

Kathleen Tompkins-Miller
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Members of the State Legislature:

I am currently the longest serving public member of the Judicial Council for the State of Alaska. I am supportive of a constitutional amendment that would provide the governor with more qualified candidates from whom he can appointment judges. But I do have some concerns about adding too many members to the AJC.

As you know, the AJC is composed of three public members, three attorney members, and the Chief Justice of the Supreme Court. The Chief Justice casts a vote whenever there is a tie vote of the six attorney and public members.

It is routinely claimed, in defense of Chief Justice's and lawyers' roles on the AJC, that the Alaskan judicial system is free of political influence. That has not always been my experience. From the selection of specific judges – sometimes retired – to preside over politically-tinged cases to the judiciary's approach to election-related cases, the politicization of members of the judiciary is transparent. When the Chief Justice sides against the public members on the AJC in limiting the number of candidates for the Supreme Court or other judicial positions, a question of political bias naturally arises.

Additionally, the members of the Alaska bar have tremendous influence over the process. Starting with anonymous bar surveys, in which attorneys routinely disparage potential candidates who may have more traditional views, or toward whom they may otherwise have a personal vendetta, the process is simply slanted. It is shocking to see (sometimes) anonymous, degrading comments and scores come from members of a profession purportedly trained in the "rule of law."

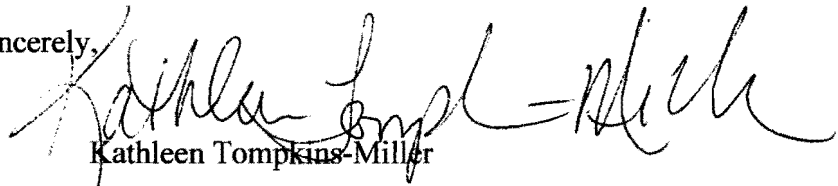
This process also keeps many good attorneys from applying or they withdraw their name because of the poll being made available to the public. The fear of damaged reputations, and perhaps the loss of future income, is simply not worth it to some. Many with low bar scores likely feel they won't have the ability to get through the council. It can also be difficult to get a candidate through the process who would be considered by some to be "conservative" in their judicial philosophy.

Further, there have been occasions where candidates have been criticized for activities or ideas on one side of the philosophical divide, while members on the other side are routinely promoted. Regrettably, a candidate who has been actively involved in traditional "conservative" causes is likely to have what appears to be a more vigorous background investigation, disparaging comments, and poor bar scores.

While I love my service on the AJC and I have always tried to be as fair as possible in my duties, it has saddened me that the AJC has rejected some judicial candidates even though public members have unanimously voted to advance them to the Governor.

It is my position that the Governor should not be prevented from considering certain qualified candidates. Although there is also risk of political bias from members of the public, I'd feel much more secure with a council whose ultimate decision is within the sound discretion of the public.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Kathleen Tompkins-Miller', written in black ink.

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