



Rural justice a focus for Fabe in 'State of the Judiciary'

Chief Justice concerned for the areas of Alaska where the long arm of the law does not reach

Posted: February 13, 2013 - 5:24pm | Updated: February 14, 2013 - 1:14am

By MARK D. MILLER

JUNEAU EMPIRE

Alaska Supreme Court Chief Justice Dana Fabe may be the Alaska Court System's top official, but she devoted much of her "State of the Judiciary" speech to a joint session of the Alaska State Legislature Wednesday to tribal courts and rural parts of Alaska where the long arm of the law does not always reach.

Fabe referred repeatedly to previous State of the Judiciary speeches and the memoirs of past judges throughout her address, reinforcing her message that while Alaska has made progress toward bridging the "urban-rural divide" in providing judicial services to the remote communities that dot the state's Interior and coastal regions, it has more work to do.

After quoting from then-Chief Justice Jay Rabinowitz's 1992 State of the Judiciary speech on inequality in Alaska's rural communities, Fabe said, "While I stand before you today, 20 years later, with gratitude for all that we've accomplished together in our rural communities, I stand also with a heavy heart for all that we've not yet accomplished, for suffering that is not abated and for realities of village life that still cry out for meaningful solutions over two decades after Chief Justice Rabinowitz's poignant words."

Some judges whose jurisdictions include rural villages have sought to include village elders and other members of remote communities in court proceedings, according to Fabe — asking for their advice in handing down sentences, for example.

"Quite simply, for courts to effectively serve the needs of rural residents, justice cannot be something delivered in a far-off court by strangers, but something in which local people — those most intimately affected — can be directly and meaningfully involved," Fabe declared.

Fabe also spent some time during her address talking about courts that are actually outside the Alaska Court System: tribal courts, which coexist with state and federal courts.

"Tribal courts bring not only local knowledge, cultural sensitivity and expertise to the table, but also valuable resources, experience and a high level of local trust," said Fabe. "They exist in at least half the villages of our state and stand ready, willing and able to take part in local justice delivery. And just as the three branches of state government must work closely together ... state and tribal courts must work together closely to ensure a system of rural justice delivery that responds to the needs of every village that is timely, effective and fair."

In a similar vein, Fabe also mentioned early intervention programs and therapeutic courts that have expanded throughout Alaska over the past decade. The Juneau Therapeutic Court program began in 2005.

"Reaching early solutions works better not only for the families and children involved, but for courts as well," Fabe said. "Disputes resolved early are disputes that no longer fill our caseloads."

Fabe also acknowledged recent changes on the Supreme Court, including longtime Justice Walter L. Carpeneti's retirement last month.

Fabe praised Carpeneti's "patience, compassion, intelligence and integrity," to applause from legislators, while welcoming new Justices Joel Bolger and Peter Maassen to the court.

Sen. Dennis Egan, D-Juneau, called Fabe's address "interesting." He said he was glad to hear Fabe voice support for programs like the therapeutic courts.

"Of course, Juneau has one now, and I'm glad they are going to continue it," said Egan. "I think it's a great, great program for Alaska and it saves us a lot of money."

As to Carpeneti's replacement by Bolger leaving Juneau without a justice among the five members on the Supreme Court for the first time since its 1959 formation — a piece of trivia not mentioned in the speech — Egan said, "I'm still concerned about that."

"I would feel a lot happier if there was someone from Southeast, at least, on the bench," Egan said. "Hopefully next time."

Rep. Cathy Muñoz, R-Juneau, said of the address, "I thought it was a pretty good speech."

"I was impressed with her attention to community-based solutions and her encouragement for members of the judiciary to look for solutions that involve community members, involve the tribal court system, looking for ways to encourage alternative sentencing," said Muñoz, referring to one

anecdote Fabe told about a young criminal offender in Sitka who was ordered to become a wood carver's apprentice by a tribal court, placing him on course to become a more productive member of society.

Sen. Bert Stedman, R-Sitka, remarked, "The tribal court in Sitka seems to be working good. It's smoothed things out in the community quite a bit. I think it's a good idea. I know it's not followed universally around the state, but it works well for the community of Sitka. I expect it to continue."

Asked what he thought of the speech, Stedman said, "It was all right." He said he was glad to hear about the evolution and "diversification" of Alaska's courts.

"I appreciated Chief Justice Fabe's focus on rural justice," said Rep. Jonathan Kreiss-Tomkins, D-Sitka. "I'm learning more about a lot of the examples she cited, but I've heard firsthand of the success of some of what she talked about — for instance, circle sentencing in Kake. ... So it struck me as highly appropriate and very welcome."

• Contact reporter Mark D. Miller at 586-1821 or at mark.d.miller@juneauempire.com.

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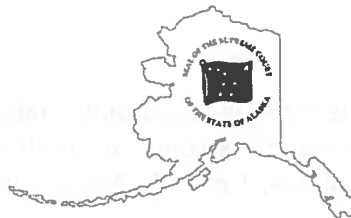
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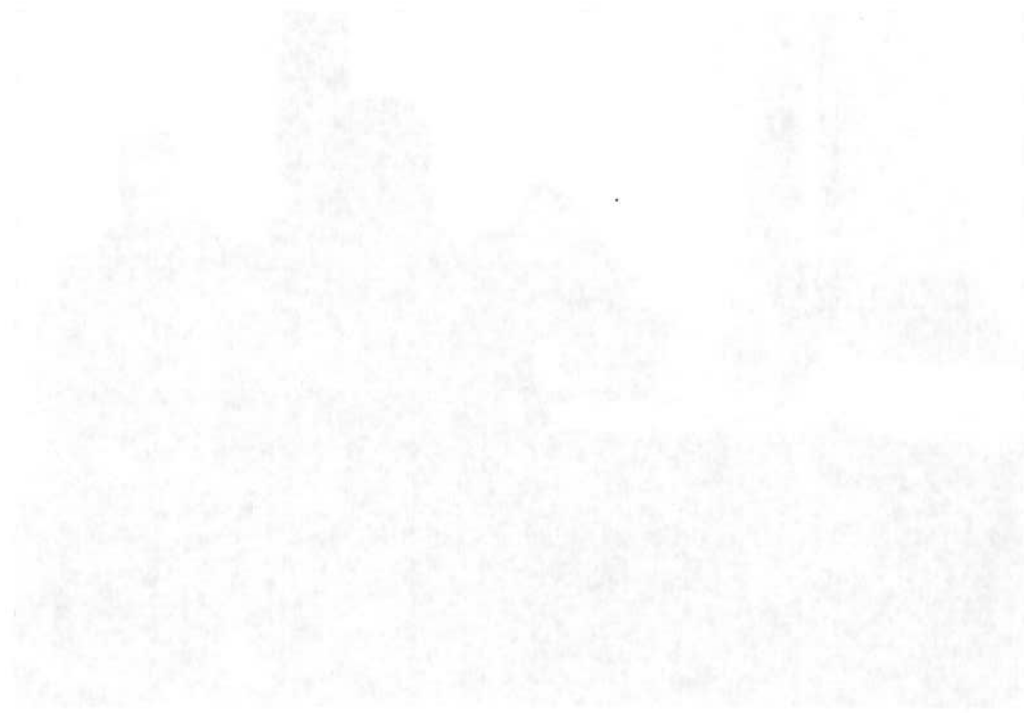
THE STATE OF THE JUDICIARY



Barrow Magistrate Sadie Neakok, circa. 1960s.

***A MESSAGE BY
CHIEF JUSTICE DANA FABE
TO THE FIRST SESSION OF THE
TWENTY- EIGHTH ALASKA LEGISLATURE
FEBRUARY 13, 2013***





Cover Photo: Magistrate Sadie Neakok discussing marriage issues with a Barrow couple. Barrow Police Officer Morgan Sakeagak, Sr., is sitting with her. Taken in the mid-1960s. From The Frontier States, Time-Life Books, 1968.

STATE OF THE JUDICIARY

Chief Justice Dana Fabe

February 13, 2013

President Huggins, Speaker Chenault, Senators and Representatives, and guests. The State of the Judiciary presents a welcome opportunity to highlight both the achievements of the Alaska Court System and the challenges it faces, and on behalf of all the court system employees statewide I would like to thank you very much for the opportunity to speak with you today.

Before I begin my remarks, I would like to acknowledge my colleagues on the Alaska Supreme Court. Justice Daniel Winfree of Fairbanks is unable to join us in person today but sends his regards to all of you. A lifelong Alaskan, Justice Winfree was appointed by Governor Sarah Palin in 2007 and serves as our court's liaison to the National Conference of Bar Examiners, which sets best practices for determining admission to the practice of law. With us today is Justice Craig Stowers, who was appointed by Governor Sean Parnell in 2009. Justice Stowers chairs the court system's Security Committee, which is charged with ensuring the safety of our courthouses statewide. He will also join the Alaska delegation to the national Uniform Laws Commission, which proposes legislation to clarify and provide consistency in difficult areas of law.

Also joining us today are the court's two newest members, who are here for the first time. Justice Peter Maassen, who had a long and distinguished career in private practice, was appointed by Governor Parnell last summer. Justice Maassen will serve as Chair of the Supreme Court's Judicial Education Committee and as Chair of the Access to Civil Justice Committee. Our newest justice, Justice Joel Bolger, was appointed by Governor Parnell just last month. Justice Bolger is the first justice to serve at every level of the Alaska Court System: He previously served on the Court of Appeals, the Superior Court in Kodiak, and the District Court in Valdez. I have asked Justice Bolger to co-chair with Attorney General Michael Geraghty the Criminal Justice Working Group.

The last five years have been a time of exciting change for the Alaska Supreme Court, and all of us look forward to working together in the years ahead.

But I would be remiss not to mention an occasion that has made these times bittersweet for many of us, and has brought us no small dose of "separation anxiety": the retirement last month of former Chief Justice Walter Carpeneti. Those of you who have had the good fortune to know Justice Carpeneti – "Bud," as he is affectionately known – can no doubt understand our feelings of sadness and loss. He has been a beloved and devoted servant to our justice system for over thirty years, and he has left his mark in countless positive ways. As Juneau Superior Court Judge from 1982-1998, and as Supreme Court Justice from 1998 until his retirement, Justice Carpeneti exemplified the best qualities of a judge: patience, compassion, intelligence, and integrity. And as a leader in a variety of justice initiatives throughout this time, he has shown by example the truth of one of his strongest convictions: the importance of working together. His past efforts as Co-Chair of the Criminal Justice Working Group and as founder of the court's statewide educational outreach program, Supreme Court LIVE, have made a difference that will continue to be felt for many years to come. So I would like to take this opportunity to thank him, and to wish him and his wife Annie well in the next chapter of their lives. Bud, thanks for everything. We will miss you very much.

And finally, I would like to acknowledge the members of the court's administrative staff who are with us today: Christine Johnson, Administrative Director; Doug Wooliver, Deputy Director; Nancy Meade, General Counsel; and Lesa Robertson, Assistant to the Director. And joining us from the Alaska Judicial Council is Larry Cohn, Executive Director. We are fortunate to have such talented and dedicated people serving our justice system.

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It has been over a decade since I first stood before you during my first term as chief justice. In the years since, your support has helped bring many positive changes to our justice system. We now have a statewide computerized case management system that has revolutionized access to court records. We

have a Family Law Self-Help Center that has provided vital and timely legal information to tens of thousands of families facing crises each year. And we have Therapeutic Courts across the state that have allowed countless Alaskans struggling with addiction and mental health issues to return to more healthy, law-abiding lives. These changes, and many others like them, have reshaped our justice system in a manner that has served Alaskans well. And we couldn't have made any of them without your unfailing support for improving the way we do things.

Yet some things have not changed in ten years. The fundamental mission of the Alaska Court System remains the same:

- to provide a fair and impartial forum for the resolution of disputes, according to the rule of law;
- to operate as efficiently as possible;
- to be accessible to all Alaskans; and
- to honor our country's promise of equal justice.

And we remain dedicated to being good stewards of the resources you have entrusted to us. Today, as the tradition of State of the Judiciary enters its fifth decade, I'm pleased to report that these core principles continue to guide us every day, and I'm proud to share with you some new ways in which they are being brought to life.

Fairness. Probably the foremost expectation that all of us have of our justice system is that it will be fair to all concerned. What people should expect from a judge is courtesy, respect, and thoughtful consideration. And what they should expect from the process is to understand what happened, and why. Even if a judge's decision ultimately goes against them, people can best accept it if they believe they were fully heard and fairly treated. Whether judges impose a term of probation as part of a criminal sentence or visitation and child support terms as part of a divorce decree, the manner in which they do so can have a critical impact on the parties' willingness to comply. And greater compliance

means fewer enforcement problems, fewer disputes, more peace for all concerned, and – ultimately – fewer public costs.

But how do we promote and maintain a climate of fairness? How do we ensure that citizens feel confident that their dispute will be resolved in an impartial manner in accordance with the rule of law? Well, if you go into a hospital lobby, you will often notice a sign containing a clear statement of your rights as a patient: that you are entitled to be treated with dignity and respect and to have your questions answered. Alaskans who come to court should have the same assurances. So today, I announce a pledge to each litigant, defendant, victim, witness, juror, or other person who is involved in a court proceeding: The judge and court staff will listen to you, treat you with respect, and respond to your questions. We will post this pledge in every courthouse in the state.

It may seem simple and obvious, but it is our belief that this pledge of fairness, consistently offered and openly displayed, will go a long way to remind everyone in our courthouses that ensuring fairness is an active process, for which there are no short cuts. Courtrooms must be places that foster understanding and respect for our laws, for the people affected by them, and for the judges who endeavor to uphold them. They must be places that help bring a sense of clarity, community connection, and confidence that justice will be served. It is in this spirit that we reaffirm to the people of Alaska that listening, respecting, and explaining are the hallmarks of what justice requires.

Efficiency. We have all heard the adage, “justice delayed is justice denied,” so we take the second goal of our mission – operating as efficiently, and expeditiously, as possible – very seriously. Over the past decade, many innovations rooted in technology have made our courts more efficient than ever before. Online services have greatly streamlined court functions that were previously burdensome to court staff and citizens alike. The CourtView case management system enables courts across the state to obtain case information instantly, and gives members of the public direct access to court dockets. Fines can now be paid electronically. Law enforcement officers can now file traffic

citations electronically in many communities, allowing them to avoid trips to the courthouse and devote more time to their core duties. Efforts to develop online methods for sharing discovery in criminal cases and for making bail conditions more readily available to law enforcement personnel continue to make progress. And we are actively pursuing “E-filing” procedures, which will allow court documents to be filed and transmitted electronically and will help pave the way to the paperless courts of the future. All of these advances owe their development to rapidly expanding technology, and – in no small way – to your support. They continue to change the face of justice delivery in our state, and their value and importance to the efficiency of our courts cannot be overstated.

Yet to me one of the most promising and exciting developments for court efficiency in recent years stems not from the marvels of computers, but from the commitment, determination, and generosity of caring and concerned human beings. The Early Resolution Project has taught us the immense value of early intervention in some of the most heated conflicts that come before us: divorce and custody disputes. The project began just a few years ago when an Anchorage judge joined forces with a team of volunteer attorneys to offer free legal consultations to unrepresented litigants soon after their cases were filed. A small budget was drawn from funds you allotted to help us improve our handling of children’s cases. A special calendar was set each month when consultations took place and the judge was available to facilitate agreements between the parties. The project opened for business with a handful of cases and high hopes, but not much more. Yet what happened next exceeded all expectations and resulted in a program that is now recognized nationally for its success. Because it turns out that in these difficult cases, early intervention works, and it works overwhelmingly well. Since December 2010, the Early Resolution Project has handled over 420 divorce and custody cases in the early stages, and 80% have been settled successfully without the need for further proceedings.

Parties to a divorce or custody dispute don’t benefit from long and adversarial legal proceedings to resolve their differences; they need swift and certain results that allow members of their family to move on with their lives.

When brought together by the court early in the case, parties can achieve satisfactory and lasting solutions that could be more difficult to achieve further down the road, when anger has grown, positions have hardened, and the legal process itself has left scars. And reaching early solutions works better not only for the families and children involved, but for courts as well: disputes resolved early are disputes that no longer fill our caseloads.

The Early Resolution Project was founded through the efforts of retired Anchorage Superior Court Judge Stephanie Joannides, Family Law Self-Help Center Director Stacey Marz, and the Alaska Pro Bono Program. It has continued through the strong support of the Court Custody Mediation and Visitation Project and Alaska Legal Services Corporation. And it owes its success to countless volunteer hours donated by local attorneys, including many in the Attorney General's Office, who are able to participate thanks to the support of Attorney General Michael Geraghty. I would like to recognize and thank these dedicated individuals and organizations for their vision and their tireless efforts on behalf of struggling families. But I would also like to commend all of you for the strong support you have given to this program, which has allowed it to expand to Juneau, Palmer, and – in the near future – Fairbanks. Together, we can offer hope and relief to parents and children faced with the heartache and pain of family breakup.

Access. The importance of early intervention brings me to another continuing concern: improving and strengthening access to justice in Alaska's rural communities. As we all know, providing judicial services in remote villages across our state has been an enduring and formidable challenge from the earliest days of the Territory. In his memoir, "Old Yukon," U.S. Territorial Judge James Wickersham reported walking for days across unbroken winter trails to hold court in isolated villages. As he described it:

It was 45 below zero this morning when we left Nation, but within an hour after it had gone down to -50 There was no sign of a trail during the forenoon and one of us had to go ahead of the dogs and snowshoe to get the team along

The difficulty and disruption entailed in linking sparsely populated communities to our justice system continued across the last century and through the time of Statehood, when the Alaska Court System was first established. Early state judicial officers often traveled by bush plane, boat, or dog sled to meet the justice needs of the people they served. Knowing the country and the customs was as important as knowing the law – because one's survival was at stake.

Yet despite the logistical hardships, early state court leaders were unwavering in their commitment to rural Alaska. In 1970, Chief Justice George Boney spearheaded the first "Alaska Bush Justice Conference," which passed the following resolution:

The locale of decision-making in the administration of justice in village Alaska must move closer to the village. To achieve this result there must be greater native participation at all levels in the administration of justice . . . there must be greater access to legal services and the process of justice in Village Alaska.

In his 1972 State of the Judiciary address, Chief Justice Boney recommended the construction of "no less than 50 . . . bush facilities" across the state. With your generous support, we now have modern facilities and a solid presence in 45 communities, including urban centers, regional hubs, and small villages. In just the past few years, we have opened modern rural courthouses in Aniak, Hooper Bay, and Nenana, and we continue to upgrade and expand existing rural facilities as needed, such as the renovation now underway in Nome. Also with your help, we have ensured that rural court locations are staffed with professional court personnel and linked by modern technology. Last fall, I convened a Magistrate Working Group, which focused on improving our system for training, mentoring, and evaluating those at the core of state rural justice delivery – our rural magistrate judges.

But exactly twenty years after Chief Justice Boney's call for rural expansion, Chief Justice Jay Rabinowitz recognized in his 1992 State of the Judiciary address that there was still much progress to be made in Alaska Native

communities. He said: “[T]he suicide rate is incredible, the high school dropout rate is incredible, the drug and alcohol abuse is way disproportionate to the numbers in our society. The figures in any facet of social activity cry out for an imaginative and immediate address.”

So while I stand before you today – yet another twenty years later – with gratitude for all that we have accomplished together for our rural communities, I stand also with a heavy heart for all that we have not yet accomplished, for suffering that is not yet abated, and for realities of village life that still “cry out” for meaningful solutions over two decades after Chief Justice Rabinowitz’s poignant words.

Every study or survey of rural justice over the past two decades has acknowledged the unique and compelling justice needs of Alaska’s small and isolated villages. The Alaska Sentencing Commission,¹ the Alaska Natives Commission,² the Alaska Judicial Council,³ the Alaska Supreme Court’s Advisory Committee on Fairness and Access,⁴ the Alaska Commission on Rural Governance and Empowerment,⁵ and the Alaska Rural Justice and Law Enforcement Commission,⁶ have each studied the issues thoroughly. Consistent among their recommendations is a theme heard with increasing urgency: the need for greater opportunities for local community leaders and organizations to engage in justice delivery at the local level. Quite simply, for courts to effectively serve the needs of rural residents, justice cannot be something delivered in a far-off court by strangers, but something in which local people – those most intimately affected – can be directly and meaningfully involved.

¹ Alaska Sentencing Commission, *1992 Annual Report to the Governor and the Alaska Legislature* (December 1992).

² Alaska Natives Commission, *Final Report* (May 1994).

³ Alaska Judicial Council, *Resolving Disputes Locally: Alternatives for Rural Alaska* (August 1992).

⁴ Alaska Supreme Court Advisory Committee on Fairness and Access, *Report* (October 1997).

⁵ Alaska Commission on Rural Governance and Empowerment, *Final Report to the Governor* (June 1999).

⁶ Alaska Rural Justice and Law Enforcement Commission, *Initial Report and Recommendations of the Alaska Rural Justice and Law Enforcement Commission* (April 2006); and *Report to the United States Congress and the Alaska State Legislature* (January 2012).

By partnering with rural communities to facilitate and support more localized, community-based problem-solving, we can create outcomes that are not only better suited to the realities of rural life, but more lasting and cost-effective. As Chief Justice Daniel Moore observed almost twenty years ago in his 1994 State of the Judiciary address, “[t]he burdens of the work of the state today are enormous [but] . . . the best way to lighten a burden is to share it.” Promising vehicles for sharing the burden through state-local justice collaboration are emerging or being revived, and I would like to highlight them briefly today.

Sentencing in Villages. First, judicial officers in some remote regions are rekindling efforts to hold criminal sentencing hearings in villages where the crimes occur. Former Aniak Magistrate Arlene Clay, now 100 years old and in whose honor the new Aniak courtroom was recently named, served a dozen villages in the Yukon-Kuskokwim region from 1960-1977. It was a time when there were few phones, few planes, and few resources for law enforcement in the region, yet Magistrate Clay traveled to villages often – by boat or dog team if needed – and always felt it was vital to understand village values and concerns when making decisions affecting village residents. Before she sentenced defendants, she made sure the elders or village council were asked for input.

Judge Nora Guinn of Bethel, a Yup’ik woman who in 1968 became our state’s first Alaska Native judge, took a similar approach to rural justice. She said:

Over the years I tried to include people – involve people – in all of my court activities. . . . I started what we call an advisory sentencing court. . . . I’d have them sit and after the people came up and pled guilty . . . we would send them out and we’d sit and talk about it. And I’d say now what would you advise? . . . I stress this person is from your village. He’s your relative. He’s your friend. If you aren’t going to help him, nobody else is going to really try to help him because we don’t know how to help him.

Following the example of these early pioneers, some judicial officers make a point of traveling to villages for sentencings to the extent they can. For example, former Bethel Superior Court Judge Leonard Devaney held sentencings in St. Mary’s, Aniak, Chevak, Toksook Bay, and Napaskiak, among

other communities, during his recent decade-long tenure on the Yukon-Kuskokwim Delta. Sometimes the imposed sentence required reporting to village authorities or engaging in village-based treatment.

Other judicial officers are implementing a practice known as “circle sentencing,” which is designed to give a whole village the opportunity to participate. Magistrate Judge Mike Jackson of Kake, an Alaska Native of Tlingit and Haida ancestry, has facilitated local sentencing circles in his community for many years. Judge Eric Smith of Palmer has convened a circle in the Glennallen area to assist with the sentencing of two young men convicted of vandalizing a fire station. And most recently, Magistrate Judge Christopher McLain of Galena and a team of Interior state and local justice officials have held circle sentencings in the villages of Galena, Huslia, Nulato, and Tanana. While judges make the final decisions in these cases, many believe that the sentences have more local acceptance because the community is included in the process. And by the same token, many are convinced that the defendants respond more appropriately because they know the community cares. Whatever form they take, sentencings in villages allow state justice officials to work more closely with local communities to adopt village-centered solutions to village-centered problems.

Tribal Courts. A second trend that holds promise for improving access to justice in remote villages is the growing role of tribal courts in resolving a range of local justice issues. When I began my legal career in the mid-1970s, you didn’t hear much about tribal courts in the legal problem-solving context; in fact, you rarely heard much about tribal courts at all. But there have been significant changes in the landscape of state-tribal relations in recent decades, and these changes encourage us to work more cooperatively together.

As you know, the existence of tribes or tribal courts in Alaska is a question of federal – not state – law, and for two decades the federal government has recognized Alaska Native tribes. These tribes have become involved in a wide range of activities affecting the welfare of Alaska Native people, from health care, to social services, to community and economic development. Against this backdrop, it is important to weave a more clear role for tribal courts into the

overall fabric of our justice system if we are to be truly responsive to the needs and concerns of Alaska's Native people.

State and federal statutes and court rules already authorize state courts to enlist the assistance of local organizations such as tribal courts and elders' councils when seeking to resolve certain types of cases. For example, the Minor Consuming Alcohol statute allows a state court to refer an offender to a "community diversion panel" and to require the offender "to comply with conditions set by the panel, including counseling, education, treatment, community work, and payment of fees." In addition, Alaska Civil Rules specifically endorse local dispute resolution in civil cases by allowing parties to "agree to resolve disputes, subject to court approval, by referring them to tribal courts, tribal councils, elders' courts, or ethnic organizations." Finally, Alaska Child in Need of Aid Rules authorize state courts to transfer jurisdiction of CINA proceedings involving tribal children to tribal court in accordance with the federal Indian Child Welfare Act. Yet despite these and other opportunities for tribal court or elder council involvement, cooperation and coordination are often hampered by the same factors that have always posed a challenge for rural justice delivery: geographic distance, isolation, and cultural and language differences, among others.

These challenges are not limited to Alaska. The national Conference of Chief Justices has long urged increased communication and collaboration with tribal courts across the country and the reduction of jurisdictional conflicts between federal, state, and tribal courts. Most recently, in 2011, the organization endorsed a resolution encouraging greater information sharing between federal, state, and tribal courts to better protect Native children. Today, I'm pleased to report that in Alaska we are making some progress toward addressing these concerns.

Shortly after my term as chief justice commenced last year, the court system and tribal justice groups sponsored joint training on circle sentencing that included both state and tribal judges and provided a valuable opportunity for us to learn from each other. Tribal Court Judge Natasha Singh of Stevens Village,

Chief Tribal Court Judge Ellen Sovalik of the Native Village of Barrow, and Chief Judge David Voluck of the Sitka Tribe of Alaska each brought a wealth of personal and professional experience to the issues. And this coming fall, I will invite tribal court judges to join our training sessions on procedural fairness and working effectively with self-represented litigants.

In addition, we are fortunate that Alaska Legal Services Corporation has recently completed the 2012 Alaska Tribal Court Directory, which lists ninety tribal courts across the state and the types of cases they handle. As many of you know, Alaska Legal Services Corporation has played a vital role in rural justice delivery for over four decades, and continues to provide civil legal assistance to many rural residents each year. The value of Alaska Legal Services Corporation's presence in our rural regions cannot be overstated, and the detailed directory it has created no doubt stems in part from its familiarity with, and long-term commitment to, the legal needs of Alaska's rural people. The directory will greatly enhance the ability of state and tribal courts to connect, communicate, and develop a network of working relationships – all very important steps on the path toward demystifying state and tribal court processes, fostering common understanding, and building the bonds of shared purpose.

In many cases, tribal courts are handling relatively minor problems that would likely never reach the state court system, yet have a degrading impact on a community's sense of security and well-being. And some of the risky behaviors they seek to address, especially in young people, might never come to the attention of state law enforcement. For example, during a recent visit to Southeast, Justice Maassen and I were able to meet with Chief Judge Voluck and Judge Peter Esquiro of the Sitka Tribe of Alaska. They told the story of a young tribal member who was starting to get into trouble. The teen was brought to tribal court on a Minor Consuming Alcohol charge under a cooperative program with the City and Borough of Sitka called the "Tribal Youth Diversion Effort." The tribal judges decided he needed a role model who could help him focus his energy in more positive ways. Because the youthful offender expressed an interest in and talent for wood carving, he was directed to serve an

apprenticeship with a local Master Carver. The young man responded well to the tribal court's efforts and has been successful since in avoiding any further trouble with the law.

"We are always searching," Chief Judge Voluck explains, "searching for what will spark their inner fire. What are they interested in? What are their unique gifts? How can we overcome two major hurdles facing rural Alaskan youth: boredom and apathy?"

As we have learned elsewhere, early intervention matters, and makes a huge difference in the effectiveness of outcomes. And for many isolated villages, the simple reality is that early intervention for tribal members is often more likely to come from local tribal courts than from state courts that are miles away.

Tribal courts bring not only local knowledge, cultural sensitivity, and expertise to the table, but also valuable resources, experience, and a high level of local trust. They exist in at least half the villages of our state and stand ready, willing, and able to take part in local justice delivery. Just as the three branches of state government must work together closely to ensure effective delivery of justice throughout the state court system, state and tribal courts must work together closely to ensure a system of rural justice delivery that responds to the needs of every village in a manner that is timely, effective, and fair. In short, we must *all* work together if we are to meet the tremendous challenge of bush justice. To borrow the nautical expression for rousing help in an emergency, the crisis in our villages demands "all hands on deck."

It is my hope that we can put behind us the days when villagers express doubt and dissatisfaction with our delivery of justice because it happens too far away from them. It is my hope that we can put behind us the days when opportunities for mutual assistance, support, and coordination between state and local authorities are lost because no clear lines of communication or cooperation are in place. And it is my hope that we can put behind us the days when minor village problems become major ones because confusion over respective roles means justice responses that are too little, too late.

No matter how much we hear about the urban and rural divide, what happens in our rural areas concerns all of us, and affects all of us. When lives in our rural communities are diminished by problems that have persisted for generations, we are all diminished – not only in our collective soul and spirit, but in very concrete terms as well. When Alaska Native men and women occupy over a third of our prison beds, we are paying the costs. When Alaska Native children make up over half of our children in need of aid, we are paying the costs. Alaska's Native people are our first people, and they have rich histories, strong traditions, and vibrant cultures. To change the patterns of the past, years of studies and lifetimes of shared experience tell us we must do what we can to help local justice methods take hold and flourish. And we must listen and learn from local people – the people with the most at stake.

I don't suggest that the judicial branch has the answers. Quite the contrary, we have as many questions as anyone. But I am here to reaffirm that we remain committed to being an active and engaged partner in efforts to better serve our rural communities, and we look forward to working with you and local entities on creative and effective ways to do so. If we are successful, the Chief Justice who stands before you yet another twenty years from now will be able to report new and promising progress towards healthier rural communities, not the sad and stubborn patterns of the past.

Equality. Finally, I would like to speak to the final, overarching ideal embodied in the court system's mission: the promise of equal justice. The ideal of "Equal Justice Under Law" is carved in the edifice of the U.S. Supreme Court and etched in the soul of our country. There is probably no principle of our justice system for which Americans are more rightfully proud. But as we all know, aspiring to equal justice is only the first step; ensuring it on a day-to-day basis, in a state and nation as diverse as ours, has been a major journey throughout our history. I believe the journey to equality is one that is never truly over, because we must always be vigilant to protect and defend it. But when we

see landmarks along the way, it is important to celebrate, and in Alaska we have cause for celebration.

Last summer, new Bethel Superior Court Judge Charles Ray was sworn in as Alaska's first deaf judge – and the only full-time deaf trial judge currently serving in our country. Judge Ray cannot hear, but because of modern real-time transcription technology, he can provide a full and fair opportunity to be heard to the same extent as any other judge. We recognize that, in true Alaskan fashion, Judge Ray, the court system, and the people of the Yukon-Kuskokwim Delta are breaking trail. There are rocky stretches, and difficult twists and turns, but through patience and hard work we have learned that the terrain is readily navigated, and we are confident that the path forward will soon be clear, well worn, and easy to follow. When this happens, it will reflect a great accomplishment not only for Alaska, but for our country as a whole. Because it will be a monument to the principle that people should not be excluded from public service because of disabilities that do not affect their capacity to serve. And it will be a vital step forward in our country's centuries-long struggle for equality – for everyone, everywhere.

Equally promising on the path to equal justice is the increasing effort statewide to increase racial, ethnic, and gender balance in our legal profession and judiciary. Alaska is one of the most diverse states in the nation, with a one-third minority population. Yet of the 4,000 lawyers who practice in our state, only a tiny handful are minorities. And our numbers of women and minority judges have for many years been far lower than in most other states. Yet one of the best ways to build trust and confidence in the promise of equality in our justice system is to ensure that the bar and bench reflect equality. In recent years, Alaska has made progress in achieving a stronger reflection of equality in our judiciary, thanks in large part to the Alaska Judicial Council, which has nominated many highly qualified women and minorities for judgeships, and to Governor Sean Parnell, who has appointed them.

Every new installation of a judge is an occasion for excitement and celebration, but given our history I would like to make special mention of several

new judges who have joined Alaska's judiciary in recent years: Kotzebue Superior Court Judge Paul Roetman, one of only three Hispanic judges appointed since statehood; Anchorage District Court Judge Pamela Scott Washington, our state's first African-American woman judge; and Anchorage District Court Judge Jo-Ann Chung, our first Asian-American woman judge. It is also with great pleasure that we welcome several new women judges: Alaska Court of Appeals Judge Marjorie Allard, the first woman to serve on our state's intermediate appellate court, the Alaska Court of Appeals; Anchorage Superior Court Judge Catherine Easter; Dillingham Superior Court Judge Patricia Douglass; Fairbanks Superior Court Judge Bethany Harbison; and Anchorage District Court Judges Leslie Dickson and Jennifer Stuart Henderson. All of these judicial appointments were made by Governor Parnell, who has been a leader in bringing us closer to the ideal of an Alaskan judiciary that reflects the rich diversity of Alaskans themselves.

It is vital that we continue to inspire future generations of minorities and women to see the road to a judgeship as one that is open to them. Last October, we presented Color of Justice, a program developed by the National Association of Women Judges to encourage young women and minority youth to pursue careers as judges, at Sitka's Mt. Edgecumbe High School, which is 95% Alaska Native. And Supreme Court LIVE, our program that brings supreme court oral arguments in actual cases to high school auditoriums, will travel next to our northernmost community, Barrow, a predominately Inupiaq community. Since their inception, both programs have encouraged thousands of young Alaskans to consider legal and judicial careers.

Equally exciting is a new partnership in higher education that promises to make the road to law school easier to follow. Seattle University School of Law and the University of Alaska Anchorage last year announced their intent to explore a new Alaska law school partnership, which will allow students to obtain a Seattle University law degree without leaving Alaska for the full three years of coursework. The cost of leaving family, jobs, and communities behind to attend law school out of state has always been prohibitive to many young Alaskans

interested in legal careers. Economically disadvantaged students, including many minority and rural Alaskans, face particularly high hurdles. So the new program plans to use work-study arrangements and distance-learning opportunities to cut in half the time required outside Alaska. We believe this innovative approach will open the door to legal and judicial careers much more widely and equally than ever before, and will in the long run help create a legal profession and judiciary with stronger Alaskan roots and broader Alaskan perspectives. Seattle University's law school is one of the most highly rated in the country, and Seattle University's President is Father Stephen V. Sundborg, who grew up in the Territory of Alaska and is the son of one of the framers of Alaska's Constitution, George Sundborg. These circumstances make us especially proud and hopeful for the success of this Alaska law school partnership, and we are grateful to everyone who is working to make this vision a reality.

Conclusion. In conclusion, the Alaska Court System continues to strive to meet the responsibilities that Alaska's constitution and laws have placed upon us, and to earn the trust and confidence of Alaska's people. We continue our efforts to remain true to our ultimate mission, which is to be fair, efficient, and accessible to all Alaskans, and to serve our justice system's highest promise: equal justice under law. There is not a day – or a moment – when we are not humbled by these duties or indifferent to the impacts our efforts to discharge them have on our fellow citizens. So we try to execute them with all the wisdom, knowledge, skill, and integrity that we can humanly bring to bear. And there is not a moment when we are not mindful of the vital support you have always given us, and the great benefit it has been not only to us, but to all the people of Alaska. Alaska's justice needs – whether urban or rural – are diverse and daunting. But you have been with us every step of the way as we have tried to meet them, and we are deeply grateful.

Thank you again for the opportunity to speak with you today.

