

SUPREME COURT OF ALASKA

Baker v. University of Alaska

22 P.3d 440 (Alaska 2001) · No. S-9108 · Decided May 4, 2001

SUMMARY

The Alaska Supreme Court held that the superior court erred by dismissing Grant Baker’s administrative appeal for failure to prepay the costs of preparing the administrative record. The court interpreted Alaska Appellate Rule 604(b)(1)(B)(iv) to permit relief from prepayment upon a showing of good cause and substantial hardship, reversed the dismissal, and remanded for proceedings on the merits.

CASE DETAILS

COURT	Supreme Court of Alaska
WRITING FOR THE COURT	Carpeneti, Justice; Matthews, Chief Justice; Eastaugh, Justice; Bryner, Justice
JURISDICTION	Alaska
DECIDED	May 4, 2001
DOCKET	S-9108
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from dismissal of an administrative appeal for failure to prosecute after the superior court denied Baker’s request for relief from prepayment of administrative record preparation costs.
STANDARD OF REVIEW	Dismissal of an administrative appeal for failure to prosecute is ordinarily reviewed for abuse of discretion. Interpretation of an appellate rule is reviewed under the court’s independent-judgment standard.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Grant C. Baker v. University of Alaska, University of Alaska Fairbanks, Frank Williams

TOPICS

- appellate procedure
- administrative procedure act
- civil procedure
- employment law
- standard of review

PRACTICE AREAS

appellate procedure

administrative law

employment law

civil procedure

QUESTIONS PRESENTED

1. Whether Alaska Appellate Rule 604(b)(1)(B)(iv) permits a superior court to relieve an appellant from the ordinary requirement of prepaying administrative record and transcript preparation costs.
2. Whether Baker demonstrated good cause and substantial financial hardship sufficient to require relief from the prepayment requirement.
3. Whether dismissal of Baker's administrative appeal for failure to prosecute was proper after the superior court denied relief from prepayment.

HOLDINGS

1. Rule 604(b)(1)(B)(iv) gives the superior court broad discretion to enter an order contrary to the ordinary advance-payment arrangement and permits relief from prepayment upon a showing of good cause; strict indigence is not required.
2. Baker established good cause because he made a factual showing of substantial financial hardship that prevented him from prepaying the record-preparation costs, and the University did not rebut that showing.
3. *Jordan v. Jordan* did not control because Baker sought only relief from prepayment of record-preparation costs, and his financial circumstances differed materially from those of the *Jordan* appellant.
4. The dismissal was improper because it resulted from the superior court's erroneous denial of Baker's request for relief from the prepayment requirement.

KEY QUOTATIONS

“Accordingly, we interpret Rule 604(b)(1)(B)(iv) to allow a superior court to relieve the appellant of the prepayment requirement for good cause.” (443)

“Good cause in this context consists of a factual showing by the appellant of a substantial hardship.” (443)

“The superior court failed to consider indicators of substantial hardship other than Baker's salary.” (444)

“Because the superior court erred in this regard, we REVERSE and REMAND for proceedings on the merits.” (444)

FACTUAL BACKGROUND

Baker, a non-tenured engineering professor at the University of Alaska Fairbanks, was non-retained after the 1993 spring semester. The superior court previously determined that the University had violated Baker's contractual rights and remanded for a damages determination, after which the University awarded him \$48,464 but denied other damages. Baker appealed that determination, but substantial litigation expenses, debt, and the costs associated with the University's defective preparation of the administrative record left him unable to prepay approximately \$3,500 in record-preparation costs.

PROCEDURAL HISTORY

Baker's initial superior-court action concerning his non-retention was converted into an administrative appeal. The superior court found that the University had violated Baker's contractual rights, ordered a grievance proceeding, and remanded for a damages determination. After the University awarded \$48,464 in damages, Baker appealed to the Anchorage Superior Court, challenging the award and the administrative process. The superior court denied his request to avoid prepaying approximately \$3,500 in record-preparation costs, dismissed the appeal for failure to prosecute, and awarded the University \$15,000 in attorney's fees. The Alaska Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for proceedings on the merits of Baker's administrative appeal after granting relief from the requirement that he prepay administrative record-preparation costs.

CASES CITED

- Geczy v. State, Department of Natural Resources, 924 P.2d 103, 104 (Alaska 1996)
- Cowitz v. Alaska Workers' Compensation Board, 721 P.2d 635, 638 n. 2 (Alaska 1986)
- Ford v. Municipality of Anchorage, 813 P.2d 654, 655 (Alaska 1991)
- Guin v. Ha, 591 P.2d 1281, 1284 n. 6 (Alaska 1979)
- Peter v. Progressive Corp., 986 P.2d 865, 872-73 (Alaska 1999)
- Malvo v. J.C. Penney Co., 512 P.2d 575, 587 (Alaska 1973)
- Jordan v. Jordan, 983 P.2d 1258, 1263 (Alaska 1999)