

9440 Patricia Pl.
Juneau, AK 99801

March 6, 2014

Representative Wes Keller
Chairman, House Judiciary Committee
Alaska State Representatives
Juneau, AK 99801

Dear Representative Keller:

Your efforts to increase the transparency and accountability of the Alaska Judicial Council through HJR33 are appreciated. Although I don't believe the Council's process is broken, I do believe it can be improved.

During the Constitutional Convention, there was great effort to maintain integrity in selecting judges for the State. I believe the Constitutional framers wanted to balance individual merit with the political concerns of gubernatorial appointment. The simplest way to rectify any appearance of overweighting Judicial/lawyer influence over which names are forwarded to the Governor for consideration, is that whenever there is a tie vote between the attorney and public members, the Supreme Court Justice is not put in the position of breaking that tie. The applicant's name would simply be forwarded to the Governor. Rather than remove the Supreme Court Justice completely as a tiebreaker, he or she could articulate his or her recommendation reasons (either to support the nominee or not) to the Governor where there is a tie vote. This public recommendation would be submitted to the Governor with the forwarded name. I see no downside to providing a Governor with the few additional names that will result from these tie votes.

I don't believe there is a need to increase the membership of the Council for many of the same reasons former Justice Carpeneti stated in his comments. Increasing members would dilute or degrade the vetting process. The vetting process allows each member to question each applicant in depth. With many more members, this process would become superficial and not indepth as it is now.

I have recommended the Council be more vigilant and open in its business. In this regard, we could make all of our votes public and post the votes on our web page.

You might consider removing the restriction prohibiting a state or federal employee as a member on the Council.

The number of applicants we receive per judicial opening has increased substantially. I believe there is a need to amend our Constitution to allow the Council to forward the names of more than two applicants to the Governor when there are more than eight applicants for a judgeship. In my time on the Council and the recent past, there has been controversy over the current requirement that the Council forward at least two names.

Whatever changes may be made to the Alaska Judicial Council, I will uphold my responsibilities under the Constitution and statute to serve my fellow Alaskans.

Sincerely,

Ken Kreitzer

cc: Members of the Alaska Judicial Council