



October 23, 2015

Thomas H. Habbe  
Governor  
Salem  
P.O. Box 110001  
Juneau, Alaska 99811

Sent via U.S. Mail and Electronic Mail (governor@gov.state.ak.us)

Dear Governor:

My name is William G. Iacono, Vice President of the Alaska Judicial Council. I am writing to you regarding the proposed changes to the Alaska Judicial Council's rules of procedure. The proposed changes are intended to improve the efficiency and effectiveness of the Council's operations. I am confident that these changes will be beneficial to the Council and the State of Alaska.

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Accordingly, I am confident that the proposed changes will be beneficial to the Council and the State of Alaska. I am confident that these changes will be beneficial to the Council and the State of Alaska.

<sup>1</sup> See *McCauley v. University of the Virgin Islands*, 618 F.3d 232 (3d Cir. 2010); *DeJohn v. Temple University*, 537 F.3d 301 (3d Cir. 2008); *Dambrot v. Central Michigan University*, 55 F.3d 1177 (6th Cir. 1995); *University of Cincinnati Chapter of Young Americans for Liberty v. Williams*, 2012 U.S. Dist. LEXIS 80967 (S.D. Ohio, 12/12/2012); *Smith v. Tarrant County College District*, 694 F.Supp.2d 610 (N.D. Tex. 2010); *College Republicans at San Francisco State University v. Reed*, 523 F.Supp.2d 1005 (N.D. Cal. 2007); *Roberts v. Haragan*, 346 F.

ca. 1980s. The fact that the defendant's conduct was negligent is not sufficient to establish a duty of care.

But the defendant's negligence is not the only factor that determines whether a duty of care exists. FIREA v. [redacted] is a leading case in this area. In FIREA, the court held that a duty of care exists when the defendant's conduct is negligent and the plaintiff is a foreseeable victim of that conduct. In 2014, FIREA was cited in a decision involving a 333-foot bridge. See [redacted], 54.1% of the court's decision. The court held that the defendant's negligence was sufficient to establish a duty of care. See [redacted].

In fact, the defendant's negligence is not the only factor that determines whether a duty of care exists. FIREA v. [redacted] is a leading case in this area. In FIREA, the court held that a duty of care exists when the defendant's conduct is negligent and the plaintiff is a foreseeable victim of that conduct. In 2014, FIREA was cited in a decision involving a 333-foot bridge. See [redacted], 54.1% of the court's decision. The court held that the defendant's negligence was sufficient to establish a duty of care. See [redacted].

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When the defendant's negligence is not the only factor that determines whether a duty of care exists, the court will consider other factors. In FIREA v. [redacted], the court held that a duty of care exists when the defendant's conduct is negligent and the plaintiff is a foreseeable victim of that conduct. In 2014, FIREA was cited in a decision involving a 333-foot bridge. See [redacted], 54.1% of the court's decision. The court held that the defendant's negligence was sufficient to establish a duty of care. See [redacted].

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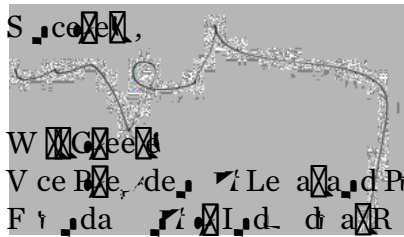
See [redacted], 2d 853 (N.D. Tex. 2004); *Bair v. Shippensburg University*, 280 F. Supp. 2d 357 (M.D. Pa. 2003); *Booher v. Northern Kentucky University Board of Regents*, 1998 U.S. Dist. LEXIS 11404 (E.D. Ky. 11/21/1998); *Corry v. Leland Stanford Junior University*, No. 740309 (Cal. Sup. Ct. Feb. 27, 1995) (unpublished); *UWM Post, Inc. v. Board of Regents of the University of Wisconsin*, 774 F. Supp. 1163 (E.D. Wis. 1991); *Doe v. University of Michigan*, 721 F. Supp. 852 (E.D. Mich. 1989).

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