

ALASKA COURT SYSTEM
OFFICE OF THE ADMINISTRATIVE DIRECTOR
ADMINISTRATIVE BULLETIN NO. 13
(Amended September 27, 2010)

TO: ALL HOLDERS OF ADMINISTRATIVE BULLETIN SETS:

All Justices	Senior Staff & Court Analysts
All Judges	Central Services Manager
Area Court Administrators	Judicial Services
Clerk of the Appellate Courts	APD Warrants
Rural Court Training Assistants	
All Clerks of Court	
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SUBJECT: Coverage by State of Alaska for Claims Against Court Employees

The State of Alaska provides representation and liability coverage for employees of the Alaska Court System under the provisions of the attached Memorandum of Agreement, incorporated by reference as part of this bulletin. Questions about the bulletin should be addressed to the administrative director or staff counsel for the Alaska Court System.

Dated: September 27, 2010

/s/

Christine E. Johnson
Administrative Director

History: Originally issued as Bulletin No. 85-4 effective January 2, 1987; reissued as Bulletin No. 16 on April 6, 1987; reissued as Bulletin No. 13 on March 27, 1991; revised on September 27, 2010.

Original Distribution:
All Employees

**Memorandum of Agreement for
Representation and Liability Coverage
and Workers' Compensation Coverage**

between

**State of Alaska,
Department of Administration,
Division of Risk Management**

and

**State of Alaska,
Alaska Court System**

The Division of Risk Management and the Alaska Court System agree that Risk Management will provide representation and liability coverage and workers' compensation coverage under the terms of this Memorandum of Agreement ("Agreement") for the Alaska Court System and its employees, for the Alaska Judicial Council and its members and employees, and for the Alaska Commission on Judicial Conduct and its members and employees.

The Alaska Court System, the Alaska Judicial Council, and the Alaska Commission on Judicial Conduct ("Court System") pay interagency assessments to Risk Management in exchange for coverage of tort liability and workers' compensation claims. Because Risk Management provides a program of self-insurance, this Agreement is not an insurance agreement.

This agreement confirms that based upon the receipt of these interagency funds the Division of Risk Management will provide the following services to the employees and members of the Court System:

(1) Defense and indemnity of third party tort liability claims for damages made against the Court System or its employees or members when acting within the scope of the employee's or members office or employment. For purposes of this agreement "acting within the scope of the employee's office or employment" is defined as set forth in AS 09.50.253(h)(1) and this definition is incorporated by reference. Third party liability claims for damages does not include claims or litigation arising out of employment scenarios (such as wrongful discharge, constructive discharge, employment related torts);

(2) Defense and indemnity of third party claims for damages brought pursuant to 42 USC sec. 1983 which meet the criteria in (1) above;

(3) If the criteria in (1) above is met, legal representation of employees and members will be provided to defend claims for punitive damages; however this agreement does not provide indemnity for punitive damage awards or judgments;

(4) Defense counsel for the above services will be provided through the State of Alaska, Department of Law, through Risk Management's RSA, unless there is an ethical conflict barring representation; and

(5) Claim processing and payment of workers compensation claims made by Court System employees where the Court System is the employer.

The Division of Risk Management will provide the following additional services to the Court System as set forth below:

(1) Risk Management will not provide representation or indemnification to an employee for disciplinary proceedings. However, Risk Management will provide limited coverage for disciplinary proceedings, if the alleged conduct is within the scope of the employee's or member's office or employment as defined in AS 09.50.253(h)(1) and does not allege a conflict of interest.

(a) For each disciplinary proceeding, an employee who retains a private attorney will be reimbursed up to \$15,000 for the actual incurred costs (independent attorney fees and related legal expenses) incurred for that representation. Reimbursement will be made per disciplinary proceeding, notwithstanding the number of allegations contained within any complaint or charging document.

(b) Prior to reimbursement, the employee must first pay \$3,000 for actual incurred costs (independent attorney fees and related legal expenses) for private representation.

(c) There is an annual aggregate limitation to this reimbursement by the Division of Risk Management to \$45,000 per fiscal year (the period of July 1 through June 30).

(d) Risk Management will not provide reimbursement for proceedings that allege a conflict of interest between the employee's official capacity and the activities of the employee as a director, officer, partner, investor, or trustee of any private, public, or charitable organization, or to any other conflict of interest claim, unless a final adjudication has been made and no conflict was found to exist.

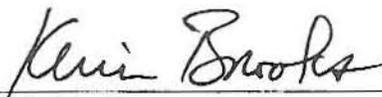
(e) "Disciplinary proceedings" means proceedings before the Alaska Commission on Judicial Conduct, the Alaska Bar Association, the Alaska Public Offices Commission, or any similar entity, but does not include proceedings brought under the Alaska Court System's Personnel Rules, or under any personnel rules adopted by the Alaska Judicial Council or the Alaska Commission on Judicial Conduct.

This agreement may be cancelled by either party upon 60 days' notice.

ALASKA COURT SYSTEM

DEPARTMENT OF ADMINISTRATION

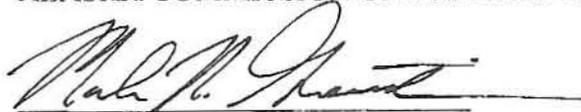

for Christine Johnson
Administrative Director
DATED: 5-19-10


for Annette Kreitzer
Commissioner
DATED: 6-1-10

ALASKA JUDICIAL COUNCIL


Larry Cohn
Executive Director
DATED: 5/20/10

ALASKA COMMISSION ON JUDICIAL CONDUCT


Marla Greenstein
Executive Director
DATED: 5-20-10