

From: [David Landry](#)
To: [Senate State Affairs](#); [Joe Hayes](#)
Subject: Opposition to SJR 13
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During every legislative session since 2014, legislation has been introduced to compromise or eliminate Alaska's merit-based judicial selection system. This year, sadly, merit-selection is under attack again.

In early March, Governor Dunleavy proposed House Joint Resolution 12(<https://www.akleg.gov/basis/Bill/Detail/34?Root=HJR12>) and Senate Joint Resolution 13(<https://www.akleg.gov/basis/Bill/Detail/34?Root=SJR13>). These are companion resolutions that if passed would pave the way toward a constitutional amendment that would effectively end merit-selection of Superior Court judges and Supreme Court justices in Alaska. These resolutions gut the merit-selection process by removing the Alaska Judicial Council's constitutionally mandated mission of screening and nominating judicial applicants based on the Council's thorough analysis of the candidates. Instead, the Council would be required to forward ALL applicants that meet the state constitution's minimum requirements, which are only that they be US and Alaska citizens and licensed to practice law. In other words, everyone who meets these minimum qualifications are sent to the Governor for appointment.

If adopted this would be an Executive Branch power grab, at the expense of the Legislative Branch, whose confirmation of judicial council members would become meaningless, and the Judicial Branch and the ongoing integrity of Alaska's courts. It would provide no guardrails against politically-based judicial nominations. It would be a process weaker than even the current federal system, which requires only Senate confirmation of federal judges with no systematic and exhaustive examination of applicants' qualifications for the bench. If these proposed amendments are successful, Alaska would fall from having the gold standard of judicial selection to the worst, with no screening and review of candidates for judicial temperament, skill, industry and ethical history. One person should not have the power to select who will sit on the bench in a system that prioritizes politics above merit.

I oppose SJR13 because:

- The current system is not broken and doesn't need to be altered. Alaska has a solid bench of intelligent and fair and ethical judges. This has been the case since statehood.

- The resolutions, if adopted, would undo a very well thought-out process that was crafted by the writers of Alaska's Constitution. It makes the Judicial Council a non-entity who just checks for eligibility (a clerical task) and destroys its real function as a screening device to ensure only the most qualified candidates are sent for nomination to these courts. Although Alaska's Constitution provides the Governor with more executive power than many states, the unchecked power to pick judges without a robust review and nomination process was wisely withheld from the long list of powers that the Governor was given. The bill if adopted would allow the Governor to appoint anyone who meets the minimum qualifications of an Alaska bar license in Alaska to the bench if they promise to support the Governor's agenda—a tit for tat bargain not possible under the current system.

- Keeping politics out of the selection process — a key goal of the framers of the Alaska Constitution — makes for a more trustworthy judiciary. Litigants should be able to rely on their disputes being heard by competent, ethical, and smart judges appointed based upon their abilities, not based upon cronyism or their sharing of the Governor's political views.

- The Alaska Judicial Council provides important guardrails against an incompetent or politicized judiciary through their ability to screen and nominate judicial applicants. Alaskan litigants count on the Judicial Council to do a thorough and fair job with screening judicial applicants, with input from public hearings in many local communities as well as polling input from the police, jurors, court personnel, social workers, and the lawyers who know them. Litigants should expect nothing short of the best, most ethical, and

respectable professionals on the bench. We should be looking for judicial candidates with the MAXIMUM qualifications, not the minimum.

Sincerely,
David Landry