

**TIME STANDARDS FOR  
ALASKA COURT SYSTEM TRIAL COURTS**

**Adopted by the  
Alaska Supreme Court  
on February 17, 2000**

**Contact: Administrative Office of the Courts  
303 K Street  
Anchorage, Alaska 99501  
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On February 17, 2000, the Alaska Supreme Court approved and adopted the Time Standards for Alaska's trial courts as recommended by the Time Standards Committee:

#### TIME STANDARDS FOR ALASKA'S COURTS

CASE TYPE	75 <sup>TH</sup> PERCENTILE	90 <sup>TH</sup> PERCENTILE	98 <sup>TH</sup> PERCENTILE
1. Felonies*	120 days	210 days	270 days
2. Misdemeanors	75 days	120 days	180 days
3. Civil	365 days	540 days	720 days
4. Civil post-trial motions: period from motion ripe to ruling			30 days
5. Small Claims	75 days	90 days	120 days
6. Dissolution	60 days	90 days	180 days
7. Divorce	270 days	365 days	540 days
8. Post-judgment motion for custody/ child support	90 days	120 days	180 days
9. Juvenile Delinquency	75 days	120 days	180 days
10. CINA adjudication			120 days
11. CINA Termination: ▶ Petition through hearing ▶ hearing to ruling			180 days 30 days

\* Excludes time from judgment to sentencing

TIME STANDARDS COMMITTEE  
REPORT AND RECOMMENDATIONS TO  
THE ALASKA SUPREME COURT

November 1999

Co-Chairs: Justice Alexander O. Bryner  
Judge Elaine Andrews

Contact: Administrative Office of the Courts  
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TIME STANDARDS COMMITTEE  
REPORT AND RECOMMENDATIONS TO THE ALASKA SUPREME COURT

In February 1999, Chief Justice Warren Matthews formed a committee of judges, lawyers and court professionals to develop recommendations to the Alaska Supreme Court about case processing time standards for cases brought in Alaska's trial courts. The committee held its first meeting on May 11, 1999, and divided the initial work among four subcommittees, for civil, criminal, domestic relations and children's cases. The committee reconvened on October 20, 1999 to review the work of the subcommittees and to adopt a final set of recommendations to be forwarded to the Alaska Supreme Court.

What are Time Standards?

A case processing time standard is a quantified length of time which is established as a goal for the delivery of court services to litigants. Different time standards are established for different kinds of cases. The great majority of cases should proceed from filing to closing within the established time standards.

The American Bar Association and the Conference of State Court Administrators have developed recommended time standards at the national level. As of 1995, 36 states and the District of Columbia have adopted time standards for trial courts.

A set of established time standards is an important element in an effective case management system. If case processing times significantly exceed established goals, these deviations will alert court managers to focus attention on case processing procedures and the adequacy of resources.

## History of Time Standards in Alaska

A set of Time Standards was adopted for Alaska's trial courts in the 1980's. Although these trial standards are still reflected in some of the statistical reports prepared by the court, the standards fell into disuse and have not been factored into any recent case management efforts.

In 1991-1992, The Alaska Court System undertook a project to review and update the original Time Standards. This update project was never completed, although some recommendations were formulated by some of the committees pursuing this effort.

Information about the original Time Standards and materials available from the 1991-1992 effort were provided to the 1999 committee. Members of the 1999 committee also received copies of the ABA standards, the COSCA standards, and charts of standards adopted by other states.

## The 1999 committee

The Time Standards Committee is composed of the following members. (Bar members from the private sector were selected by the president of the Alaska Bar Association)

Anchorage Superior Court Judge Elaine Andrews, co-chair (Presiding judge, third district)

Alaska Supreme Court Justice Alex Bryner, co-chair

Juneau Superior Court Judge Larry R. Weeks (Presiding judge, first judicial district)

Barrow Superior Court Judge Michael Jeffery (Presiding judge, second judicial district)

Fairbanks Superior Court Judge Ralph R. Beistline (Presiding judge, fourth judicial district)

Anchorage Superior Court Judge Peter A. Michalski

Palmer Superior Court Judge Beverly Cutler

Anchorage District Court Judge John R. Lohff  
Fairbanks District Court Judge Jane F. Kauvar  
Stephanie Cole, Administrative Director  
Stephen A. Bouch, Deputy Administrative Director  
Robert G. Fisher, Fiscal Officer  
Richard E. Vollertsen, Attorney, Anchorage  
Joseph Paskvan, Attorney, Fairbanks  
Donna McCready, Attorney, Anchorage  
Sidney Billingslea, Attorney, Anchorage  
Keith Levy, Attorney, Juneau  
Sharon Gleason, Attorney, Anchorage  
Barbara Brink, Public Defender  
John Novak, Chief Assistant District Attorney  
Kristen Carlisle, Area Court Administrator, first judicial district  
Tom Mize, Area Court Administrator, second judicial district  
Wendy Lyford, Area Court Administrator, third judicial district  
Ron Woods, Area Court Administrator, fourth judicial district

### Committee recommendations

The committee's recommendations, adopted on October 20, 1999 follow.<sup>1</sup> Because some of the recommendations were not unanimous, a brief commentary on each of the recommendations follows the chart. The recommendations of the four subcommittees are

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<sup>1</sup>Participants at the October 20 meeting (either in person or by phone): Judge Andrews, Justice Bryner, Judge Weeks, Judge Jeffery, Judge Beistline, Judge Michalski, Judge Cutler, Judge Lohff, Judge Kauvar, Stephanie Cole, Steve Bouch, Rick Vollertsen, Joe Paskvan, Donna McCready, Keith Levy, Sharon Gleason, John Novak, Kris Carlisle, Tom Mize, Wendy Lyford, and Ron Woods.

attached to this report as Appendix A.

General comment: At the October 20 meeting, several participants expressed concern about the court's ability to meet the articulated standards. The group discussed whether the standards should be "reality-based" or "aspirationally-based." Some attorney members worried that the adoption of tight standards would encourage judges to punish or push practitioners unfairly, even if their cases fell outside of the standards for a good reason. The majority of the committee appeared to support aspirational goals which were likely to be achievable, even though in some cases doubt was expressed whether the articulated goals could be reached without an infusion of additional resources.

3. Felonies: John Novak voted no.
4. Misdemeanors: John Novak voted no.
5. Civil: Much of the time at the October 20 meeting was devoted to a discussion of this time standard. The subcommittee forwarded a recommendation with different standards for complex and non-complex cases. Practitioners expressed the opinion that complex cases should not be subject to ordinary pressures to move quickly. The opposing view (in favor of one civil goal, not two) reasoned that complex cases constitute an extremely small number of the total civil caseload, and as such they can be easily accommodated by the goal structure which only sets standards for up to 98 percentile of the total caseload. Voting in favor of one civil category (motion carried): Judge Weeks, Judge Beistline, Judge Michalski, Judge Cutler, Judge Lohff, Stephanie Cole, Steve Bouch, Kris Carlisle, Tom Mize, Wendy Lyford, Ron Woods and John Novak. Voting in favor of two civil categories (civil and complex civil): Justice Bryner, Judge Andrews, Judge Jeffery, Judge Kauvar, Donna

McCready, Sharon Gleason, Joe Paskvan, Keith Levy and Rick Vollertsen.

4. Civil post trial motions—period from “motion ripe” to ruling. This was a special category created at the end of the October 20 meeting. Unanimous.
5. Small claims: Unanimous
6. Dissolutions: Judge Michalski voted no.
7. Divorce. Unanimous
8. Post-judgment motion for custody/child support: Judge Weeks voted no.
9. Juvenile delinquency: Unanimous
10. CINA adjudication: Unanimous
11. Termination of parental rights: Unanimous

#### The Next Step

These recommendations are forwarded from the Time Standards Committee to the Alaska Supreme Court for consideration.

## APPENDIX A

**CIVIL**

# MEMORANDUM

TO: Time Standards Committee

FROM: Sub-committee  
Civil Cases

Re: Civil Case time standards

Date: September 10, 1999

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The sub-committee on time standards adopted the following recommendations by majority vote:

Time standards be adopted for small claims cases so that the average case will be closed in 60 days, 95% of all small claims should be resolved in 90 days and 98 % in 120 days.

It is our recommendation that in this, as other recommendations, that no standard be set for 100% of the cases as that is inherently impossible.

We recommend that complex civil cases have closure of 95% of the cases in three years or 1095 days. Complex civil cases would be those with three weeks or more of trial days and otherwise defined as complex depending on the number of issues and parties and state of the law involved in the case. Cases qualifying as complex might include medical malpractice, major construction, product liability, wrongful death, aviation and condemnation.

All other civil cases should have 80% of civil cases closed in 365 days, and 95% closed in 730 days.



## Proposed Time Standards - 1999

### Summary Civil - Small Claims/Eviction

	Percentile ( In Days)					
	50th	90th	95th	98th	99th	100th
Alaska 1982 Standard	None					
<b>Alaska 1999 Proposed</b>	<b>60</b>		<b>90</b>	<b>120</b>		
<b>ABA Standards</b>						30
Alabama		120		180		270
Arizona		45			60	
California		70				90
Colorado						30
Dist of Columbia						90
Florida						60
Hawaii						60
Idaho						180
Kansas						60
Louisiana						45
Michigan						63
Missouri		60				90
Nebraska						180
New Jersey						90
Oregon						75
South Carolina						90
Utah		90				730
Vermont						180
Virginia		90				180
Washington		45		365		425
Wisconsin						90

**CRIMINAL**

**MEMORANDUM**

Elaine M. Andrews *ema*  
Presiding Judge

Alaska Court System  
825 W. 4<sup>th</sup> Avenue  
Anchorage, AK 99501  
907/264-0418

**TO:** Steve Bouch  
**INFO:** Criminal Committee Members  
**DATE:** July 6, 1999  
**RE:** Proposed Standards

The sub-committee met on June 28<sup>th</sup> at 4:00 pm. Members present were Barbara Brink, John Novak, Michael Logue, Judge Beistline and Tom Mize by telephone and myself. John Richard was not present.

These proposed standards are based on the following assumptions:

1. Time begins to run from date of arrest or citation.
2. The time between a bench warrant for failure to appear and arrest on the bench warrant is excluded.
3. "Disposition" means sentencing. In the felony figures, 90 days are included in each goal to account for the delay between plea/conviction and sentencing.

Please advise if we have misunderstood our task or "time accounting" procedures. There was a lively discussion between defense and prosecution concerns and between Anchorage and "the rest of the world" as to felony processing. The general concern was not to set a goal which required us to "do more with less" in the future, thereby assuring failure to meet unrealistic goals.

	75%	90%	95%
<b>Felonies</b>	210	300	360
<b>Misdemeanors</b>	90	120	180

## Proposed Time Standards - 1999

### Felony Case Type

	Percentile - In Days								Note
	75th	80th	90th	95th	97th	98th	99th	100th	
Alaska 1982 Standard								120	From Arrest
<b>Alaska 1999 Proposed*</b>	<b>120</b>		<b>210</b>				<b>270</b>		From Arrest
ABA Standards			120			180		365	From Arrest
Alabama			270					365	From Arrest
Alaska								120	From Arrest
Arizona			100				180		From Filing
California								365	From 1st Appearance
Colorado								180	From NG Plea
Connecticut								540 365 270	Class A Felonies Class B Felonies Class C Felonies
Dist of Columbia								80	From Filing
Delaware			120			180		365	From Arrest
Florida								180	From Arrest
Hawaii								180	From Filing
Idaho								150	From 1st Appearance
Iowa								180	From Arrest
Kansas								120	From 1st Appearance
Massachusetts								365	From Arraignment
Michigan			91			154		300	From Bind Over Order
Minnesota			120		180		365		Undesignated
Missouri			60			90		150	From Filing
Nebraska								180	From Filing
New Jersey								120	From Indictment
New York								180	From Indictment
North Dakota								120	From Filing
Ohio								180	From Arraignment
Oregon			90			180		365	From Arraignment
Rhode Island								180	From Arraignment
South Carolina								180	From Arrest
Utah			180	365					From Arrest
Vermont		90							From Filing
Virginia			120			180		365	From Arrest
Washington			120			180		270	From Filing
West Virginia								180	From Arrest
Wisconsin								180	Undesignated
Wyoming								120	From Filing

\* Additional 90 day standard for plea/conviction to sentencing.

## Proposed Time Standards - 1999

### Misdemeanor Cases

	Percentile - In Days								Note
	75th	80th	90th	95th	97th	98th	99th	100th	
Alaska 1982 Standard								120	From Arrest/Citation
<b>Alaska 1999 Standard</b>	<b>90</b>		<b>120</b>	<b>180</b>					From Arrest/Citation
ABA Standards			30					90	From Arrest or Citation
Alabama			180					270	
Alaska								120	From Arrest
Arizona			60				90		
California			30			90		120	From First Appearance
Connecticut								120	From Arrest
Dist of Columbia								60	From Filing
Delaware								90	From Arrest
Florida								90	From Arrest
Hawaii								30	From Filing
Idaho								90	From First Appearance
Iowa								120	From Arrest
Kansas								60	From First Appearance
Michigan			63			91		126	From First Appearance
Minnesota			120		150			180	
Minnesota			160		180			365	Gross Misdemeanors
Missouri			90			160		180	From Filing
Nebraska								180	From Filing - Jury
								60	From Filing - NonJury
New York								90	From Arraignment
Ohio								180	From Summons
Oregon			90			180		365	From Arraignment
Rhode Island								60	From Arraignment
South Carolina								60	From Arrest
Texas								90	From Filing (Class A)
								60	From Filing (Class B/C)
Utah			90	180					From Arraignment
Vermont		60							From Filing
Virginia			60					90	From Arrest or Citation
Washington			90			180		270	From Filing
West Virginia								90	From Arrest
Wisconsin								60	From Arrest in Custody
								90	From Arrest not in Custody
Wyoming								120	From Filing

# **DOMESTIC RELATIONS**

SUMMARY MINUTES OF DOMESTIC/PROBATE  
TIME STANDARDS SUBCOMMITTEE MEETING

May 26, 1999

RECEIVED  
JUN 1 1999  
TRIAL COURT ADMINISTRATOR  
THIRD JUDICIAL DISTRICT

Present: Wendy Lyford, Sharon Gleason, Greg Peters, Nikole Nelson, Steve Pradell, Ken Kirk, Allison Mendel, Peter Michalski

Telephonic: Beverly Cutler, Keith Levy, Mala Reges

Absent: Pam Montgomery

The subcommittee addressed standards for delay reduction for dissolution cases, divorce cases (both with and without children), and post judgment motions for modification of custody, modification of support, and motions to enforce.

For dissolutions, the subcommittee felt an appropriate aspirational standard was:

90% in 90 days  
95% in 6 months  
99-100% in 1 year

Divorce, both with and without children, can take longer for appropriate resolution. In cases with children, often a certain amount of time is needed for parties to be emotionally prepared for resolution (this can occur in mere property division as well) and property cases can require substantial time for identifying and valuing the marital estate (depending on the nature of the estate). The subcommittee was concerned that aspirational goals should be attainable on the one hand, but an improvement on the status quo. Its recommendations for all divorce cases are:

66% in 9 months  
85% in 1 year  
98-100% in 18 months

For post judgment motions to change custody or child support or to enforce a judgment, the subcommittee felt that 90% of such motions should be disposed of in 90 days from filing and 98-100% should be completed within 6 months.

The subcommittee's consensus was that domestic violence matters needn't be provided a standard beyond the time limits created by statute.

The subcommittee requests statistics for remaining areas, most specifically contested and uncontested adoptions, name changes, sanity, guardianship and estates.

The subcommittee adjourned and reserved consideration of the several other types of cases until our next meeting on July 30, 1999 at 3:30 p.m. in the Administrative Director's conference room.

Ideas about better practices by the courts in the management of cases were a natural part of the discussion, though not the specific mandate of the subcommittee.

Among recommendations to spur appropriate cases to conclusion or to make the practice go more smoothly were:

- a) early status conferences;
- b) teleconference with counsel to deal with minor problems that need to be dealt with;
- c) enforcement of discovery, specifically Civil Rule 26.1(b);
- d) coordination of hearing dates with counsel's office, rather than the court arbitrarily setting them; and
- e) uniform trial setting orders.



**JUVENILE**

# MEMORANDUM

Alaska Court System  
2nd Judicial District  
604 Barnette Street, Rm 228  
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Internet - tmize@courts.state.ak.us

**TO:** Steve Bouch,  
Deputy Administrative Director

**Date:** August 23, 1999

**FROM:**

Tom Mize



**Subject:** Time Standards

**Delinquency Subcommittee Recommendation**

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Steve, the Juvenile Subcommittee has been meeting with the CINA/Delinquency Rules Committee for the purpose of recommending to the Time Standards Committee a statewide time standard for delinquency cases. On July 22<sup>nd</sup>, after our last teleconference I circulated the below-adopted proposal to the members of the CINA/Delinquency Rules Committee and members of the Juvenile Subcommittee for their final review asking for any additional comments by August 12, 1999, before forwarding to you. No comments or recommendations were made by anyone so the below time standard is being submitted on behalf the Juvenile Subcommittee for consideration by the Time Standards Committee.

#### Statewide Delinquency Case Time to Adjudication Standards

Percentile	50%	75%	90%	98%
Number of days to Adjudication	90	120	180	240

Disposition after Adjudication – 90% in 60 days.

Thanks.

Cc: Presiding Judge Jeffery, 2<sup>nd</sup> Judicial District

## APPENDIX B

# AMERICAN BAR ASSOCIATION TIME STANDARDS

(Adopted 1984)

## Sec. 2.52-Standards of Timely Disposition:

The following time standards should be adopted and compliance monitored:

- A. **General Civil**—90% of all civil cases should be settled, tried or otherwise concluded within 12 months of the date of case filing; 98% within 18 months of such filing; and the remainder within 24 months of such filing except for individual cases in which the Court determines exceptional circumstances exist and for which a continuing review should occur.
- B. **Summary Civil**—Proceedings using summary hearing procedures, as in small claims, landlord-tenant and replevin actions, should be concluded within 30 days from filing.
- C. **Domestic Relations**—90% of all domestic relations matters should be settled, tried or otherwise concluded within 3 months of the date of case filing; 98% within 6 months and 100% within 1 year.

D. **Criminal**—

**FELONY**—90% of all felony cases should be adjudicated or otherwise concluded within 120 days from the date of arrest; 98% within 180 days and 100% within one year.

**MISDEMEANOR**—90% of all misdemeanors, infractions and other nonfelony cases should be adjudicated or otherwise concluded within 30 days from the date of arrest or citation and 100% within 90 days.

**PERSONS IN PRETRIAL CUSTODY**—Persons detained should have a determination of custodial status or bail set within 24 hours of arrest. Persons incarcerated before trial should be afforded priority for trial

**JUVENILE**—Juvenile cases should be heard within the following time limits:

1. Detention and shelter hearings—not more than twenty-four hours following admission to any detention or shelter facility;
2. Adjudicatory or transfer (waiver) hearings—
  - a. Concerning a juvenile in a detention or shelter facility; not later than fifteen days following admission to such facility;
  - b. Concerning a juvenile who is not in a detention or shelter facility; not later than thirty days following the filing of the petition;

3. Disposition hearings—Not later than fifteen days following the adjudicatory hearing. The court may grant additional time in exceptional cases that require more complex evaluation. (ABA Standards Relating to Juvenile Justice: Court Org. and Admin. 3.3)

**Sec. 2.53-Matters Submitted to the Judge:**

Matters under submission to a judge or judicial officer should be promptly determined. Short deadlines should be set for party presentation of briefs and affidavits and for production of transcripts. Decisions where possible should be made from the bench or within a few days of submission; except in extraordinarily complicated cases, a decision should be rendered not later than 30 days after submission.