

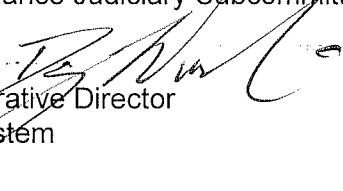
MEMORANDUM

ALASKA COURT SYSTEM

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TO: Representative Andrew Josephson
Chair, House Finance Judiciary Subcommittee

FROM: Doug Wooliver 
Deputy Administrative Director
Alaska Court System

DATE: March 11, 2019

RE: Questions from February March 8th Subcommittee Meeting

This memo addresses questions raised in the Friday, March 8, 2019 House Finance Judiciary Subcommittee. Please let me know if you would like additional information.

Could a judge learn the identities of people who contribute to his or her retention campaign?

Under Canon 5 of the Code of Judicial Conduct, a judge may form an election committee in anticipation of active opposition to the judge's retention, and if that active opposition materializes, the election committee, but not the judge, may solicit and accept campaign contributions, including from lawyers. Additionally, any person may, without coordinating with the judge, form an independent campaign to support a judge in a retention campaign and raise funds in support of that effort, including from lawyers.

Although nothing in the Code of Conduct prohibits the judge from learning who contributed to either a judge's election committee or to an independent group, the commentary to the rule states that if a judge learns that a particular lawyer or other person who appears before the judge contributed to his or her retention campaign, that knowledge may be relevant to the disqualification of the judge from that case. The general rule for disqualification is that a judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned.

What can the court do to return to the practice of posting on CourtView the sentences imposed in criminal cases?

In April of 2015 the court system discontinued posting sentencing information on CourtView. The court took this step because the data entry was time-consuming, inconsistently entered, and had an unacceptably high error rate. However, the court considers this a temporary practice. As part of our e-filing project, which will automate many court procedures, criminal judgments will be entered electronically, and CourtView will be automatically populated with the sentencing information, and then available online. This phase of e-filing is scheduled to be operational within the next 12 to 18 months.

How can a person obtain a domestic violence protective order between noon and 4:30 on Fridays?

In all locations, the procedures for obtaining a domestic violence protective order between noon and 4:30 on Fridays is the same as it is for other times when the court is closed. In Anchorage, the Boney Courthouse remains open for domestic violence protective orders until 8:00 pm every day. In other locations the courts post a notice on the doors telling people in need of a protective order to go to the local police department where they will have the number for whichever judge is on call to issue DV emergency protective orders. With the help of the officer, a person is able to obtain a protective order afterhours.

This process is set out in AS 18.66.110(b).

(b) A peace officer, on behalf of and with the consent of a victim of a crime involving domestic violence, may request an emergency protective order from a judicial officer. The request may be made orally or in writing based upon the sworn statement of a peace officer, and in person or by telephone. If the court finds probable cause to believe that the victim is in immediate danger of domestic violence based on an allegation of the recent commission of a crime involving domestic violence, the court ex parte shall issue an emergency protective order. In an emergency protective order, the court may grant the protection provided by AS 18.66.100(c)(1)-(5), (8), (10), (11), and (16). An emergency protective order expires 72 hours after it is issued unless dissolved earlier by the court at the request of the petitioner.

(c) A peace officer who obtains an emergency protective order under (b) of this section shall

- (1) place the provisions of an oral order in writing on a form provided by the court and file the written order with the issuing court by the end of the judicial day after it was issued;
- (2) provide a copy of the order to the petitioner;
- (3) serve a copy of the order on the respondent; and
- (4) comply with the requirements of AS 18.65.540 for ensuring that the order is entered into the central registry of protective orders under AS 18.65.540.