AND WE CAN MAKE THINGS HAPPEN. WE HAVE TOOLS, FOR INSTANCE, LIKE A RAILROAD AND A FERRY SYSTEM THAT CAN BECOME PARTNERS IN BRINGING DOWN TRANSPORTATION COSTS.

WE CAN ALSO HELP OURSELVES BY STREAMLINING RESTRICTIVE REGULATIONS THAT HINDER DEVELOPMENT.

LOOK AT THE YUKON TERRITORY, WHERE MINING REVENUES LAST YEAR FAR EXCEEDED OURS. WE SHARE MANY OF THE SAME ENVIRONMENTAL CONCERNS... WE SUFFER FROM THE SAME LACK OF INFRASTRUCTURE... BUT THEIR MINING INDUSTRY IS BOOMING.

ALASKA NEEDS TO ARTICULATE ITS PHILOSOPHY TOWARD RESOURCE DEVELOPMENT AND JOBS WHICH ENHANCE THE QUALITY OF OUR LIVES. OUR OFTEN OVERLY CAUTIOUS, RESTRICTIVE PHILOSOPHY SHOULD BE REPLACED BY A "CAN-DO" ATTITUDE THAT MAKES THE STATE A PARTNER IN RESPONSIBLE RESOURCE DEVELOPMENT COMPATIBLE WITH OUR ECOLOGY..

IT ISN'T ENOUGH TO ADOPT THE "CAN-DO" PHILOSOPHY IN OUR SPEECHES, PRESS RELEASES, AND PLATFORMS. WE MUST EXPRESS THIS PHILOSOPHY IN OUR REGULATORY DECISIONS AND POLICIES AS WELL.

NOW I'M NOT SUGGESTING THAT ALASKA'S ASLEEP AT THE SWITCH. I KNOW YOU ARE ALREADY CONSIDERING POSSIBILITIES IN THIS AREA.

I APPLAUD THE RECENT DECISION BY THE STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO MODIFY WATER CLASSIFICATION STANDARDS TO THE BENEFIT OF OUR PLACER MINERS...

AND THE DECISION BY THE STATE DIVISION OF OIL AND GAS TO OFFER A ROYALTY INCENTIVE IN RECENT LEASING. THAT'S THE KIND OF THINKING THAT HELPS KEEP OUR ECONOMY ALIVE...KEEPS PEOPLE EMPLOYED...AND OFFERS OUR PEOPLE SOME KIND OF ECONOMIC SECURITY.

BUT WE CAN DO MORE IF WE CHOOSE TO LEAD ALASKA TOWARD A BRIGHT FUTURE, RATHER THAN SIMPLY HOPING THAT HIGHER OIL PRICES WILL HAND US THAT FUTURE ON A SILVER PLATTER.

ONE FINAL THOUGHT: SOMETIMES WE PUT SO MUCH ATTENTION ON OUR LEGISLATIVE PRIORITIES THAT WE FORGET TO MENTION THE REAL REASON FOR THOSE PRIORITIES IN THE FIRST PLACE.

MY DESIRE TO STIMULATE OUR ECONOMY IS TO MAKE IT POSSIBLE FOR EVERY ALASKAN WHO WANTS TO WORK, TO HAVE A JOB, TO HAVE ECONOMIC SECURITY AND TO BE ABLE TO LIVE IN REASONABLE COMFORT.

I WANT EVERY PARENT TO BE ABLE TO PROVIDE THE KIND OF HOME, EDUCATION AND CARE THAT THEY WANT FOR THEIR CHILDREN.

LET'S NOT FORGET THAT FAMILIES ARE THE FOUNDATION FOR MEETING HUMAN CHALLENGES. THEY PROVIDE LOVE, ENCOURAGEMENT, AND EDUCATION; THEY ARE THE SUPPORT SYSTEM TO ACHIEVING PERSONAL GROWTH. AND AS WE EMBRACE OUR NEW AMBITIONS, AND PRIORITIES, LET'S MAKE SURE WE CREATE CONDITIONS UNDER WHICH THE FAMILY CAN FLOURISH!

I THINK A DRUG-FREE FUTURE IS A PREREQUISITE FOR THE KIND OF FUTURE I'M TALKING ABOUT.

LAST YEAR, MORE THAN $2 MILLION FEDERAL DOLLARS WERE DISTRIBUTED TO ASSIST ALASKA'S STATE AND LOCAL DRUG ABUSE TREATMENT, EDUCATION AND ENFORCEMENT PROGRAMS. THAT MAY SOUND LIKE A LOT, BUT IT'S SMALL CHANGE COMPARED TO THE PROFITS REAPED BY THE DRUG RUNNERS AND RACKETEERS.

WE CAN NEVER MATCH THE ILLEGAL DOLLARS, BUT WE CAN DO SOMETHING ABOUT THE MESSAGE WE GIVE OUR CHILDREN ABOUT DRUGS.

AS I'VE DISCUSSED WITH YOU IN THE PAST, I AM CONVINCED THAT THE STATE'S POLICY ON MARIJUANA SENDS OUR CHILDREN THE WRONG MESSAGE, AND I AGAIN CHALLENGE YOU TO SEEK THE RECRIMINALIZATION OF MARIJUANA FOR THE SAKE OF ALASKA'S FUTURE.

BECAUSE OUR CHILDREN... OUR FAMILIES... ARE ALASKA'S GREATEST SINGLE RESOURCE WITH THE GREATEST BEARING ON ALASKA'S FUTURE. LET'S NOT JEOPARDIZE OUR GREATEST ASSET.

HOUSE AND SENATE JOINT
JOURNAL SUPPLEMENT

March 2, 1988 TUESDAY No. 15

STATE OF THE JUDICIARY

BY

THE HONORABLE WARREN H. MATTHEWS

CHIEF JUSTICE

STATE OF ALASKA

Before a Joint Session

of the

Second Session

Fifteenth Alaska State Legislature

JUNEAU, ALASKA

STATE OF THE JUDICIARY ADDRESS

President Faiks, Speaker Grussendorf, Senators, Representative, Ladies, and Gentlemen. Thank you for inviting me to address this joint session of the Fifteenth Alaska Legislature. It gives me genuine pleasure to report that 1987 has been a busy and highly productive year for all of the courts which constitute the Alaska Court System.

All together our courts operate in fifty-one separate locations in the cities, towns, and villages of our state. We employ 571 people, including 52 judges and 40 magistrates. Before this wide-spread apparatus of justice come cases of every description arising out of a seemingly infinite variety of circumstances. These cases are often sad or tragic; they can be criminal, commercial, domestic, personal injury or death cases; they can involve fishing rights, civil rights, zoning rights, rights of every description; sometimes they involve small amounts of money, sometimes millions of dollars - in a case not long ago billions of dollars; they sometimes involve principles of great and constitutional significance and sometimes involve narrow issues of fact of interest only to the parties; these cases range from the frivolous to those of great merit; they include those between different branches of government, between government and citizen, and those which are simply between citizens. But they all have three things in common. First, each is important, often

critically important, to the parties. Second, each must be adjudged under the law by judges or magistrates who must be scrupulously fair. Third, each is potentially reviewable in the appellate courts.

Adjudicating cases is the central function of our court system, and it is performed independently of the legislative or executive branches of government. But there is more to the administration of justice than merely adjudication. Courts must be staffed, they must be housed, and they must be paid for. These are areas of shared responsibility between the judicial and legislative branches. And rules of practice and procedure and administration must be made. Here too the legislature has an important role for it may by a two-thirds vote of the members of each house change the rules which the supreme court has made. The purpose of this report is to highlight some of the information which you will need in order to discharge your heavy responsibilities concerning the administration of justice.

Budget

Let me begin today by commenting on the budget of the state courts. As we face these difficult economic times, it is important to recognize the limits of the court's ability to cut costs. The court is a reactive agency without control over its workload. The nature of the court's function requires that the court adjudicate in a timely manner all cases that are brought

before it. The court does not have the latitude to pick and chose which cases or how many cases the court can decide, given a certain level of funding. The court system will continue to do everything possible to streamline procedures and cut costs, but it has to be recognized that at some point funding deficiencies translate into longer delays and a reduced level of service to Alaska's public.

Our operating budget request for this year reflects our commitment to abstain from any funding request which is not absolutely necessary to the efficient functioning of the courts. We have submitted, as we did last year, a maintenance level budget with a proposed increase of less than 1%. Our requested increase consists of minimal clerical staffing additions for high growth courts, improvements to the court's microfilming section and funds for special telephones and interpreter fees which are needed as a result of last year's passage of S.B. 1 concerning service by disabled jurors.

Two capital budget requests submitted by the court will also come to your attention this year. One item - $250,000 for security improvements to court buildings state wide - I will discuss later today. Our other capital request is for $1.5 million dollars to complete the planning and design work for the Anchorage court house expansion project.

Anchorage Courthouse Expansion

The expansion of the Anchorage court complex is a project of considerable importance to the court system. In 1981, you appropriated nearly $10,000,000 to the court system for land acquisition and for planning and design of new court facilities in Anchorage. We purchased land for the expansion in 1981 and began designing a facility which would provide an additional 350,000 square feet of space to meet the court's present and projected needs. In 1984, you authorized the court system to enter into a lease/purchase agreement for construction of the project.

The Municipality of Anchorage has indicated a willingness to finance the project through issuance of municipal revenue bonds. Originally it was thought that construction of the project would be completed in 1986. However, the project was significantly delayed by seismic concerns. These had to be met through a series of studies and ground tests. It was not until June of 1986 that we received a conditional use permit to proceed. This delay has increased the up-front costs associated with the project. Interim remodeling was done to allow overcrowded departments to continue to function. Professional fees increased as jobs that were done had to be re-done and updated because of the passage of time. The result of this is that the court lacks a million and one-half dollars in budgeted funds to complete the planning and design process. We are therefore requesting this

money this year in order to complete the planning and design process so that construction can begin this year.

We know that the state has undergone significant changes since this project was first approved in 1981. The supreme court has reviewed the question whether in light of current case load projections the project should be continued. Our conclusion, after a careful review, is that the project is warranted for the following reasons.

First, although Anchorage superior court case filings are down 7% from FY 1986, they are nonetheless 38% higher than the filing level in 1981 when the expansion project was first approved. Further, the district court non-traffic filings in Anchorage for 1987 were up 2% over 1986 and in fact have reached an historic high. They are 51% higher than they were in 1981. Second, this project is designed to meet the needs of the court in Anchorage for the next half century. The court system staff projects increases in case load over the years, although projection of the rate of increase is necessarily speculative. In addition, the expansion project addresses a number of serious concerns which relate to the functioning of the Anchorage court today. The present facility lacks adequate security controls for prisoner circulation. As you probably know, there have been several incidents where prisoners have escaped. The new project has a prisoner circulation system which is separate from hallways used by court personnel and the public and thus should

considerably diminish the chances of escapes and other security breaches. The new building also affords the Anchorage court, which is the state's busiest court, the opportunity to house a number of justice related agencies within one complex. This should result in an increase in justice system efficiency. Finally, much of the expansion will be used, and used beneficially, to house court functions which are currently conducted in overcrowded conditions. The public is poorly served today by cramped clerks' offices, jury assembly space is thoroughly inadequate; in the library many books must be stored where they are not readily accessible; and offices designed for only one person are being shared by two or three people. Further, the court has had to acquire rental space away from the court building for some court components.

For these reasons, we are asking that you approve our request for one and one-half million dollars to ready this project for construction. Without this appropriation we will have no choice but to defer the project. We gave notice on March 1 to the contractors and subcontractors working on the final design phases of the project to prepare to stop work due to non-availability of funds. Without a timely additional appropriation the project will be postponed.

Case Load

After several years of steep growth, leading to the record year of 1985, our total trial court filings have remained rather stable for the past two fiscal years. Total non-traffic trial court filings for fiscal year 1987 were 72,644, down less than 2% from 1986 when filings were, in turn, down about 2% from 1985. Preliminary indications, based on partial 1988 statistics, indicate that filings are continuing at about the same rate as in fiscal year 1987. It is interesting to note that criminal felony filings experienced a minimal increase in 1987. Because filings on the whole have not grown, our trial courts have been able to make in-roads into the backlog of cases which developed over the years of heavy caseload growth. During 1985, superior courts reported a ratio of cases disposed to cases filed of 86%. During 1987, this figure had risen to 94%, ~~statewide~~. The district courts have also improved. The ratio of filings to dispositions in 1985 was 91% whereas last year it had improved to 98%.

In the court of appeals, which has mandatory appellate jurisdiction in criminal cases, appeals were down slightly - some 7% from 1986. Efficiency in the court of appeals has improved. 1987 marked the sixth consecutive year that the court reduced the time for average disposition of cases brought before it.

In the supreme court, filings of civil appeals - which constitute the bulk of our workload - were up 21% in 1987. This is probably a normal increase based on the record number of

filings in the trial courts in 1985. Average time from submission of a case to the time of publication of the decision has improved steadily from nearly ten months in FY 1981, when the court of appeals began to relieve us from a crushing workload, to a current figure of just over five months. We have established time standards governing the internal flow of cases and by following them hope to improve on this figure.

Fast Track

The time that it takes a case, once filed, to progress to disposition is always a matter of concern to the court. In Anchorage, the fast-track civil processing system which was begun in 1986 has continued and appears to have had the effect of substantially reducing the time necessary for a typical civil case to get to trial, ~~or to be otherwise disposed of.~~ Although no formal evaluation of the total fast-track system has been conducted as yet, preliminary indications are the 65-70% of all civil cases (excluding domestic relations cases) that are filed with the Anchorage superior court are being processed to a conclusion within fourteen months or less. An evaluation of the fast-track system and its possible application to other courts in the state will be conducted this year.

Rural Justice

In this time of budgetary restraint, the appropriate level of service to rural Alaska is often brought into question. The Alaska Court System has continued its commitment to provide equal justice to rural Alaska. In some cases justice services are performed by resident magistrates. In other cases, these services are performed by judges and court personnel who travel to the rural communities. In FY 1987, magistrate staffing was increased from the FY 1986 level by the filling of two vacant magistrate posts, at Sand Point and Seldovia. Every magistrate in rural Alaska is assigned a "training judge", a trial court judge with designated training duties, who the magistrate may contact with questions about the magistrate's duties and responsibilities. Additional training is provided at regional and statewide training conferences. A high standard of justice for all Alaskans requires that rural Alaska be provided with a fully functioning justice system. We remain committed to providing such a system.

Judicial Council

I would like to speak briefly about the Alaska Judicial Council, which will also be doing some work in the realm of rural justice this year.

The judicial council was established in the state's constitution as a non-partisan body to nominate candidates for

appointment to judicial vacancies on the basis of merit. The council also conducts studies to improve the administration of justice. Further, it evaluates judges who are standing for retention elections and publicizes its evaluations and recommendations. The council is presently completing its plans for the evaluation of the two justices and 16 trial court judges who will stand for retention this year. Voters followed the council's recommendations in 1982, 1984, and 1986, indicating that the public has come to rely on these evaluations as an important source of information about the performance of judges.

This year, the council has completed an evaluation of the court's experimental media plan and has made certain recommendations as to changes in the plan which we are currently considering.

The council is presently taking a comprehensive look at the justice needs in rural areas of the state. evaluating the effect of presumptive sentencing and the ban on plea bargaining on court caseloads and on prison populations.

Court Rule Changes

One of the important day-to-day functions of the supreme court is the review and revision of court rules. This year, the court has made a number of significant changes in these rules.

As a cost-savings and efficiency measure, the court restructured the publication containing the rules of court, from an

expensive six-book hard-cover set, to a single paperback volume. This change will save the court some $40-50,000 per year and will also be a saving to all those, public and private, who buy the court rules.

The most expansive change in court rules occurred in the area of children's proceedings. The court conducted a review of the rules which govern in child in need of aid and delinquency cases. We passed two completely revised sets of rules for these types of cases. These revisions reflect the work of two separate committees of attorneys and judges, who worked for over five years to clarify, streamline and expedite children's proceedings.

The court also passed a new rule, Civil Rule 90.3, which specifies guidelines for the establishment of child support obligations. The passage of a rule or statute containing child support guidelines was a prerequisite for the state continuing to receive federal funds in this area. In promulgating this rule we made it clear that it was passed as an interpretive rule under the judicial power of article IV of the state constitution - rather than under the rule making section of the same article. This means that the legislature can change this rule by passing a law by a normal majority rather than a two-thirds vote. The guidelines, in addition to meeting mandatory federal requirements, should aid in the establishment of reasonable and predictable child support awards. Again, the court was aided in its efforts in this area by the work of a committee of judges and

attorneys, who made a careful study of guidelines enacted in other states and the needs of Alaska's children. We invite you to review Civil Rule 90.3 and make such modifications as you find appropriate.

As you know, court rules can be changed both by action of the supreme court or by action of the legislature. I would like to take this opportunity to urge you to consider submission of proposed rule changes to the supreme court for consideration, prior to final legislative action. The court has a procedure for the review of proposed rule changes. This combines an historical analysis, a comparison with rule provisions in other states, and an examination by committees of judges, lawyers and others who are experts in the field. We also publish notice of any proposed change, and give an opportunity for individuals to offer comment. A careful review of rule changes is necessary to insure that unintentional results do not occur. For example, a small change in one rule may necessitate changes in several other court rules which may otherwise contain inconsistent provisions.

Security Issues

Over this past year, the court has become increasingly concerned with the issue of court security. Several incidents--the most recent concerning a hostage-taking in Cordova by a disgruntled litigant--have prompted a comprehensive review of the court's security systems. Statewide, we have reviewed not only

personnel security but security systems relating to files, tapes, exhibits, and property. In many areas, new standard procedures have been developed. In this effort, we have been given valuable assistance by the Department of Public Safety. Representatives from the department conducted training sessions about the handling of potentially dangerous situations in court. They also provided the court with a site-by-site analysis of the security problems associated with court buildings statewide. We are currently in the process of analyzing solutions to these building problems, and we have made a capital budget request of $250,000 to allow us to remedy some of the potentially life-threatening problems we have discovered.

Another project currently in the planning stage may have a positive effect on court and prisoner security. We have entered into a cooperative agreement with the Department of Public Safety and the Department of Corrections to plan and install a videolink between the Anchorage courthouse and Anchorage jails. The installation of this link will diminish substantially the need to transport prisoners from jails to the courthouse. Such a videolink was installed in Fairbanks four years ago and it works well there. The Department of Public Safety anticipates considerable savings from this project, since the need for prisoner transportation will be reduced. Also, a significant security benefit should result, because opportunities for escapes will be lessened.

Fines Past Due

Finally, I would like to touch on a subject which was the subject of legislative intent directed to the court last fiscal year. You asked the court to cooperate with the Department of Law in an effort to collect money that is due to the State from unpaid fines on criminal judgments. We have compiled information from all court locations about criminal fines which are past due on judgments entered between January 1985 and January 1987. For this two-year period fines which remain unpaid totalled approximately $1,200,000. This information, with supporting documentation, has been forwarded to the Department of Law and it is our understanding that the Department has submitted a budget request to establish a fines collection unit to handle the collection of court fines. The court will continue to cooperate to enable the Department of Law to mount an effort to collect these funds.

Conclusion

I have had occasion over the decade that I have served on the supreme court to meet with many judges and justices from other states. They regard Alaska's method of judicial selection and retention and our unified judicial system as a model. Our judiciary has achieved something of a national reputation for excellence. This has been achieved with your support and cooperation. The men and women of the judicial branch remain committed to providing the state with an outstanding judicial system. With

your continuing help and cooperation we have a realistic hope of achieving this goal.

Thank you again for inviting me to speak.

SENATE-HOUSE JOINT JOURNAL SUPPLEMENT

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PREPARED ADDRESS

BY

THE HONORABLE TED STEVENS

U. S. SENATOR

BEFORE THE JOINT SESSION

OF THE

SECOND SESSION

FIFTEENTH ALASKA STATE LEGISLATURE

March 8, 1988

Juneau, Alaska