



alaska judicial council

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March 15, 2013

Senator Pete Kelly
State Capitol, Room 404
Juneau, Alaska 99801-1182

Dear Senator Kelly,

You and other legislators have expressed concern about Judicial Council advertising last fall that responded to opposition to Judge Tan's retention. We now understand that concern.

In 2012, the Council spent about \$3,800 on six ads that specifically referenced Judge Tan. We had previously understood that the funding could be used to respond to opposition to a justice or judge recommended for retention. Historically, the Council has advertised in these situations, including responding to opposition to the retention of Justices Rabinowitz, Matthews, Fabe, and several superior court judges. The legislature has always provided the Council with funding to advertise information about its judicial performance evaluations and its retention recommendations in order to help voters make informed decisions when they vote on retention.

Now that legislators have clarified that they do not intend for us to use retention advertising funding to respond to opposition to a judge or justice, we will not do so. The Council will use its advertising to publicize its recommendations and the information upon which the Council relied in making its recommendations, and to inform the public about our evaluation process.

As you know, the Judicial Council requires advertising funding for reasons other than to publicize its retention recommendations and judicial evaluation process. For each judicial vacancy, the Council conducts a public hearing in the location of the vacancy to obtain public comment about the qualifications of applicants. The Council must advertise the time and location of these public hearings. These hearings provide important feedback to Council members about the qualifications of applicants and the needs and perspectives of the community. These public hearings enable the community to be engaged in the judicial selection process. Recently, dozens of Alaskans testified in each of the public hearings held in Nome, Dillingham, and Bethel.

When the Council evaluates the performance of judges, it holds public hearings throughout the state to solicit public comment. Recognizing the importance of the public's role in our process, the legislature has allowed the Council to use LJO offices at no cost to conduct these hearings. The Council advertises the dates and times of these hearings and to solicit other public comment about the performance of our judges. In 2012, the Council advertised in about two dozen newspapers statewide and hearings were held in twenty-two locations.

At your suggestion, I will work with Senator French to provide you with any information that you might find helpful when considering the Council's need for advertising funds. We look forward to continuing to work with you on these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Cohn", written in a cursive style.

Larry Cohn
Executive Director

cc: Chief Justice Dana Fabe
Chair *ex officio* of the Alaska Judicial Council
Council Members