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VIA EMAIL: Representative.Max.Gruenberg@akleg.gov

Representative Max Gruenberg
Committee Member
House Judiciary Committee

Re: HJR 33 Public Testimony

Dear Rep. Gruenberg:

I write in opposition to proposed House Joint Resolution 33 (HJR 33) which would seek to amend the Alaska Constitution to increase the number of members on the Judicial Council.

My name is Robert Bundy. I am an attorney who has practiced law in Alaska since 1972. I served the Alaska Department of Law as Chief Assistant District Attorney in Anchorage and District Attorney in Nome. I served as United States Attorney for the District of Alaska from 1994 to 2001. I have been in private practice in Anchorage since 1984 representing individuals and companies in complex federal and state civil and criminal litigation.

Over the last 42 years I have tried over 200 cases to juries in Alaska and have appeared in countless hearings, arguments, settlement conferences and other proceedings before Alaska judges in all four judicial districts. I have had a ring-side seat to observe the quality of judges who passed through the Alaska Judicial Council since statehood and who were appointed by all of Alaska's governors. I have to say, with a few notable exceptions, the quality of men and women before whom I have appeared has been extraordinary. Of course, I didn't always agree with the way the judge interpreted the law or the facts in any particular case, but I never had any reason at all to doubt the judge's overall legal acumen, integrity, work ethic and commitment to the rule of law. Over all, it would be hard to imagine how a better group could have been chosen.

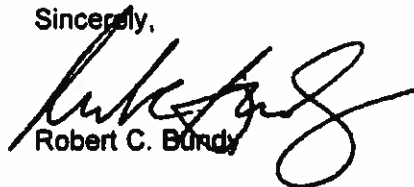
I think the lion's share of credit for the quality of our judiciary can be given to the Alaska Judicial Council and its rigorous screening process. The Council looks not just to the applicant's academic qualifications and breadth of experience, both of which are very important, but also to the other important qualities such as lack of arrogance, judgment, work ethic, life experience in finding not just good candidates, but the best. The result of the Council's rigorous screening is a first rate judicial branch.

It seems to me that the proposal to expand the size of the Council would only serve to politicize and hamper the Council's work. Once politics and ideology enter consideration, the critical focus on the proven characteristics of a good judge become obscured. During my over 15 years as a prosecutor in the courts of Alaska, I was at times unhappy that the Council did not pass to the Governor more people I thought would better understand the prosecutor's

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perspective, but over time I have come to appreciate the wisdom of the Council's approach of sending the names of the most qualified applicants to the Governor. The proof is in the pudding: we in Alaska have an excellent judiciary. We should not change the way we have achieved that goal by short term political thinking.

Sincerely,



Robert C. Bundy

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