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Pursuant to the research activities, findings and analysis set forth in this report, the Court System's evaluators formulated a number of general impressions regarding the viability of the village conciliation boards as an adjunct of the Alaska Court System in the provision of judicial services to Eskimo villages in the rural parts of Alaska.

To begin with, the village conciliation boards can be seen, to a limited extent, as a potentially viable extension to the Alaska Court System's low-level problem-solving capability in rural parts of the state. As between the six problem boards established and operating during the project, three of the boards must be viewed as having been active and viable institutions–as "working." The success of at least half of the experiemental problem boards thus strongly suggests that such institutions would also be workable in at least a number of other rural Eskimo villages throughout Alaska--particularly those villages having similarities with the three successful problem board villages.

Yet, the evaluators were of the opinion that the total number of cases considered and resolved by the conciliation boards was disappointingly low. On the basis of the numbers of cases heard by the original experimental Emmonak Conciliation Board, and on the basis of the amount of training provided to the board members of the six participating villages, the evaluators expected to find a substantially higher number of problems or cases heard and resolved by the boards. The small number of cases processed by the boards can be seen as a function of lack of publicity, interest and acceptance on the part of villages, inadequate referral systems, lack of social cohesiveness in the villages, inadequate training and support from the Court System, and the failure of the projects to reach their maximum potential for conciliating and resolving village disputes. The evaluators were not of the impression that the limited numbers of cases reflected any substantial diminution or change in the types and numbers of problems that previously existed in the villages.

Secondly, the type or nature of the cases or problems heard by the village conciliation boards tended to concern marital disputes, minor alcohol-related matters, and juvenile problems. As indicated in the instant report, 13 cases of the total 35 cases considered by the boards may be interpreted as "potential court cases," i.e., cases which could have found their way the formal State Court System at one level or another. When viewed from the perspective of providing relief to an already overburdened Court System, the findings of the evaluation suggest that no such substantial relief has been provided to the Court System by the conciliation boards in the six villages.

From the standpoint of expenses, it was the evaluators' impression that the cost of establishing, training, maintaining, and compensating the six village conciliation boards was relatively low. Still, it may realistically be anticipated that the costs of running conciliation boards will continue to increase rather than remain constant or decrease in the future.

In the absence of external financial sources, such as the Court System, legislature, agencies of the federal and state governments, or municipalities, the villages would probably not assume the costs of the boards themselves, nor would the villagers volunteer their time to the boards, and the boards

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swer" for the provision of legal and judicial services throughout the rural parts of the state? One need only ask an equally telling question: How many lawyers sit on or practice before the conciliation boards? How many trained magistrates do the same? None, and none were intended to do so.

The conciliation boards were intended to provide a forum for the resolution of disputes by methods of compromise rather than through the adversary system. Nothing in the evaluation criteria suggests to me that the conciliation boards will be judged by the criteria used in the concluding paragraph.

Possibly the word "adjunct" is key here. The word connotes to me a supplement (in both form and function) to the Court System rather than (as the term appears to be used in the Evaluation) another level of judicial and legal services. In that respect conciliation boards were never intended to be a "complete answer" to providing legal and judicial services to rural Alaska. Obviously, only the courts can provide legal services. To state the proposition is to prove it. Saddling the conciliation board concept with these burdens is inconsistent with the original evaluation criteria and breaks the back of the original concept.

Impact of Problems: The evaluation notes several major problems with implementing the Conciliation Board Project. These include the following: Training, Monitoring, Board Membership, Acceptance of Board, Community Awareness and Referral and Support. Inexplicably, the impact of these problems on the overall success of the boards is lost or ignored in the final general conclusion that the "boards' potential for resolving criminal and civil disputes in rural parts of the state is limited." Given the many significant problems that afflicted the project, a more valid conclusion that eliminating these problems would enable the boards to realize their potential.

Experience and Impressions: My discussions with the members of both the Napakiak City Council and Conciliation Board did not leave me with the impression that the Board was viewed as a "Court System created and supported institution." Rather these discussions left me with the impression that the Napakiak Board is viewed as an adjunct of the city council. If the disputants could not resolve the dispute through the Napakiak Board, the community leaders felt it then had two alternatives. Either take the dispute before the city council or in a more serious case to the court system.

It is my experience that one of the basic difficulties with the Anglo-American adversary system in rural, Native communities is that it escalates all disputes to an adversary, winner take all level. The conciliation boards offer a less threatening, non-adversary and more "traditional" approach to resolving disputes. The premise is that because the board's procedure is less threatening that the boards will be more successful in truly resolving disputes than is possible through the adversary process. Whether this is a return to "indigenous or traditional means" of problem solving seems to me irrelevant. It is relevant that the boards respond more "sensitively and knowledgeably" to problems than is possible in the adversary system. Whether we call that a return to some sort of "indigenous tradition" or simply a better way to solve human disputes is unimportant and beclouds the issue.

Finally, I seriously question whether 21 months is sufficient time in which to guage the viability of this Project especially given the significant problems encountered. Emmonak and its heavier case load may be an indication of the need for more time in which to develop these local institutions. The fact is that Emmonak has had some four years of conciliation board experience. That factor alone may account for its significantly higher level of activity, and speaks well for the importance of continuing the Project in order to more adequately judge its viability.