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NEWS RELEASE



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Court Allows Amicus Brief in Bristol Bay Attorney Fees Issue

(Juneau, AK) – The superior court approved the state’s request to file an amicus, or “friend of the court,” brief in the Bristol Bay “price fixing” class action lawsuit.

“It is important for us to be able to speak on behalf of Alaskans who deserve fair consideration in this matter,” Attorney General Gregg Renkes said. “This lawsuit has been a negative thing for the people in Bristol Bay and a fair settlement of this \$12 million between the impacted Bristol Bay processors and the fishermen would be a welcome relief.”

The Attorney General asked the court to permit the state to file an amicus brief representing the class members’ interests in awarding attorneys’ fees. The fishermen’s attorneys, who lost the case, and the processors, who won the underlying suit, have no incentive to ask for changing the fee award. The state argued that only the costs and fees owed to the defendants should be subtracted from the \$40 million settlement fund before calculating the fishermen’s attorneys’ fees. The state cited case law holding that the court must consider the fact that the attorney lost the class action suit when awarding attorney’s fees.

“This will give us the opportunity to make our case to the court,” Governor Frank H. Murkowski said. “We believe the plaintiffs’ attorneys, who lost the case on all points, should not receive any more of the settlement than what’s necessary to cover their costs. The \$12 million they want to take away in fees should go to rebuilding the families, the communities, and the Bristol Bay fishery that their ill-conceived lawsuit has nearly destroyed.”

The state sought last month to intervene in the case, in which \$40 million in settlement money will be divided between the plaintiff fishermen and their lawyers, for fees and costs. While the court did not allow the state to intervene in the case, it said the state could file the amicus brief. Murkowski contends that the \$4.5 million in costs should be paid, but the \$12 million in fees should be divided in half between the fishermen and processors, whose industry and markets were “turned upside down” by the lawsuit.

In October, Murkowski met with Japanese fish marketers in Tokyo and received a first-hand report on how difficult it will be to rebuild markets scared away from Alaska because of the lawsuit, which tried to implicate many Japanese companies.

“Rebuilding our market share in Japan will take time and extra effort, but could be helped along by directing some of the \$12 million toward that end,” Murkowski said. “Bristol Bay is in tough economic times, due in part to this lawsuit. Dividing the \$12 million between the fishermen and the processors is just the right thing to do.

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