THE COURT SYSTEM

A LEGISLATIVE REVIEW

Prepared by Judith Pinero
For the House Finance Committee

August, 1979

TABLE OF CONTENTS

PURPOSE

During the 1979 session of the Alaska State Legislature the judiciary attracted legislative attention. The court system's response to what it considers an unacceptable backlog of appeals cases before the supreme court was legislation introduced as Senate Bill 104 to establish an intermediate court of appeals. The measure has a conservative price tag of $600.0 for the first year and signifies a substantial change in current appellate practice. There was a supplemental appropriation requested to cover unanticipated payments for court appointed attorneys raising the cost for this service in FY 79 to approximatley one million dollars. A study prepared by the Alaska Jucicial Council indicated that felony sentences for blacks and Alaska natives were substantially longer than those imposed upon Caucasians for similar offenses. The cumulative affect of these issues left some members with an uneasy feeling about the administration of justice, the structure of the court system, its budgetary procedures and a limited understanding of the issues presented by the court system requiring legislative action.

The free conference committee, with Representative Russ Meekins, as chairman "Freemanized" the court system appropriation. The intent in releasing only 75% of the approved funding was to give the House Finance Committee a opportunity to look more closely at the court system during the interim. It is to that end that this report addresses itself.

The focus of this analysis is informational and objective. The sections on the structure of the court system and fiscal procedures are synthesized from numerous available reports supplemented by discussions with administrative officials and personnel of the court system. The legislation section attempts to give a balanced view of several issues requiring legislative attention. It was intended that these issues be presented in a manner which will assist legislators in the decision-making process.

ALASKA COURT SYSTEM
JUDICIAL RESPONSIBILITIES*

SUPREME COURT--5 justices

--Final Appellate Jurisdiction
--Civil Appeals & Cross Appeals
--Criminal Appeals & Juvenile Appeals
--Petitions for Review/Original Applications

TRIAL COURTS--63 court locations statewide

SUPERIOR COURT--20 judges

--Trial Court of General Jurisdiction
--Original Jurisdiction in all Civil and Criminal Matters
--Appeals from Final Judgments of the District Court
--Exclusive Jurisdiction: Domestic Relations, Children's Proceedings, Probate, Guardianship and Civil Committments

DISTRICT COURT--17 judges & 54 magistrates

--State Misdemeanor Violations & Local Ordinance Violations
--Recovery of Money or Damages of Property not exceeding $10.0
--Motor Vehicle Tort Cases not exceeding $15.0

*The Supreme Court has administrative responsibilities which include the management of the entire state judicial system, the promulgation of rules governing practice and procedure in civil and criminal cases in all courts, the promulgation of administrative rules and the supervision of admissions and disciplinary matters of the Alaska Bar.

ALASKA COURT SYSTEM

Introduction:

Preservation of liberty requires that the three great departments of power should be separate and distinct.
James Madison, Federalist
Paper No. 47

The Alaska court system is a unified court system. This means that there is a uniform structure of all courts throughtout the state. The rule and policy making authority is bestowed on the supreme court by constitutional provision. This authority encompasses the overall administration of justice, including procedural, superintendence and administrative matters. The supreme court's broad rule-making powers have addressed such areas as civil and criminal procedures, judicial administration, regulation of the bar and continuing education. A strong central administrative policy emanates from this source and is implemented through the administrative director of courts. It is the responsibility of the administrative director to supervise all administration which is accomplished with a support staff.

This self-administration allows the court system to function in accord with the separation of powers doctrine without interference from the legislators and the executive branch. It is important that legislators recognize that such matters as accounting practices, fee schedules, budgetary practices, travel policies and jury management practices are all developed centrally in accordance with the supreme court and executed by the office of the administrative director and his staff.

One of the instruments for centralized management of the courts is its unified budgeting procedure. The Alaska court system is almost totally financed by legislative appropriation. But, unlike other state agencies, the court system presents its appropriation directly to the state legislature - a development indicating greater judicial independence from the executive branch. Once the legislature authorizes an appropriation the manner of allocation and disbursement is controlled by the court system administration. (see Court System Budges, p. 8)

The court system allocates its budget according to an internal assessment of its needs. There is little, if any, public input in shaping the court's priorities. Advisory committees on various sbujects, such as children's rules and calendaring, are principally composed of court personnel. In fact, the highly complex, and costly paper producing functions of the court system tend to exclude the bewildered litigant and the frustrated taxpayer.

The Alaska court system has attempted to alleviate the complexities of the legal system for the litigant by initiating a small claims court and institution special procedures for family law problems and mail-in-bail for traffic citations. Changes in the jury system have been implemented to avoid time consuming delays for citizens called to serve. Alaska's attempts to meet public demands have resulted in modified calendaring and case flow policies, integration of the trial courts, computer case information systems and civil rules modifying motion pr ctice.

The byproduct of efforts to make the system responsive to the public is more paper produced solely for the court's internal control. Computers make processing more efficient but do not cut down the requirements for paper produced or personnel to do the processing. New types of personnel are required, such as programmers and technicians working with more and different types of paper.

In an evaluation of the operations of the court system the fundamental purpose of service to the public should not be overlooked. Judicial reforms and resolutions of specific problems facing the court are not designed for the convenience of judges and lawyers; rather, they are the responsibility of judges and are designed for the benefit of litigants and the public interest.

COURT SYSTEM BUDGET

Introduction:

In 1975, the general fund appropriation for the Alaska court system was $10 million. The FY80 budget appropriation was approved at $21 million or 2.3% of the total general fund budget. The court system's budget has increased steadily each year despite the fact that, within the last five years, the vital statistics function, child support enforcement and the recorder's office have been transferred to some other branch of government. The major expense items are personnel, facilitaties rents and insurance, juror fees and attorney fees.

A fuller treatment of the complete fiscal picture of the court system is readily available in the court's annual report and budget submission documents. A general over view of the budgetary procedures and selected fiscal issues are presented here as summary information for legislators now well acquainted with the judiciary.

It is an accepted fact that the justice system is outside of normal administrative and legislative surveillance. Unlike administrative agencies, the court system's budegetary procedures are no subject to executive scrutiny. The constitutional guarantee of separation of powers protects the court system from administrative and legislative constraints.

Of course, the legislature can appropriate at a level which differs from the court system's request and the executive can exercise its veto power. It has been well recognized in the legislative and administrative branches, however, that

cutting corners when it comes to justice is not sound public policy.

The court system is dedicated to maintaining a funding level which it believes will insure that the public demand for justice is met. The fiscal gulf between executive and legislative perceptions and the court system's view of the needs of a litigious citizenry can be wide. For example, in FY79, the administration requested that the court system stay within the maximum allowable increases as established by the executive branch. However, the court system chose not to follow the governor's request, presenting a trial court budget reflecting an 18% increase, rather than administration's 6% recommedation.

The differing perspectives tend to be exacerbated by an intangible intuition on the part of some that the court system's budget has large pockets of undisclosed money. Those who may not believe that the court system's budget is padded would agree that the justice system could exercise a greater degree of fiscal consciousness. It is against this background that this report attempts to give an objective informational overview of the court system's budget process, with emphasis on specific issues facing the Eleventh Alaska Legislature.

Budget Preparation and Procedures:

Preparation of the court system's budget has become fairly routine in the last three years. The court system cooperates with the executive and legislative branches by following established statewide budgetary procedures. However, the constitution protects the judiciary from undue interference. For instance, the court system submits its budget to the Governor's Office of Budget and Management as a courtesy. That agency does not do any evaluation of the court system's budget. Disbursement of funds through the Division of Finance are similarly rubberstamped. So long as the codes and paperwork are correct, the state accounting system pays the bills of the court system and submits the normal monthly computer reports with a minimal review of transactions.

The Alaska court system is a unified judicial system financed by the state and administered through a statewide administration consolidated at a central location under the supervision of the chief justice of the state supreme court. This vertical structure makes budget preparations far less complicated than the multi-stage procedures of the administrative branch. Under the unified court system, the three area court administrators distribute budgetary request forms to outlying court location. These requests are submitted to central administration's fiscal operations section. There is no administrator in Nome; therefore, the budget for the second judicial district is prepared centrally in conjuction with the presiding judge and staff.

Procedures at the administrative office are similarly routine. Area court administrators are generally involved when the administrative director and the fiscal operations manager prioritize budget requests. Final review, preparation of forms and distribution is the purvue of the court system's fiscal operations section. The chief justice of the supreme court also becomes involved at this stage to familiarize himself with the budget request and to preside over policy decisions.

In June of each year the central administration allocates funds to each district. Throughout the year fiscal operations monitors expenditures, processes all accounts payable and distributes quarterly status reports to each district reflecting disbursements processed at the central accounting office. The area court administrator's responsibility is to stay within the allocation, submit bills in a timely fashion and monitor the quarterly statements sent from fiscal operations.

The budget preparation process outlined above is fairly successful due in large part to the hierarchical structure and the simplicity of the procedures. Coupled with efficient central management, the result is a budget that is timely and well-prepared. The legislative finance staff considers the budget of the court system one of the easiest to work with.

The budget request comes before the legislature for review and approval in the normal manner. The lack of administrative and legislative constraint is illustrated by the fact that the budget for the court system is approved as

a single appropriation. Due to this lump-sum funding the court system has a good deal of freedom in how it chooses to spend its appropriation.

Unlike administrative agencies, the court system's appropriation is not subject to specific uses. Although lump-sum appropriations are not unique, the legislative tendency is toward greater specification of appropriations by line item allocations.

In the opinion of the court system this lump-sum method of appropriation lends needed flexibility. For example, additional revenue in personnel services at the trial court level may be used to bolster underfunded positions for the supreme court. The court administration may do that type of transfer in FY80 since an adjusted vacancy factor increased the trial court's personnel services by $130.9 and the supreme court extern positions were not funded. Likewise, savings realized in contractual went toward purchase of computer in 1978.

Clearly, the single appropriation allows the court system latitude in expenditures. It must be recognized, however, that whatever flexibility the court's single appropriation allows, 60% of the total appropriation is for personnel services. These monies are certain expenditures and generally conform to the original budget submission.[1]

---

[1]Title 37 prohibits administrative agencies from using personnel services funds to cover other expenditures. The court system is not bound by the provisions of this act.

Despite the lack of an allocation procedure imposed by the legislature, the court system imposes upon itself a system of allocating its annual appropriation. Of course, the court is not bound to its internal line item procedure. But an effort is made to review allocations and disbursements at year's end to assist in the next year's budget preparation. The process is also beneficial at the accounting level and helpful to area court administrators in monitoring the expenditures of their districts.

The court system willingly made available its 1978 and 1979 allocation reports. (see Apednix II and III) There are some glaring disparities between allocations and disbursements for specific line items. For example, contractual repairs were expected to be at $10.2 yet actual expenses for FY80 were only $1.4. For the same year, there was no allocation made for court appointed attorneys although actual disbursements totaled $51.9. As to line items generally, the court administration's allocations and disbursements are fairly accurate.

The internal allocation procedure reflects the fact that the court system is conscientious in breaking down its appropriation to reflect expenditures by general and specific line item. Such a procedure substantiates the findings of this project that there is nothing to indicate that the court system intentionally or repeatedly varies from its original budget request or shields large undisclosed sums of money.

The fact remains that the legislature has no assurance

that expenditures match requests. The court sytem is not bound by line item budgeting and is not constrained by normal administrative procedures. If the court so chooses it can move money out of the trial courts to cover expenses of the supreme court or vice versa. Because it was felt that the legislature might desire some additional assurance we went to legislative audit to see how our findings compared.

The Legislative Audit Division does a tri-annual performance audit. The last audit for FY75 made minor recommendations. One of the recommendations requested the court system do a fixed assets inventory which is still not yet complete.

The division is in the process of completing the audit for FY78 with publication expected in September, 1979. The audit is essentially an accounting audit and only when it appears that there is some problem will auditors match original budget requests with expenditures. For the purpose of this report we asked legislative audit to take a closer look at the court's original request for FY 78and compare it with actual expenditures. The purpose was to determine if the court system actually spent the money for the purposes for which it was orginally requested. Their review found few improprieties of a substantive nature. Categories in which expenditures were greater than allocations were supported by revised programs and monies appropriately transferred to cover any deficits. Even though the court system is free to transfer fund between major components (i.e. between trial courts and administration) the audit report found no blatant

transfers between these appropriations.

It is clear that the court system can transfer between categories to cover unanticipated expenses or to accomplish a task that was not delineated in the original budget request. This is the type of latitude is expenditures that can be expectedgiven a lump-sum appropriation. According to the FY78 authorized allocation and expenditure run done by legislative audit and supported by this review of the court system's budget procedures, it does not appear that there is any attempt by the court system to obfuscate expenditures or to misrepresent the purposes upon which the original budget request is predicated.

In summary, the lump-sum appropriation coupled with a lack of legislative follow-up may result in actual expenditures which differ from those detailed in the budget request approved by the legislature. For instance, there was a request for $40.0 to complete work on civil jury instructions begun and partially funded in FY79. Although the request was not funded for FY80, the manager of fiscal operations explained that as a continuing project the amount needed to complete the work had also been budgeted in the maintenance funding category. In his view this was appropriate because the funds were a continuation expense from FY79.

If it is the intention of the legislature to gain greater control over the court system's budget, a fundamental step would be to break down the budget into specific line items. This should have the effect of subjecting the court system to the satutory prohibition against transfers between

appropriations. It appears that under a single appropriation the court system is not currently subject to such a prohibition under the Fiscal Procedures Act. The line item approach may also provide a greater guarantee that the amount appropriated to meet the budget requests will be expended in the intended manner. The intention of the legislature will be controlling since designating the line items will determine the degree of control exercised. However, certain situations like the double budgeting mentioned above will probably not be covered by a line item approach. Moreover, the effect of such a change in the court system's budgetary procedures --- as well as its legal, political and policy implications --- needs to be carefully weighed aginst any benefit to be derived.

Problem Areas:

A major weakness in the budgetary and accounting procedures of the court system came to the surface in FY79 when the court system requested an additional $500.0 to pay the costs of private attorneys hired to represent indigents. Although the legislature did appropriate $406.0 to meet the costs of these conflict cases, there continues to be no mechanism in operation to discover the amount of outstanding billables from court appointed attorneys. As of this writing, the unpaid balance on known billables is $1,155,144.00.

The Supreme Court has amended Rule 15 of the rules of court establishing a fee schedule for court appointed attorneys. The current rate of pay is $40.00 per hour, which remains unchanged under the amended rule. The rule now provides that certain types of cases will have maximum recovery amounts over which the attorney will not be compensated excepting extraordinary circumstances.[2] The Alaska Bar Association has registered its opposition to the amended rule. Court administrative staff believe that the court system will be sued because a provision affects compensation due attorneys working on cases prior to the rule. Officials of the court are looking into the possibilities of contracting attorney services for indigents.

---

[2] It is too soon to tell what effects this rule change will actually have on the procedure of court appointed attorneys. House Judiciary will be looking at this situation over the interim.

They also intend to introduce legislation which will remove these conflict cases from under the administration of the court. (see Legislation, p. 19)

Despite the fact that a ceiling is put on payments to appointed attorneys, the critical issues of identifying how many cases are assigned and devising a budget plan to pay for them remain unresolved. The court system plans to notify all members of the bar of the rule change, which will include a 30 day period during which all attorneys who have outstanding bills must report that information. In this way, all conflict cases before June 30, 1979, will be identified and subsequently monitored. The court plans that all new cases in FY80 will be more closely followed by insuring that the accounting office receives a copy of the order of appointment.

Until the above procedures are implemented, costs for court appointed attorneys will continue to be unknown and unpredictable. The fact that the court system did not exercise effective controls to monitor conflict cases resulted in claims that were greater than the court system budget could absorb. Procedures to insure that the court system is at least aware of the outstanding debt will be some improvement. But the increasing cost of these appointed counsel --- due to more criminal cases going to trial, inflation and population increases --- will continue to add to the costs. Amended Rule 15 should protect against inflated bills and allow the court administration to approximate its costs. Other alternatives that might help save money include contracting or establishing a conflict office staffed by state employees. (see Legislation, p.19)

LEGISLATION

Intermediate Court of Appeals:

During the 1980 session the legislature will continue its consideration of SB 104 which establishes an intermediate court of appeals. As proposed, the intermediate court of appeals would review the record of all criminal and sentencing judgments brought from the district court (misdemeanors) and superior court (felonies).[1]

The decision before the legislature to establish an intermediate court of appeals is an issue which deserves to be decided on its merits. Although this report may assist legislators in gaining some basic information, there are certain fundamental questions which should be more fully explored.

1. Has the need been substantially demonstrated to warrant a major change in the court system?
2. Does the situation require long-term assistance?
3. Does an intermediate court of appeals represent the best alternative to correct the caseload and delay problems of the supreme court?
4. Will there be more appeals taken once a court of appeals is established?
5. Will costs to criminal litigants, usually represented by the public defender, increase?

---

[1]Additional review responsibilities of the intermediate court, such as administrative appeals, have been included in the bill at various stages. The latest draft does not include such appeals heretofore reviewed at the superior court. If such a provision comes under consideration again, the numbers of administrative appeals should be considered as to effect they may have in overburdening the intermediate court.

Acting under statutory authority as administration of the court system, the supreme court outlined three major reasons for establishing an intermediate appellate court: 1) the substantial rise in appellate filings; 2) case backlogs resulting in long delays in dispositions; and 3) to avoid impairing the quality of justice due to insufficient time to give particular cases the study they warrant. These reasons for creating an intermediate court will be explored generally in the following paragraphs. However, the legislature should recognize that certain fundamental questions require additional inquiry.

1. The increase in appellate filings has been significant. Alaska has the dubious distinction of ranking third nationally in appeals filed per population. In 1974, there were 290 appeals filed as compared with 613 such filings in 1977. There were 119 criminal appeals in 1976 and 135 in 1978. Sentence appeals, which would likewise be reviewed by the proposed intermediate court, numbered 31 in 1976 as compared with 56 in 1978. Taken together, criminal and sentence appeals represent more than one-third of the total appellate filings handled by the supreme court.

Since 1977, however, there appears to be a leveling off. In fact, there was a 13% decrease in criminal appeals filed in 1978. Data compiled through April, 1979 indicates that the declining trend continues. Similarly, sentence appeals were down 11% in 1978.[2]

[2]Sentence appeals may continue to decrease since second offenders will be subject to presumptive sentencing under the revised criminal code.

The number of cases filed may be misleading, however, since each case does not have an equal workload impact on the supreme court. For example, 28 of the 103 criminal appeals filed in 1978 were dismissed or disposed of by other means. These dismissals may be routine or complex and time consuming.

Any expectation of continuing decline may be offset by the realities of Alaska. A recent study demonstrated a close relationship between population and appellate filings.[3] Although Alaskans may be overly litigious, it can realistically be expected that as population increases so will trial court filings and subsequent appeals Secondly, all indicators suggest that the development of our land, cities and new industry will continue, requiring attention to the judicial needs attendant to such growth. Likewise, it is likely that the revised criminal code will contribute to some growth in appellate filings as the new law is tested in the courts.

Even assuming the leveling off trend continues, however, the court system argues that filings are in excess of what the supreme court can handle at the standard which the court has set for itself.

In it deliberations on SB 104 the legislature must take into consideration that case filings in the supreme court have increased by 82% between 1975 and 1977. Arguably, appellate filings in 1978 have declined and available data for 1978 reflects a possible stabilization. The weight

[3]Forecast of Appelate court filings in the 1980's; Alaska Court system.

given this decrease should be balanced by 1979 filings as well as population and development impacts which to some indeterminable degree come to rest in the court system.

2. The supreme court has attempted to keep pace with rising numbers of appeals by increasing its rate of dispositions. Between 1975 and 1977 the court increased the number of dispositions by 87%. The court has instituted internal procedures to accomplish this. First, unopposed routine motions are handled entirely by the clerk of the court. Second, in 1977, a central screening staff was established to review non-routine motions and petitions for discretionary review. Appeals are screened to determine if the cases are amendable to summary dispositions. There are currently two attorneys employed as central staff. Third, the court has increased its use of per curiam and memorandum opinions. In 1978, 54 cases were disposed of on the merits by these methods.

Such procedures have reduced the amount of time that each justice must spend on any given case. In addition, these methods allow more efficient handling of routine matters heretofore unnecessarily delayed by more complicated cases.

Despite this increase, dispositions are still fewer than filings each year and the court continues to fall behind. The resultant delays and growing backlog of cases are of major concern to the court system, the legislature and the public. Criminal appeals had an average disposition time of 593 days in 1977 and 612 days in 1978. Sentence appeals for the same years went from an average of 304 days to 358 days.

By way of comparison, the court's internal operating procedures recommend that a case should take no longer than 280 days from notice of appeal to mandate.[4]

In summary, the delays in processing criminal cases exceed national and state standards. Despite improved procedures resulting in increased productivity, appeals by conviction or collateral attack have increased dramatically in Alaska.[5] A leveling off of this trend appears to be continuing into 1979. It is the court's contention, however, that the level of filings is above that which the supreme court can effectively manage. Moreover, dispositions cannot keep pace with appellate filings.

The preceding statistics are relevant to the proposed intermediate court of appeals and should be given due consideration by the legislature. It is important, however, that members are careful to consider those case filings specific to the legislation. The criminal and sentence

---

[4]By law a judge may not receive a paycheck if he has not circulated a draft opinion within six months.

[5]Alaska is clearly not alone. Appellate filings across the nation continue to increase. The principle ground for appeal is trial court error. Since the discontinuation of plea bargaining in Alaska, many more cases tend to go to trial. Therefore, there are more errors, which may account in part for increased appellate filings.

appeals are relevant since the proposed court will handle only criminal appeals.[6]

3. A third reason given for the establishment of an intermediate court of appeals is the court system's concern for the quality of justice. Unlike statistics, which document rising appellate case filings and subsequent delays in dispositions, this justification cannot be evaluated in quantifiable terms.

On the one hand, it is the opinion of the court that alternatives to establishing an intermediate appellate court---such as dividing the justices into panels or expanding central research staff---will fragment the work of the court, create a situation in which law clerks are doing the work of judges and generally impair the quality of justice.[7]

---

[6]The criminal jurisdiction of the proposed court has been an issue. The reasoning of the court was based upon its decision to establish clear jurisdictional lines at a reasonable price tag that would alleviate the burden on the supreme court. It was determined that criminal and sentence appeals, representing just over one-third of the filings, was a manageable volume for three judges, three law clerks and three secretaries. Furthermore, it is the opinion of the court that civil appeals generally concern matters of national and statewide public policy. In opposition, it is argued that criminal cases will receive more cursory treatment and the lack of precedential value at the intermediate level will set back the development of criminal law in Alaska. Those taking a favorable view of this jurisdictional division consider recent decisions to be poorly reasoned. Under the intermediate court they expect better criminal opinions due to increased time for judicial deliberation.

[7]A far more comprehensive treatment of the proposed solutions is available in a report prepared by the administration of the court entitled; Supreme Court Workload: Analysis of Proposed Solutions, Office of Staff Counsel, 1977.

The supreme court has significantly improved disposition time on cases determined to be routine in nature. For example, the proportion of cases disposed of on the merits, for which a full opinion was published, declined from 96% in 1976 to 77% in 1978. Although new procedures have clearly been effective in expediting cases, it is a concern of the court that such assistance may become reliance, thereby lowering the standards of judicial determinations.

On the other hand, there is a national public opinion, which seems to exist to some extent in Alaska, that judges are overpaid and underworked. In Alaska, the judges have come under criticism for writing unnecessarily long opinions made longer by dicta.[8]

This may be a justifiable criticism. It is impossible, however, within the scope of this report to ascertain the nature and content of supreme court opinions. In weighing the pros and cons of judicial quality it should be noted that Alaska's supreme court is highly regarded nationally and often relied upon as a model for other states. Due to a comparatively small body of case law in Alaska the decisions of the court play a significant role in shaping the direction of the state.

In the preceding analysis the nature and extent of the case filing and dispositional delay problems have been

---

[8]Opinions of a judge that are not a central part of the judge's decision and can be removed without changing the legal result. If it is dicta, it is not binding precedent on later court decisions.

briefly discussed. The court's response is SB104 establishing an intermediate court of appeals. The court considers this to be the most effective way to ease the burden on the supreme court and preserve the quality of justice.

It is a far easier task to find the flaws in a proposed solution and quite another matter to arrive at a better approach to solving the problem. This report does not pretend to challenge the research that has been done by the court system administration for more than two years. Nor does this cursory treatment of the proposed problems and various alternatives reject the court's conclusion. There are, however, some potential effects of this legislation which legislators may wish to explore more thoroughly.

Establishing an intermediate appellate court is a major structural change in the administration of justice in Alaska. The new court is likely, in time, to become a court of general jurisdiction, incorporating not only criminal but civil matters. Of course, this is speculation but it is based on the experiences of other states and substantiated by the opinions of both public and private members of the Alaska Bar. The administrative director of the court system tends to agree that this probably is the first step in creating a full intermediate appellate court.

The statistics support such an opinion. During 1976, the court took an average of 196 days from the submission of a civil case until publication of an opinion. During 1978, this stage of the appellate process was averaging 296 days for civil appeals, or an increase of nearly 60%. This

represents processing delays for civil cases far greater than those for criminal appeals.

At present, the court's ability to dispose of civil matters has not been significantly improved despite internal procedures that have effectuated more expeditious criminal case processing. Civil case dispositions rose only 12% compared to a 49% increase in appeals. The statistics indicate the likelihood that civil case filings and dispositional delays will eventually overburden the supreme court. Easing the criminal appeals load, of course, will delay what appears to be an eventuality.

The nature of civil appeals are different enough from criminal cases to call into question any statistical comparisons. Civil trials take longer, generally involve more parties and issues and require more judicial resources for disposition. Moreover, it is impossible to predict when, and if, the court will reach a saturation point. However, it would be irresponsible to ignore the fact that civil filings continue to rise while criminal appeals have decreased 13% in 1978. At the same time, civil cases pending between 1977-78 have increased by 11% as compared to only 5% for criminal cases pending.

Briefly, there are a number of other issues relevant to SB 104 which should be more fully considered by the legislature. First, the budget to set-up and operate the intermediate court of appeals for one year seems low at $600.0. Clearly, if the court does operate at that figure for the first year there will be significant cost increases

in the coming years. For example, personnel of the court consists of three judges, three law clerks, and three secretaries. It will only be a matter of months before additional clerical personnel will be needed to monitor electronic recording at proceedings, arrange calendaring and provide back-up to the three secretaries. It would be wise for the legislature to find out the number of criminal cases currently filed with the supreme court which would be automatically shifted to the appellate level. If the staffing is inadequate, the funding at a bare bones level and the number of cases high in comparison to resources, then the court of appeals could be overly burdened even before it gets underway.

Secondly, there are numerous mechanical problems in the present draft of the bill. First, it is unclear how administrative appeals will be handled and whether the supreme court has the discretionary authority to assign these cases to the intermediate court. Second, the precendential of lawmaking authority of the intermediate court of appeals must be made a statutory certainty. Otherwise, the impact of the court's decisions will be considerably weakened. If the court's decisions do not establish precedent for other cases, the rulings by the intermediate court may be frequently challenged, thereby exacerbating the delay problem whcih the intermediate court was established to cure. Lastly, there seems to be some confusion regarding language in the bill which allows the supreme court to reach down to take a

case over which the highest court wishes to exercise its jursidiction. Although rules to govern the intermediate court will probably clarify the standards for accepting or rejecting cases, the planned solutions to these procedural problems may deserve legislative attention.

The House Judiciary Committee plans to work on the bill during the interim, at which time these drafting technicalities plus additional issues relevant to SB 104 will be more fully explored.

Conclusion:

The substantial rise in appellate filings, case backlogs resulting in long delays in dispositions and the concern of the court that these factors will impair the quality of justice are the principal reasons for the establishment of an intermediate appellate court.

Despite the fact that Alaskans are litigious people, the increase in appellate filings presents a real problem which threatens the current court's ability to handle the case volume. Although increases since 1977 appear to be leveling off, the realities of Alaska reflect that this is merely a temporary situation.

Members of the court have worked hard to keep pace with rising numbers of appeals by increasing the rate of dispositions. As reflected in this report, there comes a point at which internal procedures are no longer effective. The number of dispositions are fewer than filings each year and the court continues to fall behind.

For the purpose of this report we assume that the statistics substantiate a workload that has become unmanageable by a five member court, resulting in delays in dispensing justice which are not in the public interest.

The question before the legislature is how to solve these problems without sacrificing the quality of justice. Although the legislation currently in the House Rules Committee reflects the court administration's selected alternative, the issue remains an open, debatable and fundamental policy decision on the part of the legislature.

The various alternatives have been dealt with in the preceding paragraphs. The marginal effectiveness of increased ancillary staff is a meritorious argument against hiring more law clerks to do the work that can only be accomplished by a judge. The complexities of creating panels has been shown to be administratively unwieldly and a minor curative for a major illness.

The simplest alternative requiring the least amount of administrative and legislative adjustment is to increase the membership of the supreme court to seven justices. This would divide the workload among more poeple so the opinion writing burden on each is reduced, making it possible for the court to increase its output of decisions. This solution would not affect present appellate procedures.

The court administration argues that this is a temporary solution at best and may even be counterproductive since opinions would have to circulate among more members, thereby increasing delay. According to the court, the only

advantage to increasing the membership would be a more workable number for the purposes of panelling. The panel alternative is unsatisfactory to the court for the asserted reason that the development of the law under such a system is fragmented.

Each alternative solution has its advantages. However, the court presents a rather weak argument in opposition to increasing the membership of the court. Because the judge is ultimately the one who can dispose of a case this alternative appears to be the most efficient, cost-effective and the least disruptive solution for legal practitioners, litigants and the taxpayer. Moreover, it seems apparent that increasing the number of justices will relieve some of the current caseload on each judge. Case assignments distributed among seven justices may expedite treatment of the caseload and decrease the number of written opinions per judge. Assuming the caseload will not decline and that the present levelling off is only temporary, increasing the membership of the supreme court may have the most direct effect in alleviating its burden, create the least change in appellate practice and insure continued judicial excellence.

The legislature may wish to consider requesting the court administration to more fully explain its opposition to increasing the membership of the court from five to seven justices. There may be credible reasons that render this alternative less attractive than it appears on its face.

Until legislators are convinced that a seven member court is not an acceptable solution, this straightforward and far less drastic alternative should be evaluated more thoroughly.

Recommendations:

-- SB 104 presently in House Rules should be returned to House Judiciary for revision and further consideration by House members.

-- Assuming further study and revisions result in an acceptable piece of legislation which will improve the administration of justice in Alaska, it is important that the court system have adequate resources to accomplish its objectives. Comparative data on costs for similar intermediate courts in other states should be compiled and evaluated to arrive at a realistic fiscal note for SB 104.

-- If the proposed intermediate court of appeals is established, supreme court central research staff should be reduced or disbanded. The staff was initiated to expedite cases and should not be necessary once the intermediate court alleviates the criminal case load.

LEGISLATION

Conflicts Cases:

Since 1974, the court system has been empowered to determine indigency and administer the selection and payment of private attorneys for conflict cases that cannot be handled by the public defender.[9] When there is a conflict of interest problem the court will appoint an attorney other than the public defender to be compensated according to a schedule of fees promulgated by the supreme court.[10] In addition, the court system has the power to initiate recoupment action against former defendants for services rendered by the government for their defense and the power to force attorneys to represent indigents even if they don't want to, by virtue of the canons of ethics.

The court system has certain procedures in exercise of these powers. First, the court system investigates to determine the indigency of criminal defendants and makes demands upon those determined to be indigent and later found to have resources available to pay the state.

---

[9]"indigent person"--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 dependants of food, clothing or shelter and who has not disposed of any assets since the commission of the offense with the intent or for the purpose of making himself eligible for assistance under this chapter.

[10]Administrative Rule 15 amended July 1, 1979. Attorneys shall be compensated at the rate of $40.00 per hour. Total compensation for any case shall not exceed the schedule outlined in the rule.

Second, attorneys are appointed by the courts to represent indigent defendants in conflicts cases. These attorneys are taken from a list provided by the Alaska Bar Association. Billings from attorneys are reviewed by the court system and judges may make special conditions or modifications to fees for each case. Presumably, under the 1979 amended Rule 15, the judge will be constrained from approving bills that exceed the maximum ceilings unless the judge had previously authorized extraordinary expenses not greater than $1.5. Third, all payments for services rendered by court appointed counsel are handled by administrative procedures of the court system.

In FY 79, the court system was faced with a $500.0 deficit due to unanticipated bills submitted by court appointed attorneys. (Budget Procedures section, p. 8) This provided the spark which rekindled the court's long-standing objections to this expensive responsibility.[11] The court responded by coming to the legislature for a supplemental appropriation and amending Rule 15 to place a maximum ceiling on compensation to court appointed attorneys in an effort to control the costs. In addition, the court system is weighing several alternatives that would relive the courts of this function: 1) establish a new agency to handle defensive conflict criminal defendants:

[11]The expenditures for court appointed counsel have increased substantially since 1975. Although the asserted reason for this 74% increase bears on the issue at hand it will not be developed in this report. A discussion of factors contributing to rising costs of appointed counsel can be found in, "Issue Analysis of Alternatives Proposed to Reduce Public Defender Costs," the Division of Budget and Management, Robert Shelly, February, 1979.

2) change the law to enable the office of the governor or lieutenant governor to contract for private law firms to handle court appointed cases for a fiscal year; 3) have the state, pursuant to AS 37.052.30 (c) (vi), negotiate and contract with one or more firms by district or by city.[12]

The court's major objection to handling attorney appointments and administering billing procedures is that such a function conflicts with the essential impartiality of the judiciary. Because the responsibility of the courts is to decide the case, any involvement by the court in providing representation on one side of the case has the appearance of partiality. For example, the judge hearing the case generally makes the appointment with considerable discretion and likewise reviews the billings made by appointed counsel. Additionally, it has been the policy of the court system for some time to transfer all functions not directly related to the trying of cases to some other branch of government. The court administration asserts that a separate conflict of interest office or contracts let by other government entities will insure the confidentiality required in the representation of a criminal defendant. Moreover, the court contends that either of the three alternatives will guarantee an adequate level of service at less cost. The essential fact to be kept in mind from a fiscal standpoint is whether "less cost" is

[12]A fourth proposal for legal trainees to handle conflicts cases is apparently being prepared by the University of Alaska Criminal Justice Center.

less than the 1979 expenditure of nearly one million dollars or less than the fee schedule as prescribed by the court's Rule 15. Costs below the 1979 expenditure do not represent a reasonable reduction.

Although it is apparent that the court system is anxious to be rid of anything to do with administering indigent defense cases, at present it continues to carry out its responsibility. Internal accounting procedures are being set in motion to insure that the unexpected costs experienced in 1979 do not recur. Although it must be recognized by the legislature that these costs are to some extent unknowns, the court system has set the amount of compensation that such counsel can receive and has begun implementation of a more effective monitoring system.

The Alaska Bar Association does not necessarily agree that the court system has handled the problem adequately. It is the bar association's opinion that the solution to the problem has traditionally been to demand that the private sector subsidize the state's constitutional obligation to provide its indigent citizens with adequate, competent legal services. They object to the court being in a position to appoint counsel without regard to competence while recognizing that the only appropriate response of the court system, given the present structure, is to spread the burden and appoint all available counsel without regard to the level of competence in criminal defense. The bar association further contends that it is improper for the

court to establish the amount of compensation that such counsel can receive for services rendered and strongly objects to amended Rule 15. It is agreed by both the court system and the bar association that the level of compensation meets 80% of the bills submitted. Unusually long cases randomly assigned, however, could be a critical financial burden.

The executive, represented by members of the Department of Law, the Alaska Bar Association and the court system, is in the process of creating a seven member committee--- made up of representatives from the attorney general's office, the public defender's agency, the court system and the board of governors of the bar association. The committee plans to select interested firms to provide for indigent criminal defense on a temporary and trial contractual basis. The purpose is to develop a track record for contracting this type of services prior to coming before the legislature in January, 1980, with a comprehensive plan for resolving the problem of conflict criminal cases. It is expected that this approach will have mutual benefits because criminal conflict cases will be handled efficiently by competent counsel who are prepared to do this type of case. Attorneys who have neither the current knowledge nor experience necessary to competently handle criminal cases would not be required to devote time and expense to doing so.

The success of this temporary solution will be of interest to members of the legislature who may be faced with the resolution of the issue by legislation to be introduced in 1980. Although it is premature to second-guess the type of legislation that members can expect, it may be of value to discuss the proposed alternatives.

The contracting out alternatives, whether by bid or under traditional administrative contractual agreements, has the advantage over the present system that attorneys involved would have particular expertise and experience in criminal law. With a private contract, the firm should be able to allocate resources as the case load increased; therefore, any fluctuations in conflict of interest case loads could be accomodated without undue cost. Finally, because of its nonpermanent nature, the contracting alternative could be established quickly and could be abandoned easily after a trial run. It also has been suggested that a firm doing conflicts cases could contract for non-criminal guardian cases for a possible added savings. Again, the "savings" realized by contractual agreements must be carefully evaluated. Any system should be less expensive than FY 79. Members of the legislature should be certain that any contracts are in keeping with the ceiling imposed by amended Rule 15, which the court system and the bar association agree covers 80% of the conflict cases. Moreover, Rule 15 (g) would allow for extraordinary expenses to be compensated.

Should the contracting alternative be chosen, the question still remains as to who should award and administer the contract. Under the two alternatives for contracting currently proposed, the executive branch, not the court system, would be responsible for administering any contractual agreement. A statutory change totally relieving the court system of the burden of this responsibility may be necessary under these contractual alternatives. In addition, it could be legally questionable to have both the public defender's office and the conflicts function within the governor's office. Finally any agency awarding and administering such a contract would have to have a certain amount of legal expertise in order to evaluate bids and performance and review billings. In a report prepared by the Division of Budget and Management additional complications under the contracting alternatives were discussed:

> Since the court system already has the power to determine indigency and recoup value of defense services as well as to generally oversee the practice of law, it would be unwise from a management point of view to separate the powers in this issue from the responsibility for funding and administration of the program. If the executive branch were to assume responsibility for award and administration of the conflicts contract, there would be a decay of accountability. The court system would have no incentive to carefully consider the question of indigency or recoupment since the executive branch would be footing the bill and having to request supplemental appropriations.[13]

---

[13] "Issue Analysis of Alternatives Proposed to Reduce Public Defender Costs," supra.

Although not reflected in the two contractual alternatives proposed, the court system may be willing to accept responsibility for conflict defense services. At present, the fiscal operations section is considering and negotiating the possibility of contracting with Alaska Legal Services. Under this approach the court system would award and administer the contract. This seems to solve the court system's partiality problem while retaining the legal expertise of the court to evaluate contract performance.

There are several arguments against the third proposed solution, the establishment of a separate conflict of interest office. There is concern that the system is already too centrally controlled, since both the attorney general and the public defender are appointed by the governor and situated in the executive branch. It is argued that an acceptable separation of the conflicts office from other prosecutorial and defense functions may be difficult, if not impossible, to achieve. It remains to be seen whether this argument has any merit, since the problem may be overcome when and if a bill is drafted for introduction. In addition, a conflicts office may be less efficient during fluctuating case load periods. Members of the legislature will need to evaluate the corresponding political ramifications associated with the creation of a new bureaucracy and an increase in state government personnel.

Conclusion:

The court system has the authority to provide counsel for indigents who cannot be handled by the public defender's agency and has administered this responsibility since 1974. It is the opinion of the court system that this responsibility has become administratively unwieldly and incompatible with the judicial function.

The court system, bar association and the executive are anxious to arrive at a solution which will achieve ease of administration, secure competent representation and reduce the cost to the taxpayer. A committee representing these interests will arrange for contracts with selected private firms on a trial basis. The expectation is that some type of contractual arrangement will prove workable or that the need for a separate conflicts office will be demonstrated. It appears probable that any legislative package will include an FY 80 supplemental appropriation for payment of attorneys' fees.

The proposed contractual alternatives would place the representation of indigents in conflict cases under the administrative branch. If, however, the court contracts for professional services, legislation would not be necessary and the court system would retain the authority. Moreover, a contract for professional services, if administered by the court system, would guarantee the legal expertise to oversee contract performance.

At present it appears that the court system would prefer the introduction of legislation establishing a

separate conflicts office. The Alaska Bar Association appears to be leaning toward a solution which would involve contractual agreements with private practitioners skilled in the criminal law. Whatever the outcome, it is apparent that all parties are working toward a solution which may require legislative action in 1980.

Recommendations:

--The results of the committee's trial contractual agreement with private attorneys should be carefully evaluated.
--Other alternatives presented in this report should be considered in light of the advantages and disadvantages of contracting.
--The court system may be in the best position to award and administer the contract. Court administration is already in the process of tightening administrative procedures. There has been discussion with Alaska Legal Services and it is difficult to believe that other firms would not be interested in this business at a rate in keeping with the fee schedule under amended Rules. Finally, the court system has the legal expertise to evaluate bids and performance and review billings.

LEGISLATION

Supplemental Appropriations:

The court system will be before the legislature with a supplemental appropriation for the 25%, or the "Freemanized" portion, of the FCC appropriation for FY 80. The court system has no plans to alter the figure as set by the free conference committee.

The court system may be underfunded agin in FY 80 for payment of attorneys fees. If this occurs, it will probably be part of a package including legislation which will alter the current approach for handling conflict of interest cases.

Bibliography

"Alaska Court System Annual Report," 1974-1978; Office of the Administrative Director.

"Alaska's Ban on Plea Bargaining," Police Magazine; January, 1979.

"The Anchorage Citizen Dispute Center: A Needs Assessment and Feasibility Report;" Alaska Judicial Council; October 1, 1977.

"Bail in Anchorage, A Description of the Process and Summary of Statistical Data for 1973," Alaska Judicial Council; March, 1975.

"Citizen Action Project Court Observation Manual," Alaska Council; 1976.

Courts, National Advisory Commission on Criminal Justice Standards and Goals; 1973.

"Forecast of Appellate Court Filings in the 1980's," Alaska Court System; 1979.

"Issue Analysis of Alternatives Proposed to Reduce Public Defender Costs," Division of Budget & Management; Robert Shelly, February 20; 1979.

"Legal Process Development Project, A concept Paper," The Alaska Court System; August, 1976.

"Plea Bargaining: Can Alaska Live Without It?", Judicature; December-January, 1979.

"A Review of the Alaska Court System," Division of Legislative Audit; June, 1975.

"Supreme Court Workload: Analysis of Proposed Solutions," Office of Staff Counsel; 1977.

Appendix I

1979 ALLOCATION

SUPREME COURTS

		1978 Allocation	1978 Disbursement	1979 Allocations
100	Personnel	972.1	1101.2	1209.1
200	Travel			
	210-240 Circuit & Adm.	62.8		59.1
	280 Relocation	6.0		14.8
	290 Jury			
		68.8	56.5	73.9
300	Contractual			
	311 Telephone Toll	13.0	10.3	24.0
	312 Tel. Reg. Service	17.0	17.9	19.0
	314 Postage	45.0	31.5	58.4
	320 Advertising		1.0	2.0
	330 Rent			
	340 Repair	10.2	1.4	3.2
	350 Utilities			
	360 Equip. Rental	57.6	56.3	63.9
	370 Jury Fees		.7	
	384 Autopsy			
	387 Ct. Appt. Atty.		51.9	32.1
	388 Bar Assoc.	45.4	58.6	48.2
	389 Professional Svc.	54.0	12.3	29.0
	390 Insurance		2.1	
	394-396 Dues & Memb.		3.0	
	397 Freight			
	399 Casual Labor			2.0
		242.2	247.0	281.8
400	Commodities	25.3	19.7	27.3
500	Equipment	11.0	14.3	24.9
600	Capital Improvements			
800	Retirement	106.6	109.4	*
	Total	1446.9		1617.0

*Included in Personnel Allocation

Preceding page blank

1979 ALLOCATION

ADMINISTRATION

		1978 Allocation	1978 Disbursement	1979 Allocations
100	Personnel	1148.0	1236.6	1304.6
200	Travel			
	210-240 Circuit & Adm. 280 Relocation 290 Jury	87.8		93.1
		87.8	70.4	93.1
300	Contractual			
	311 Telephone Toll	35.0	29.9	62.4
	312 Tel. Reg. Service	15.0	13.7	15.0
	314 Postage	30.0	16.1	35.0
	320 Advertising	5.0	16.9	19.0
	330 Rent			
	340 Repair	5.5	14.3	16.0
	350 Utilities			
	360 Equip. Rental	75.0	70.8	100.0
	370 Jury Fees		1.3	
	383		172.4	
	384 Autopsy			
	387 Ct. Appt. Atty.		.3	
	388 Ct. Appt. Child			
	389 Professional Svc.		65.9	125.4
	390 Federal Program			135.0
	391 Insurance		.8	18.2
	394-6 Dues & Memb.		13.3	15.0
	397 Freight		1.9	3.0
	399 Casual Labor		.6	1.0
			418.2	545.0
400	Commodities	50.0	52.8	53.0
500	Equipment	4.9	30.5	20.4
600	Captial Improvements		1.0	
800	Retirement			
	Total	1456.2	1809.5	2016.1

1979 ALLOCATION

LIBRARY

		1978 Allocation	1978 Disbursement	1979 Allocations
100	Personnel	109.5	104.6	153.0
200	Travel			
	210-240 Circuit & Adm. 280 Relocation 290 Jury	2.5		2.7
		2.5	5.3	2.7
300	Contractual			
	311 Telephone Toll	1.0	1.6	2.0
	312 Tel. Reg. Service			
	314 Postage	1.5	1.8	2.0
	320 Advertising			
	326 Library Supplies	257.0	287.9	322.5
	330 Rent			
	340 Repair	.6	.3	.6
	350 Utilities			
	360 Equip. Rental	7.5	8.4	9.0
	370 Jury Fees		.4	
	384 Autopsy			
	387 Ct. Appt. Atty.			
	388 Ct. Appt. Child			
	389 Professional Svs.			
	391 Insurance		.2	
	397 Freight		.2	
		267.6	300.8	336.1
400	Commodities			
	481 Office Supplies	3.9	2.7	4.1
500	Equipment			
	552 Office Furniture	4.1		8.5
	556 New Books	25.0		78.2
		29.1	33.6	86.7
600	Capital Improvements			
800	Retirement			
	Total	412.6	447.0	582.6

1979 ALLOCATION

FIRST DISTRICT

		1978 Allocation	1978 Disbursement	1979 Allocations
100	Personnel	1396.1	1342.2	1434.7
200	Travel			
	210-240 Circuit & Adm.	50.0	53.7	
	280 Relocation	2.0		
	290 Jury	2.5	3.7	3.6
		54.5	57.4	61.5
300	Contractual			
	311 Telephone Toll	11.0	9.2	15.4
	312 Tel. Reg. Service	19.0	17.8	19.0
	314 Postage	11.0	10.5	12.5
	320 Advertising			
	330 Rent	46.3	37.7	43.9
	340 Repair	5.0	4.1	5.3
	350 Utilities			
	360 Equip. Rental	33.0	26.8	35.0
	370 Jury Fees	32.8	53.2	57.5
	384 Autopsy	13.0	10.8	13.0
	387 Ct. Appt. Atty.	45.0	69.6	65.0
	388 Ct. Appt. Child.	12.0	15.3	17.0
	389 Professional Svc.	7.0	8.1	9.0
	391 Insurance	37.4	29.6	40.6
	397 Freight	1.0	2.9	2.1
	394-6 Regis. & Memb.		.8	.8
	398 Autopsy Freight		3.5	5.0
	399 Casual Labor		.1	
		273.5	300.0	341.1
400	Commodities	31.0	33.8	32.9
500	Equipment	13.9	6.9	16.0
600	Capital Improvements	713.4	714.8	713.0
800	Retirement			
	Total	2482.4	2455.1	2599.2

1979 ALLOCATION

SECOND DISTRICT

		1978 Allocation	1978 Disbursement	1979 Allocations
100	Personnel	391.3	394.1	454.3
200	Travel			
	210-240 Circuit & Adm.	32.0	26.6	
	280 Relocation			
	290 Jury	1.3	.4	
		33.3	27.0	35.0
300	Contractual			
	311 Telephone Toll	1.5	1.8	3.0
	312 Tel. Reg. Service	2.4	2.0	2.5
	314 Postage	2.5	4.5	5.0
	326 Advertising			
	330 Rent	43.7	30.5	40.7
	340 Repair	2.0	1.3	2.2
	350 Utilities			
	360 Equip. Rental	5.0	3.4	7.2
	370 Jury Fees	17.0	23.6	27.5
	384 Autopsy	9.0	10.0	11.0
	387 Ct. Appt. Atty.	3.0	2.8	4.0
	388 Ct. Appt. Child.	2.0	4.9	6.0
	389 Professional Svc.	2.0	.7	1.0
	391 Insurance	2.3	.6	2.8
	397 Freight	1.0	.7	1.0
	398 Autopsy Freight		3.8	
		93.4	90.6	113.9
400	Commodities	4.5	6.6	4.3
500	Equipment	9.2	3.9	9.0
600	Capital Improvements	4.0	.2	
800	Retirement			
	Total	534.7	522.4	616.5

1979 ALLOCATION

THIRD DISTRICT

		1978 Allocation	1978 Disbursement	1979 Allocations
100	Personnel	4610.7	4783.8	5373.1
200	Travel			
	210-240 Circuit & Adm.	80.9	90.4	
	280 Relocation	6.0		
	290 Jury	55.0	53.1	
		141.9	143.5	144.4
300	Contractual			
	311 Telephone Toll	19.0	13.6	28.6
	312 Tel. Reg. Service	81.0	87.4	90.0
	314 Postage	36.0	75.7	81.8
	320 Advertising		.4	.5
	330 Rent	185.7	104.5	195.1
	340 Repair	25.0	14.1	17.0
	350 Utilities			
	360 Equip. Rental	120.0	104.6	138.2
	370 Jury Fees	488.2	402.9	420.5
	384 Autopsy	132.0	109.9	135.0
	387 Ct. Appt. Atty.	210.0	279.8	285.0
	388 Ct. Appt. Child.	74.0	93.0	100.0
	389 Professional Svc.	25.0	33.7	40.0
	391 Insurance	83.7	84.5	96.6
	397 Freight	4.0	2.7	4.0
	394-6 Dues & Memb.		1.6	2.0
	398 Autopsy Freight		5.3	6.0
	399 Casual Labor		1.8	2.0
		1483.6	1415.5	1642.3
400	Commodities	105.0	144.4	111.3
500	Equipment	81.0	44.9	40.0
600	Capital Improvements	1584.6	1565.0	1522.4
800	Retirement			
	Total	8006.2	8097.1	8833.5

1979 ALLOCATION

FOURTH DISTRICT

		1978 Allocation	1978 Disbursement	1979 Allocations
100	Personnel	2079.0	2127.3	2345.9
200	Travel			
	210-240 Circuit & Adm.	45.0	57.3	
	280 Relocation	3.0		
	290 Jury	22.0	31.2	
		70.0	88.5	90.0
300	Contractual			
	311 Telephone Toll	9.5	10.2	16.8
	312 Tel. Reg. Service	22.0	26.9	28.0
	314 Postage	38.0	24.3	28.0
	320 Advertising		.8	
	330 Rent	24.1	17.3	24.1
	340 Repair	10.0	7.6	8.0
	350 Utilities			
	360 Equip. Rental	60.0	70.2	81.0
	370 Jury Fees	196.7	178.5	184.1
	384 Autopsy	38.0	59.3	60.0
	387 Ct. Appt. Atty.	130.0	111.5	112.0
	388 Ct. Appt. Child.	34.0	58.5	60.0
	389 Professional Svc.	9.0	9.5	10.0
	391 Insurance	29.1	28.0	32.4
	397 Freight	2.0	1.5	2.0
	394-6 Dues & Memb.		2.4	2.5
	398 Autopsy Freight		2.5	3.0
	399 Casual Labor		.5	.6
		602.4	609.5	652.5
400	Commodities	53.0	57.7	56.0
500	Equipment	23.4	38.0	21.4
600	Capital Improvement	265.7	291.7	265.9
800	Retirement			
	Total	3093.5	3712.7	3431.7

1979 ALLOCATION

BETHEL SERVICE AREA

		1978 Allocation	1978 Disbursement	1979 Allocations
100	Personnel	290.1	291.0	302.1
200	Travel			
	210-240 Circuit & Adm.	26.0	20.1	
	280 Relocation			
	290 Jury	24.0	3.6	
		50.0	23.7	27.0
300	Contractual			
	311 Telephone Toll	2.4	2.8	6.0
	312 Tel. Reg. Service	2.1	2.5	2.5
	314 Postage	3.3	3.2	4.0
	320 Advertising			
	330 Rent	99.2	93.1	99.2
	340 Repair	.5	.9	1.0
	350 Utilities			
	360 Equip. Rental	3.0	5.8	7.0
	370 Jury Fees	38.0	30.1	33.0
	384 Autopsy	7.5	9.7	10.0
	387 Ct. Appt. Atty.	25.0	44.8	50.0
	388 Ct. Appt. Child.	11.0	4.9	6.0
	389 Professional Svc.	6.0	1.1	2.0
	391 Insurance		.6	
	397 Freight	.5	2.1	2.5
	394-6 Dues & Memb.		.2	.3
	398 Autopsy Freight		3.8	4.0
	399 Casual Labor		.2	.3
		198.5	205.8	227.8
400	Commodities	4.5	4.9	5.0
500	Equipment		1.1	2.5
600	Capital Improvements	17.4	17.4	
800	Retirement			
	Total	560.4	543.9	564.4

1979 ALLOCATION

BARROW SERVICE AREA

		1978 Allocation	1978 Disbursement	1979 Allocations
100	Personnel	74.6	76.6	76.6
200	Travel			
	210-240 Circuit & Adm.	8.0	18.8	
	280 Relocation			
	290 Jury	1.3	3.5	
		9.3	22.3	25.7
300	Contractual			
	311 Telephone Toll	.8	1.6	3.0
	312 Tel. Reg. Service.	1.0	1.2	1.5
	314 Postage	.2	.6	1.0
	325 Advertising			
	330 Rent	21.4	40.5	65.6
	340 Repair	.1		.1
	350 Utilities			
	360 Equip. Rental			
	370 Jury Fees	9.0	9.3	10.9
	384 Autopsy	.5	.6	1.0
	387 Ct. Appt. Atty.	2.0	5.6	6.0
	388 Ct. Appt. Child.	.3	3.3	3.5
	389 Professional Svc.	1.0	.5	1.0
	391 Insurance			
	397 Freight	.5	.4	1.0
	398 Autopsy Freight		1.0	1.5
		36.8	64.6	96.1
400	Commodities	1.0	1.4	1.5
500	Equipment		.3	
600	Capital Improvement			
800	Retirement			
	Total	121.7	165.2	199.9

Appendix II

Supreme Courts
1980 allocation

	1979 allocation	1979 actual Disbursement	1980 allocation
100 Personnel	1209.1	[illegible]	[illegible]
200 Travel + P.D.			
210 In State Field			
220 In State Admin			
230 Out of State			
280 Relocation			
290 Jury Travel + P.D.			
	73.9	80.9	[illegible]7
300 Contractual			
311 Tel Toll	24.0	[illegible]	24.0
312 Tel-Reg. Svc.	19.0	[illegible]6	[illegible]
314 Postage	58.4	4[illegible]	[illegible].5
325 Adv.	2.0	[illegible]	2.1
343 Equip. Repair	3.2	2.0	[illegible]4
346 Recorder Repair			
364 Word Proc. Rents			[illegible].0
367 Copies + other Rent	63.9	[illegible]	[illegible]9
370 Jury Fees		[illegible]	
384 Autopsy			
387 Ct appt. conflict	32.1	[illegible].1	[illegible]
388 Ct appt. custodian			
389 Prof. Svc.	29.0	[illegible]	[illegible]2
391 Bar assoc.	48.2	[illegible].7	[illegible]1.0
394-396 Reg + Membs.		[illegible]7	
397 Freight	2.0	[illegible]	[illegible]
398 Out. F.S.			
399 Casual Labor			
	281.8	[illegible]	29[illegible]
700 Supplies	27.3	[illegible]	27.[illegible]
[illegible]00 Equipment	24.9	1[illegible].9	—
600 Leasehold			
800 Retirement			
	17[illegible]0.[illegible]	1327.4	1[illegible]

Preceding page blank

Administration

	1979 Allocation	1979 Actual Dis.b.	1980 Allocation
100 Personal	1504.6	[illegible]	[illegible]
200 Travel & Per Diem			
210 In State Field			
220 In State Admin.			
230 Out of State			
285 Relocation			
290 Jury Travel & P.D.			
	70.0	62.0	74.0
300 Contractual			
311 Tel. Toll	62.4	40.0	46.1
312 Tel. Reg. Svc.	15.0	11.5	15.0
314 Postage	35.0	33.0	40.0
322-323 Library Supp.	19.0	19.0	20.1
325 Ads.			
330 Rent		1.2	
345 Equip. Repair	16.0	20.0	17.0
346 Recorder Repair			
364 Word Proc. Rent			
367 Copier & Other Rent	100.0	85.6	119.0
370 Jury Fees			
382 Data Processing			211.7
384 Autopsy			
387 Ct. Appt. Cnf.			
388 Ct. Appt. Sund.			
389 Prof. Svc.	125.4	120.4	119.4
390 Fed. Prog.	135.0	[illegible]	145.0
391 Insurance	18.2	1.2	
394-396 Reg. & Maint.	15.0	7.0	9.0
397 Freight	3.0	3.4	3.0
398 Auto Freight			10.0
399 Casual Labor	1.0	4.5	5.5
	545.0	440.9	765.5
400 Commodities ~~Equipment~~	53.0	35.5	58.3
500 Equipment ~~Leasehold~~	20.4	33.4	41.4
800 Leasehold ~~Retirement~~	~~40.5~~	40.5	
	5013.0 ✓ ~~[illegible]~~	1901.4	2177.9

Library

	1979 Allocation	1979 Actual Dis.b.	1980 Allocation
100 Personal	153.0	[illegible]	[illegible]
200 Travel & Per Diem			
210 In State Field			
220 In State Admin.			
230 Out of State			
285 Relocation			
290 Jury Travel & P.D.			
	5.8	[illegible]	[illegible]
300 Contractual			
311 Tel. Toll	2.0	[illegible]	[illegible]
312 Tel. Reg. Svc.			
314 Postage	2.0	[illegible]	[illegible]
322-323 Library Supp.	322.5	[illegible]	370.9
325 Ads.			
345 Equip. Repair	6		7
346 Recorder Repair			
364 Word Proc. Rent			
367 Copier & Other Rent	9.0	[illegible]	[illegible]
370 Jury Fees			
384 Autopsy			
387 Ct. Appt. Cnf.			
388 Ct. Appt. Sund.			
389 Prof. Svc.			
390			
391 Insurance			
394-396 Reg. & Maint.		.4	
397 Freight			
398 Aud. Freight			
399 Casual Labor			
	336.1	[illegible]	[illegible]
400 Commodities ~~Equipment~~	4.1	[illegible]	[illegible]
500 Equipment ~~Leasehold~~	86.7	[illegible]	[illegible]
800 Leasehold ~~Retirement~~			
	[illegible]	[illegible]	[illegible]

1st District

	1979 Allocation	1979 Actual Disb.	1980 Allocation
100 Personal	1434.7	[illegible]	[illegible]
200 Travel & Per Diem			
210 In State Field			
220 In State Admin.			
230 Out of State	57.9	[illegible]	
28? Relocation			
290 Jury Travel & PD	3.6	[illegible]	
	61.5	51.9	[illegible]
300 Contractuals			
311 Tel. Toll	15.4	[illegible]	[illegible]
312 Tel. Reg. Svc.	19.6	[illegible]	[illegible]
314 Postage	12.5	[illegible]	[illegible]
322-3% Library Supp.			
325 Ads.			
330 Rent	43.9	[illegible]	[illegible]
345 Equip. Repair	.53		
346 Recorder Repair			[illegible]
364 Word Proc. Rent			
367 Copies & Other Rent	35.0	[illegible]	[illegible]
370 Jury Fees	57.5	[illegible]	[illegible]
381 [illegible]		[illegible]	[illegible]
384 Autopsy	13.0	[illegible]	[illegible]
387 Ct. Appt. Conf.	15.0	[illegible]	[illegible]
388 Ct. Appt. Serv.	17.0	[illegible]	[illegible]
389 Prof. Svc.	9.0	[illegible]	[illegible]
390			
391 Insurance	40.6	[illegible]	[illegible]
394-3% Reg & Maint.	.8	[illegible]	[illegible]
397 Freight	2.1	[illegible]	[illegible]
398 Aut. Freight	5.0	[illegible]	[illegible]
399 Casual Labor		[illegible]	[illegible]
	341.1	[illegible]	[illegible]
~~Equipment~~ Commodities	33.9	[illegible]	[illegible]
500 Equipment	16.0	[illegible]	13.1
600 [illegible]	713.0	[illegible]	677.7
	2579.2	[illegible]	[illegible]

2nd District

	1979 Allocation	1979 Actual Disb.	1980 Allocation
100 Personal	454.3	[illegible]	[illegible]
200 Travel & Per Diem			
210 In State Field			
220 In State Admin.			
230 Out of State		[illegible]	
28? Relocation			
290 Jury Travel & PD		[illegible]	
	35.0	29.7	[illegible]
300 Contractuals			
311 Tel. Toll	3.0	[illegible]	[illegible]
312 Tel. Reg. Svc.	2.5	[illegible]	[illegible]
314 Postage	5.0	[illegible]	[illegible]
322-3% Library Supp.			
325 Ads.			
330 Rent	40.7	[illegible]	[illegible]
345 Equip. Repair			
346 Recorder Repair	2.2	[illegible]	[illegible]
364 Word Proc. Rent			
367 Copies & Other Rent	7.2	[illegible]	[illegible]
370 Jury Fees	27.5	[illegible]	[illegible]
381 Autopsy	11.0	[illegible]	[illegible]
387 Ct. Appt. Conf.	4.0	[illegible]	[illegible]
388 Ct. Appt. Serv.	6.0	[illegible]	[illegible]
389 Prof. Svc.	1.0	[illegible]	[illegible]
390			
391 Insurance	2.8	[illegible]	[illegible]
394-3% Reg & Maint.			
397 Freight	1.0	[illegible]	[illegible]
398 Aut. Freight		[illegible]	
399 Casual Labor		[illegible]	[illegible]
	113.9	[illegible]	[illegible]
~~Equipment~~ Commodities	4.3	[illegible]	[illegible]
500 Equipment	9.0	[illegible]	[illegible]
600 [illegible]			
	616.5	[illegible]	[illegible]

3rd District

	1979 Allocation	1979 Actual Disb.	1980 Allocation
100 Personal	3373.1	[illegible]	[illegible]
200 Travel & Per Diem			
210 In State Field			
220 In State Admin.		111.7	
230 Out of State			
280 Relocation			
290 Jury Travel & PD		31.9	
	144.7	[illegible]	[illegible]
300 Contractual			
311 Tel. Toll	28.6	[illegible]	[illegible]
312 Tel. Reg. Svc.	90.0	[illegible]	[illegible]
314 Postage	81.8	[illegible]	[illegible]
322-323 Library Supp.			
325 Adv.			
330 Rent	195.1	[illegible]	[illegible]
345 Equip. Repair			
346 Recorder Repair	17.0	[illegible]	15.0
364 Word Proc. Rent			
367 Copier & Other Rent	138.2	[illegible]	[illegible]
370 Jury Fees	420.5	[illegible]	[illegible]
384 Autopsy	135.0	[illegible]	[illegible]
387 Ct. Appt. Conf.	285.0	[illegible]	[illegible]
388 Ct. Appt. Guard.	100.0	[illegible]	[illegible]
389 Prof. Svc.	40.0	[illegible]	[illegible]
390			
391 Insurance	96.6	[illegible]	[illegible]
394-396 Reg. & Maint.	2.0	[illegible]	[illegible]
397 Freight	4.0	[illegible]	[illegible]
398 Aut. Freight	6.0	[illegible]	[illegible]
399 Casual Labor	2.0	[illegible]	[illegible]
	1842.3	[illegible]	[illegible]
700 Commodities Equipment	111.3	[illegible]	[illegible]
500 Equipment	40.0	[illegible]	37.0
800 Leasehold Retirement	1522.4	[illegible]	1446.6 [illegible]
	[illegible]	[illegible]	[illegible]

4th District

	1979 Allocation	1979 Actual Disb.	1980 Allocation
100 Personal	2245.9	[illegible]	[illegible]
200 Travel & Per Diem			
210 In State Field			
220 In State Admin.	60.0	[illegible]	
230 Out of State			
280 Relocation			
290 Jury Travel & PD	30.0	[illegible]	
	90.0	[illegible]	90.0
300 Contractual			
311 Tel. Toll	16.8	[illegible]	[illegible]
312 Tel. Reg. Svc.	28.0	[illegible]	[illegible]
314 Postage	28.0	[illegible]	[illegible]
322-323 Library Supp.			
325 Adv.			
330 Rent	24.1	[illegible]	[illegible]
345 Equip. Repair			
346 Recorder Repair	8.0	[illegible]	[illegible]
364 Word Proc. Rent			
367 Copier & Other Rent	81.0	[illegible]	[illegible]
370 Jury Fees	184.1	[illegible]	[illegible]
381 Transcript		[illegible]	[illegible]
384 Autopsy	60.0	[illegible]	[illegible]
387 Ct. Appt. Conf.	115.0	[illegible]	[illegible]
388 Ct. Appt. Guard.	60.0	[illegible]	[illegible]
389 Prof. Svc.	10.0	[illegible]	[illegible]
390			
391 Insurance	32.4	[illegible]	[illegible]
394-396 Reg. & Maint.	2.5	[illegible]	[illegible]
397 Freight	2.0	[illegible]	[illegible]
398 Aut. Freight	3.0	[illegible]	4.0
399 Casual Labor	.6	[illegible]	[illegible]
	652.5	[illegible]	[illegible]
700 Commodities Equipment	56.0	[illegible]	[illegible]
500 Equipment	21.4	[illegible]	[illegible]
800 Leasehold Retirement	215.9	[illegible]	[illegible]
	3431.7	[illegible]	[illegible]

Bethel Service Area

	1979 Allocation	1979 Actual Disb.	1980 Allocation
100 Personal	[illegible].1	[illegible].6	[illegible]
200 Travel & Per Diem			
210 In State Field			
220 In State Admin.		[illegible]	
230 Out of State			
280 Relocation			
290 Jury Travel & P.D.		13.0	
	27.0	[illegible]	[illegible]
300 Contractual			
311 Tel. Toll	6.0	4.0	[illegible]
312 Tel. Reg. Svc.	[illegible]	[illegible]	[illegible]
314 Postage	4.0	4.[illegible]	[illegible]
322-3% Library Supp.			
325 Ado. / 330 Rent / 335 Equip. Repair	99.2	99.2	122.0
346 Recorder Repair	1.0	[illegible]	[illegible]
364 Word Proc. Rent			
367 Copier & Other Rent	7.0	[illegible]	[illegible]
370 Jury Fees	73.0	[illegible]	[illegible]
384 Autopsy	10.0	[illegible]	[illegible]
387 Ct. Appt. Coun.	50.0	[illegible]	[illegible]
388 Ct. Appt. Guard.	6.0	15.0	[illegible]
389 Prof. Svc.	2.0	[illegible]	[illegible]
390			
391 Insurance			
394-3% Reg. & Maint.	.3		[illegible]
397 Freight	2.5	[illegible]	[illegible]
398 Air Freight	4.0	[illegible]	[illegible]
399 Casual Labor	.3	[illegible]	[illegible]
	[illegible]	[illegible]	[illegible]
400 Commodities	5.0	[illegible]	[illegible]
500 Equipment	2.5	[illegible]	[illegible]
800 Household			
	364.4	[illegible]	[illegible]

Barrow Service Area

	1979 Allocation	1979 Actual Disb.	1980 Allocation
100 Personal	76.6	[illegible]	[illegible]
200 Travel & Per Diem			
210 In State Field			
220 In State Admin.			
230 Out of State			
280 Relocation			
290 Jury Travel & P.D.			
	25.7	[illegible].7	[illegible]
300 Contractual			
311 Tel. Toll	3.0	[illegible]	[illegible]
312 Tel. Reg. Svc.	1.5	[illegible]	[illegible]
314 Postage	1.0	[illegible]	[illegible]
322-3% Library Supp.			
325 Ado. / 330 Rent / 335 Equip. Repair	65.6	[illegible]	[illegible]
346 Recorder Repair	.1	[illegible]	[illegible]
364 Word Proc. Rent			
367 Copier & Other Rent			
370 Jury Fees	10.9	[illegible]	[illegible]
384 Autopsy	1.0	[illegible]	[illegible]
387 Ct. Appt. Coun.	6.0	[illegible]	[illegible]
388 Ct. Appt. Guard.	3.5	[illegible]	[illegible]
389 Prof. Svc.	1.0	[illegible]	[illegible]
390			
391 Insurance			
394-3% Reg. & Maint.			
397 Freight	1.0	[illegible]	[illegible]
398 Air Freight	1.5	[illegible]	[illegible]
399 Casual Labor			
	96.1	[illegible]	[illegible]
400 Commodities	1.5	[illegible]	[illegible]
500 Equipment		[illegible]	[illegible]
800 Household			
	199.9	[illegible]	[illegible]

END