant—Juvenile
- 3 Appellant
- 4 Probation Violator
- 5 Parole Violator
- 6 Habeas Petitioner
- 7 2255 Petitioner
- 8 Material Witness
- 9 Other (Specify) _____

DOCKET NUMBERS

Magistrate

District Court

Court of Appeals

CHARGE/OFFENSE (describe if applicable & check box -)

- Felony
- Misdemeanor

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

EMPLOYMENT

Are you now employed? Yes No Am Self Employed

Name and address of employer: _____

IF YES, how much do you
earn per month? \$ _____

IF NO, give month and year of last employment
How much did you earn per month \$ _____

If married is your Spouse employed? Yes No

IF YES, how much does your
Spouse earn per month \$ _____

If a minor under age 21, what is your
Parents or Guardian's approximate monthly income \$ _____

ASSETS

OTHER INCOME

Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? Yes No

IF YES, GIVE THE AMOUNT RECEIVED & IDENTIFY THE SOURCES

RECEIVED	SOURCES
_____	_____
_____	_____
_____	_____

CASH

Have you any cash on hand or money in savings or checking account? Yes No IF YES, state total amount \$ _____

PROPERTY

Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? Yes No

IF YES, GIVE VALUE AND DESCRIBE IT

VALUE	DESCRIPTION
_____	_____
_____	_____
_____	_____

OBLIGATIONS & DEBTS

DEPENDENTS

- MARITAL STATUS
- SINGLE
 - MARRIED
 - WIDOWED
 - SEPARATED OR DIVORCED

Total No. of Dependents _____

List persons you actually support and your relationship to them

DEBTS & MONTHLY BILLS

(LIST ALL CREDITORS INCLUDING BANKS, TRUCK COMPANIES, CHARGE ACCOUNTS, ETC.)

APARTMENT OR HOME:

Creditors

Total Debt

Monthly Paym.

\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____

I certify the above to be correct.

SIGNATURE OF DEFENDANT
(OR PERSON REPRESENTED)



WARNING:

A FALSE OR DISHONEST ANSWER TO A QUESTION IN THIS AFFIDAVIT MAY BE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

To: Charlie Parr, Chairman, and Members of the House
Judiciary Committee

From: Margaret W. Berck, Staff

Date: September 13, 1979

Subject: Alaska Legal Services Corporation

I. INTRODUCTION

Alaska Legal Services Corporation (ALSC) is a private, non-profit corporation formed under Alaska law in 1966 to provide legal services to the poor. The major portion of ALSC funding is provided by the Legal Services Corporation, which was established by Congress in 1974. The Legal Services Corporation - which is now the largest private, nonprofit, grant-making institution in the country - obtains its funds through congressional appropriations.

In 1980 ALSC intends to operate 11 service delivery offices located throughout the state. For the past several years ALSC operated 13 such offices, but recently the Board of Directors has determined to close two of these offices on account of limited budgetary resources. Furthermore, as a result of heavy caseloads and current staff vacancies, four offices, Anchorage, Fairbanks, Nome and Sitka, were closed to routine intake at the time of writing this report. Those offices are available for emergency cases, such as evictions and welfare terminations.

II. SERVICES PROVIDED BY ALSC

The scope of legal services provided by ALSC is defined by the Legal Services Corporation Act (Public Law 93-355 as amended by Public Law 95-222) and federal regulations adopted pursuant to that Act. ALSC is limited to providing legal assistance in noncriminal proceedings or matters.¹ However, this "civil" jurisdiction is not without limitation. For example, no funds made available by the Legal Services Corporation may be used to provide legal representation in abortion or school desegregation litigation. Furthermore, ALSC is restricted from taking fee-generating cases. Most fee-generating cases are tort actions in which a private attorney would expect to take his legal fees out of the award granted to his client. The purpose of this limitation is to assure that ALSC attorneys do not compete with private attorneys. However, exceptions are provided for this fee-generating restriction. For example, ALSC attorneys may take such a case if it is rejected by two private attorneys. Obviously, ALSC attorneys in the Bush are involved in this type of litigation to a greater extent than those ALSC attorneys in the urban areas.

In addition to those basic limitations on services enumerated above, both the Legal Services Corporation Act and the regulations promulgated thereunder, require ALSC to establish priorities in the allocation of its resources. The process whereby these priorities are established must involve client participation. In practice, client groups may decide that a particular legal issue should take precedent to the exclusion of other legal services. For example, in some states legal services programs do

¹It should be noted that ALSC attorneys are subject to the same professional responsibilities as other members of the bar. As such, they may be appointed by the court to represent indigent defendants in criminal matters or to serve as guardian ad litem in matters affecting children. ALSC attorneys who are appointed in such matters must turn over all funds derived from such activities to ALSC.

not handle any divorces since the clients have prioritized other legal issues.

In Alaska this prioritization process occurs separately with each legal services office. Some ALSC offices do not handle any uncontested divorces, name changes, and bankruptcies as a result of this prioritization process.

III. ALSC CASELOAD CHARACTERISTICS

Caseload per licensed attorney = 208

Domestic relations cases as per cent of total caseload = 17.4%

State administrative proceedings as per cent of total caseload = 14.2%

Allotments as per cent of total caseload = 30.1%

Housing cases as per cent of total caseload = 5.4%

Wills and probate cases as per cent of total caseload = 9%

Alaska native clients as per cent of total clients = 77.6%

IV. ALSC FINANCIAL ELIGIBILITY REQUIREMENTS

The Legal Services Corporation Act mandates that the corporation establish maximum income levels taking into account family size and cost-of-living variations for individuals eligible for legal assistance. Furthermore, the Corporation must establish guidelines to insure that eligibility of clients will be determined by local legal services programs, such as ALSC, on the basis of factors that include:

1. the liquid assets and income level of the client;
2. the fixed debts, medical expenses, and other factors which affect the client's ability to pay;
3. the cost of living in the locality; and
4. such other factors as relate to financial inability to

afford legal assistance, which may include evidence of a prior determination that such individual's lack of income results from refusal or unwillingness, without good cause, to seek or accept an employment situation.

Pursuant to this criteria embodied in the federal law, the basic income guidelines currently utilized by ALSC are:

<u>Size of Family</u>	<u>Maximum Income for Preceding 12 Months</u>
1	\$4925
2	\$6513
3	\$8100
4	\$9688
5	\$11,275
6	\$12,863

(For larger families, add \$1588 for each additional member.)

It is evident from these basic financial eligibility guidelines that the purpose of legal services programs is to provide legal assistance to those least able to afford a lawyer.

On May 15, 1979, the Legal Services Corporation promulgated revised maximum income guidelines. Those new guidelines for the State of Alaska are:

<u>Size of Family</u>	<u>Maximum Income for Preceding 12 Months</u>
1	\$5338
2	\$7050
3	\$8763
4	\$10,475
5	\$12,188
6	\$13,900

(For larger families, add \$1,713 for each additional family member.)

Although these new guidelines have not yet been adopted by the ALSC Board of Directors, they may be within the coming year. Local legal services programs, such as ALSC, are given the latitude to adopt revised income guidelines in keeping with their own resource limitations, but in no case may provide services to those with incomes above 125% of the Official Poverty Threshold as defined by the Office of Management and Budget.

It is important to note that these income maximums are only one factor, albeit the most crucial, to be considered in determining financial eligibility for services. In addition to income, other relevant factors include: liquid assets, debts, the costs of obtaining private counsel, and consequences to the individual should such services be denied. Furthermore, the type of legal representation sought by an applicant is a factor for consideration. For example, a person whose income slightly exceeds the maximum income requirements may qualify for services if his or her case would impact poor people in general.

For the most part, ALSC attorneys do not verify the income statements made by those seeking their services. On rare occasions, ALSC attorneys will, for example, request the applicant to furnish income tax returns. The rationale for this position is twofold: one, that it would be a waste of limited resources and two, that it might jeopardize the trust relationship that must be established in all attorney-client situations. This position is compatible with the federal regulations on this point, which require a simple procedure to obtain information establishing eligibility² and mandate verification only if

²See the "intake" form used by ALSC which is attached at the end of this report.

there is substantial reason to doubt the accuracy of the applicant's information.

V. CLIENT GRIEVANCE PROCEDURE

Federal regulations require that local legal services programs establish internal mechanisms whereby clients might file complaints about the manner or quality of legal assistance that has been rendered, as well as, the denial of legal assistance. Client complaints against ALSC are first reviewed by the Executive Director of ALSC. If the complaint is not resolved at that level, the matter is submitted to the Board of Directors of ALSC. Should the Board of Directors fail to resolve the matter, it may be appealed to the Legal Services Corporation.

A similar procedure is followed should an individual other than a client assert that legal assistance by ALSC is violative of federal law or regulation. Complaints of this nature generally arise when the opposing counsel in a particular case believes that ALSC legal representation is improper. Federal case law on this issue dictates that the complaining individual must resort to the internal review procedures. The courts have consistently refused to accept jurisdiction over such matters. The Legal Services Corporation is authorized to de-fund local legal services programs that provide legal assistance in violation of federal law or regulation.

It should be noted that complaints from any individual of an ethical nature must be filed with the Alaska Bar Association. This type of complaint will not be reviewed internally by ALSC.

VI. ALSC BUDGET

ALSC has various funding sources. Its primary funding source is a grant from the Legal Services Corporation. For fiscal year 1980, beginning January 1, 1980, this grant, designated "hard" funds, totals \$1,611,187.00. Additional funding sources are of a "soft" fund nature and primarily are derived from VISTA and CETA programs. The fiscal 1980 local ALSC office budgets, together with, professional staff positions and village responsibilities are:

<u>Office</u>	<u>Hard Funding</u>	<u>Professional Staff Positions</u>	<u>Number of Villages</u>
Anchorage	\$288,000	5 Attorneys 2 VISTA Attorneys 1 Paralegal	45
Barrow	\$112,325	2 Attorneys 5 Paralegals, 4 of whom are located in the villages	7
Bethel	\$97,145	3 Attorneys 2 VISTA Attorneys	56
Dillingham	\$88,985	2 Attorneys 1 VISTA Attorney 1 Paralegal	25
Fairbanks	\$148,780	3 Attorneys 2 VISTA Attorneys 1 Paralegal	38
Galena	-0-	This office was closed effective August, 1979	
Juneau	\$90,044	2 Attorneys 1 VISTA Attorney	8
Ketchikan	\$68,955	1 Attorney 2 VISTA Attorneys (Effective August 1, 1980- 2 Attorneys, 1 VISTA Attorney)	7
Kodiak ³	\$43,750	4 Attorneys	28

³The Kodiak office is unique in that it contracts with the Public Defender Agency to provide criminal defense services for the Kodiak area. Monies received from this contract constitute approximately 1/2 of the entire Kodiak office budget.

<u>Office</u>	<u>Hard Funding</u>	<u>Professional Staff Positions</u>	<u>Number of Villages</u>
Kotzebue	\$99,050	2 Attorneys 1 VISTA Attorney 4 Paralegals, 3 of whom are located in the villages	11
Nome	\$57,892	1 Attorney 2 VISTA Attorneys	18
Sitka	-0-	This office will be closed effective January 1, 1980	4
Unalaska	\$6,839	1 Paralegal	

The state-wide ALSC office is located in Anchorage, Alaska, and is funded at \$310,115.00 for fiscal year 1980. The professional staff of the state-wide office consists of Mr. Gordon Jackson, Executive Director of ALSC, and 4 attorneys. These attorneys do not handle routine cases, but rather, serve as back-up to those attorneys in the field.

In the last year, ALSC has faced a budgetary crisis. In fiscal year 1979 ALSC had a budget deficit of approximately \$189,000.00. In general, this budgetary crisis is the result of two factors. First, the Legal Services Corporation has not significantly increased the ALSC budget over the past several years.⁴ The present priority of the Legal Services Corporation is to expand civil legal assistance to unserved areas. Alaska does not qualify under this priority scheme, since it has a state-wide program and many other states do not. Second, "soft" funding arrangements heavily relied on by ALSC in the past are rapidly disappearing.

The \$189,000 deficit in 1979 primarily resulted from reliance on "soft" funds. When CETA funds dried up, 8 attorney salaries were

⁴ For example, the 1978 Legal Services Corporation grant to ALSC was \$1,047,516.

continued with "hard" funding. Additionally, because of lengthy congressional review of the VISTA program, ALSC is currently using "hard" funding to meet those salaries. Another factor contributing to this deficit is that the Barrow office was opened several years ago on one-time state monies and continued on "hard" funding.

The Legal Services Corporation has agreed to advance ALSC funds to cover this deficit provided that certain conditions are met. First, ALSC must retire this debt over the next three years and second, ALSC must provide for two attorneys funded with "hard" money in each of its offices. Chiefly for these reasons, ALSC has determined to close two of its offices, Sitka and Galena. Clients from these areas will be able to obtain legal assistance from the Fairbanks and Juneau or Ketchikan ALSC office staff.

PLEASE ANSWER THE FOLLOWING QUESTIONS AND RETURN THIS FORM TO THE LEGAL SERVICES OFFICE. THIS INFORMATION IS NEEDED BEFORE WE CAN HANDLE YOUR CASE.

NAME: _____

ADDRESS: _____

SPOUSE: _____

NATIONALITY: Spanish Origin () Caucasian () Black ()
Native American () Japanese () Chinese ()

Other - Please state: _____

DATE OF BIRTH: _____ PHONE: _____

EMPLOYER: _____ WORK PHONE: _____

PLEASE CHECK WHETHER YOU ARE: Married () Single ()
Separated () Divorced ()
Widowed ()

Have you ever been to a law office before or seen a lawyer: Yes () No ()

Have you ever been to Alaska Legal Services Corporation before? _____

If so, when? _____

Please list the number of children you support: _____

Please list the number of other family members you support: _____

How much income do you have a month: _____

Please check where your income comes from and the amount from each source:

Full time employment	\$ _____	A.F.D.C.	\$ _____
Part time employment	\$ _____	Child support/	_____
Spouse's employment	\$ _____	Alimony	\$ _____
Social Security	\$ _____	Pension/other	\$ _____

How much income have you had for the past 12 month? _____

Please describe your legal problem:

I certify that the information that I have given Alaska Legal Services Corporation in regard to my financial ability to hire a lawyer is true and correct to the best of my knowledge and recollection.

(Sign here)

FOR OFFICE USE ONLY: DATE: _____ ATTY: _____ FILE NO: _____ OPPOSING PARTY: _____
