

SUPREME COURT OF ALASKA

Koyukuk River Tribal Task Force on Moose Management v. Rue

63 P.3d 1019 (Alaska 2003) · No. S-9865 · Decided February 7, 2003

SUMMARY

The Alaska Supreme Court reviewed an award of partial costs and attorney's fees against the Koyukuk River Tribal Task Force on Moose Management after dismissal of its challenge to state moose-management actions. The court held that the Task Force might qualify as a public interest litigant and remanded for factual findings concerning its identity, membership, purpose, and eligibility. The court vacated the award of costs and attorney's fees pending that determination.

CASE DETAILS

COURT	Supreme Court of Alaska
WRITING FOR THE COURT	Matthews, Justice; Fabe, Chief Justice; Eastaugh, Justice; Bryner, Justice; Carpeneti, Justice
JURISDICTION	Alaska
DECIDED	February 7, 2003
DOCKET	S-9865
DISPOSITION	vacated
PROCEDURAL POSTURE	The Task Force appealed the superior court's award of partial costs and attorney's fees following dismissal of its civil action on summary judgment. It did not appeal the summary judgment itself.
STANDARD OF REVIEW	An award of attorney's fees is reviewed for abuse of discretion or manifest unreasonableness. The superior court's determination whether a party is a public interest litigant is also reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Koyukuk River Tribal Task Force on Moose Management v. Frank Rue, in his official capacity as Commissioner of Fish and Game, State of Alaska, Board of Game, State of Alaska

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QUESTIONS PRESENTED

1. Whether the superior court abused its discretion by awarding costs and attorney's fees without adequately determining whether the Task Force qualified as a public interest litigant.
2. Whether Alaska Civil Rules 79 and 82 applied to the action.

HOLDINGS

1. A party must satisfy all four public interest litigant criteria, and the record was insufficient to determine whether the Task Force met those criteria because its identity, membership, purpose, and good-faith basis were not substantiated by evidence.
2. Civil Rules 79 and 82 applied because the Task Force brought a regular civil action rather than an administrative appeal, but the fee and cost award had to be vacated pending determination of the Task Force's public interest litigant status.

KEY QUOTATIONS

"To be considered a public interest litigant, a party must generally satisfy the following criteria: (1) Is the case designed to effectuate strong public policies? (2) If the plaintiff succeeds will numerous people receive benefits from the lawsuit? (3) Can only a private party have been expected to bring the suit? (4) Would the purported public interest litigant have sufficient economic incentive to file suit even if the action involved only narrow issues lacking general importance?" (63 P.3d at 1020-21)

"We REMAND this case for a determination of the Task Force's eligibility as a public interest litigant. We accordingly VACATE the award of costs and attorney's fees." (63 P.3d at 1022)

FACTUAL BACKGROUND

The Koyukuk River Tribal Task Force on Moose Management sued the Alaska Board of Game, alleging increased moose hunting and declining moose populations in the Koyukuk River drainage and seeking enforcement of state statutes and the Alaska Constitution. The Task Force had not presented its issues to the Board through a regulatory proposal or petition for rulemaking. After the superior court dismissed the action on summary judgment, it awarded the Board partial costs and attorney's fees, despite the Task Force's claim that it was a public interest litigant.

PROCEDURAL HISTORY

The Task Force sued the Board of Game over moose management, alleging violations of Alaska statutes and the Alaska Constitution. The superior court dismissed the action on summary judgment for failure to exhaust administrative remedies and, alternatively, under the primary-jurisdiction doctrine. The court then awarded the Board \$5,045.40 in partial costs and attorney's fees under Alaska Civil Rules 79 and 82. The Alaska Supreme Court vacated the award and remanded for a determination of the Task Force's eligibility for public interest litigant status.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The superior court must determine the Task Force's identity and eligibility for public interest litigant status. It may require affidavits or other evidence concerning the Task Force's membership and may hold an evidentiary hearing if the membership is contested. If the Task Force is not found to qualify, Civil Rules 79 and 82 apply.

CASES CITED

- Feichtinger v. Conant, 893 P.2d 1266, 1268 (Alaska 1995)
- Gilbert v. State, 526 P.2d 1131, 1136 (Alaska 1974)
- Citizens Coalition for Tort Reform, Inc. v. McAlpine, 810 P.2d 162, 171 (Alaska 1991)
- Anchorage Daily News v. Anchorage School District, 803 P.2d 402, 404 (Alaska 1990)
- Gwich'in Steering Committee v. State, Office of the Governor, 10 P.3d 572, 585 (Alaska 2000)
- Alaska Survival v. State, Department of Natural Resources, 723 P.2d 1281, 1292 (Alaska 1986)
- Eyak Traditional Elders Council v. Sherstone, Inc., 904 P.2d 420, 426 (Alaska 1995)