



TESTIMONY OF DONNA GOLDSMITH, CO-CHAIR, ALASKANS FOR FAIR
COURTS, REGARDING SJR13
BEFORE SENATE STATE AFFAIRS COMMITTEE

Through the Co-Chairs, Senator Kawasaki and Senator Bjorkman, thank you for the opportunity to testify regarding SJR13. My name is Donna Goldsmith. I live in Anchorage and am testifying as Co-Chair of Alaskans for Fair Courts.

SJR13 seeks a constitutional amendment to eliminate the Alaska Judicial Council's vital role in vetting judicial applicants for Superior Court and Supreme Court. The **proposal to amend the Alaska Constitution** by eliminating the Council's critical role in evaluating applicants would require the Judicial Council to forward **all** applicants to the governor who meet only the Constitution's **minimum** requirements - being citizens of the U.S. and Alaska who are licensed to practice law. We cannot stress enough that **Alaskans would not benefit from this change.**

Since the inception of this state more than 60 years ago the Judicial Council has played a critical role in screening judicial applicants. Alaska's Constitutional framers established the independent Judicial Council after careful consideration of other judicial appointment processes used throughout the country. Since statehood, the Council has conducted exhaustive reviews of every judicial applicant, analyzed voluminous amounts of information gathered about each

applicant, and nominated the top judicial applicants to forward to the governor for appointment. Their goal was to ensure that Alaska's judges and justices would be chosen from among the "best available timber." In other words – they wanted the best, most competent judges who would serve Alaskans with integrity and commitment to the rule of law.

Alaska's judicial appointment system carefully balances the role of the independent Council, which conducts and analyzes the research, grades the applicants and makes recommendations. The governor then makes the judicial appointment, and the Legislature confirms (or declines) the governor's appointment. This delicate balance benefits Alaskans by ensuring that a governor chooses Alaska's Superior Court judges and Supreme Court justices from a pool of applicants who have demonstrated strong legal skills, knowledge of the law, integrity, respectful behavior, a judicial temperament and a demonstrated commitment to the rule of law.

Equally important, the Council's research efforts and conclusions are transparent – any Alaskan can go the Council's website and review the Council's research, grades and recommendations. Moreover, the Council's role provides essential guardrails against two important concerns held by the Constitutional framers. Yet the governor's proposal would:

- Effectively eliminate the transparency of the evaluation process, politicize all aspects of judicial appointments and create a high risk that a political agenda could easily overshadow commitment to the rule of law; AND
- Makes room for the **very real** potential that a judicial appointment could be made as a *quid pro quo* –

there would be no transparency to protect against this possibility

Alaskans would not be well-served by the governor's proposal. They want, need and deserve judges who remain independent of partisan and other politics - who follow the rule of law without any regard for outside pressures.

Alaska's judicial appointment system does *not* need to be fixed – because it is not broken. We urge you not to let this proposal move out of committee **and** to protect Alaska's prized merit-based judicial selection system.