

## Alaska Judicial Council

### Members

Ken Kreitzer – Juneau (2011 – 2017)

Mr. Kreitzer has many years of public safety experience, including work as an airport safety officer, a corrections officer, a firefighter, EMT, a police officer and a court security officer. He was appointed by Governor Parnell.

Dave Parker – Wasilla (2013 – 2019)

Mr. Parker has been a law enforcement officer in Alaska since 1995. Prior to that he was a pastor in Alaska, France, Washington State, Ivory Coast, and Oregon. He began his professional career as a teacher in Washington State and Yemen. He was appointed by Governor Parnell.

Kathleen Tompkins-Miller – Fairbanks (2009 – 2015)

Ms. Tompkins-Miller is a schoolteacher. She was appointed by Governor Palin.

Aimee Oravec – Fairbanks (2012 – 2018)

Ms. Oravec has practiced law since 1998, and is a shareholder in Oravec Law Group.

Kevin Fitzgerald – Anchorage (2008 – 2014)

Mr. Fitzgerald is a partner in Ingaldson, Maassen & Fitzgerald and is a second generation Alaskan.

Julie Willoughby – Juneau (2010 0 2016)

Ms. Willoughby is in private practice in Juneau. She has practiced law since 1998 and is a second generation Alaskan.

**ALASKA JUDICIAL COUNCIL  
VOTING STATISTICS – APPLICATIONS FOR JUDICIAL POSITIONS**

Six Council Members: three appointed by Bar Association Board of Governors, three appointed by the Governor. Chief Justice is ex officio and votes only when the members do not have a four-person consensus. Alaska Const. art. IV sec. 8.

**1984 – 2013: past 29 years [all years for which data is available]**

Total votes taken on judicial applicants:	1,136
• Number that were unanimous :	704/1,136 (62%)
• Number that were unanimous or “unanimous except for 1” votes:	920/1,136 (81%)
• Number in which the Chief Justice voted, usually because of a 3-3 tie:	68/1,136 (6%)
▪ Number of those in which CJ voted to send the name to the Governor for consideration:	51/68 (75%)
• Number in which the vote was tied, with the attorneys and non-attorneys split:	15/1,136 (1.3%)
▪ Number of those splits in which CJ voted to send the name to the Governor for consideration:	7/15 (46%)
▪ Number of those splits in which the CJ voted with the attorneys, not with the public members:	10/15 (66% of splits); 10/1,136 (.8% of total)
▪ Number of those splits in which the CJ voted with the public members, not with the attorneys:	5/15 (25%)
▪ Number of those split votes in which the CJ voted with the attorneys, such that the name was sent to the Governor for consideration:	2/10 (20%)
• Number in which the vote was tied, with attorneys and non-attorneys split, and the CJ’s vote was with the attorneys not to send the name to the Governor for consideration:	8/1,136 (.7% of total)

### 2010 – 2013: past four years [subset of above 29-year stats]

Total votes taken on judicial applicants:	201
• Number that were unanimous:	110/201(55%)
• Number that were unanimous or “unanimous except for 1” votes:	151/201 (75%)
• Number in which the Chief Justice voted, usually because of a 3-3 tie:	9/201 (4.5%)
▪ Number of those in which CJ voted to send the name to the Governor for consideration:	4/9 (44%)
• Number in which the vote was tied, with the attorneys and non-attorneys split:	7/201 (3.5%)
▪ Number of those splits in which CJ voted to send the name to the Governor for consideration:	2/7 (28.5%)
▪ Number of those splits in which the CJ voted with the attorneys, not with the public members:	6/7 (86% of splits); 6/201 (3% of total)
▪ Number of those splits in which the CJ voted with the public members, not with the attorneys:	1/7 (14%)
▪ Number of those split votes in which the CJ voted with the attorneys, such that the name was sent to the Governor for consideration:	1/7 (14%)
• Number in which the vote was tied, with attorneys and non-attorneys split, and the CJ’s vote was with the attorneys not to send the name to the Governor :	5/201 (2.4% of total)

### 2006 – 2009: previous four years [subset of above 29-year stats]

Total votes taken on judicial applicants:	225
• Number in which the Chief Justice voted, usually because of a 3-3 tie:	7/225 (3%)
▪ Number of those in which CJ voted to send the name to the Governor for consideration:	7/7 (100%)
• Number in which the vote was tied, with the attorneys and non-attorneys split:	2/201 (1%)
▪ Number of those splits in which CJ voted to send the name to the Governor for consideration:	1/2 (50%)
▪ Number of those splits in which the CJ voted with the attorneys, not with the public members:	1/2 (50% of splits); 1/201 (1% of total)
▪ Number of those splits in which the CJ voted with the public members, not with the attorneys:	1/2 (50%)
▪ Number of those split votes in which the CJ voted with the attorneys, such that the name was sent to the Governor for consideration:	1/2 (50%)
• Number in which the vote was tied, with attorneys and non-attorneys split, and the CJ’s vote was with the attorneys not to send the name to the Governor:	0/225 (0% of total)

**Alaska Judicial Council**  
Voting Information  
For the Senate Judiciary Committee  
Feb. 20, 2014

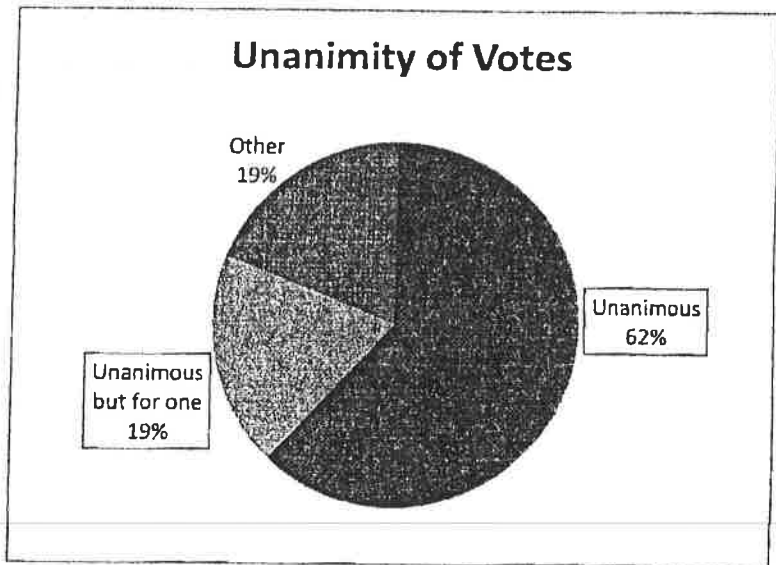
The Council members voted on **1,136 applications** between January 1, 1984 and December 31, 2013. This fact sheet shows how some of those votes were taken.

- **Council members have a high rate of agreement about nomination decisions**

Historically, most Council votes have been unanimous (62%).

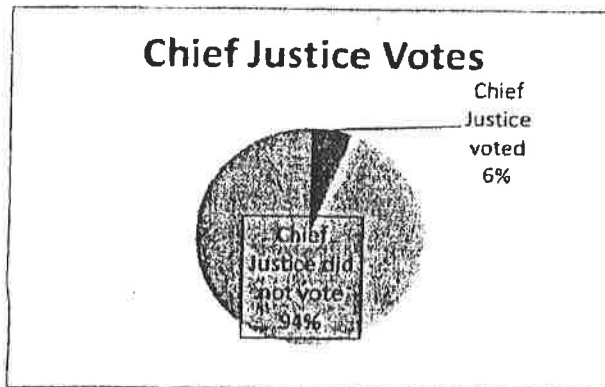
In an additional 19% of all votes, only one person voted differently from the others.

Thus, in 81% of the votes, Council members have been unanimous or nearly so in their assessment of whether an applicant's name should be forwarded to the governor.



- **Attorney/nonattorney vote splits are rare**

Our records show only 15 times (out of 1,136) votes in which disagreements about nomination decisions broke along attorney-nonattorney lines. This situation occurred in less than 2% of all votes.

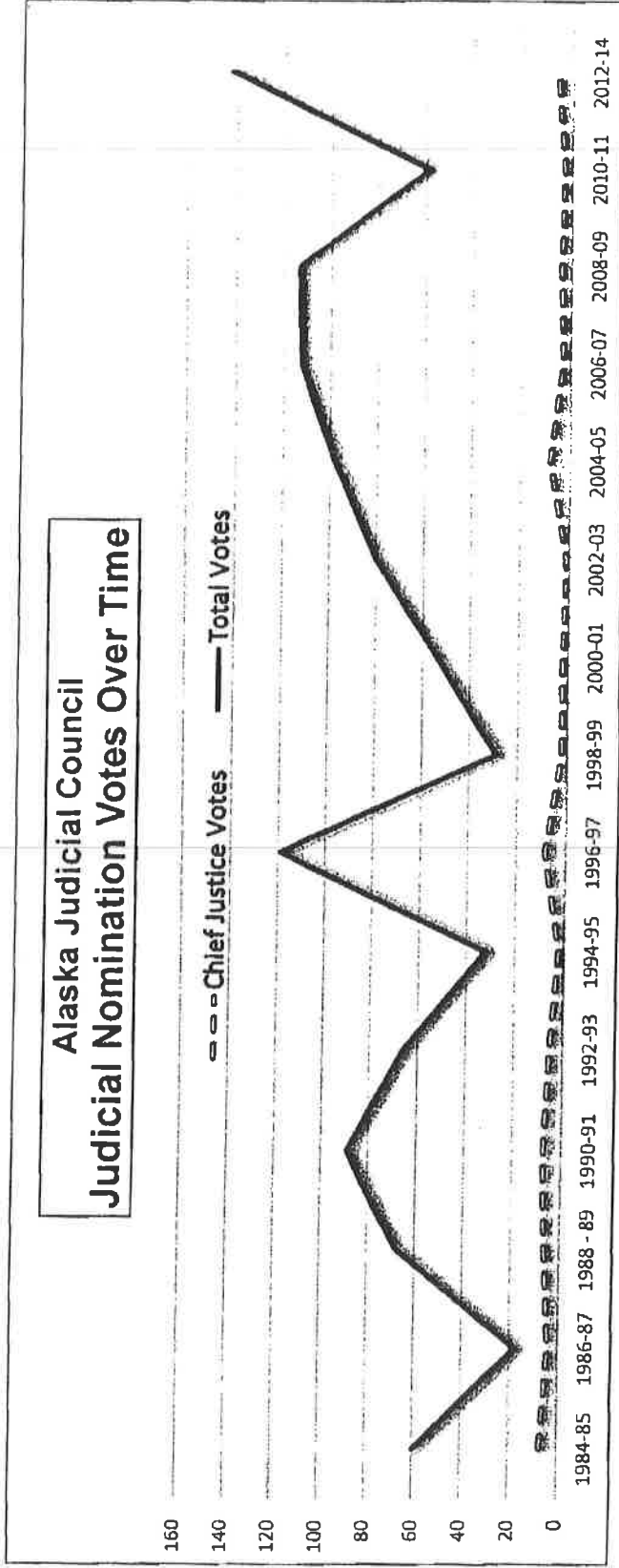


- **The Chief Justice rarely votes**

The Chief Justice votes only when to do so would change the outcome. Over the past 29 years, chief justices have voted only 68 times. Thus, 94% of the time, the chief justice does not vote.

**For Senate Judiciary Committee  
SJR21**

**February 20, 2014**



The top line is the number of votes taken by the Council.

The bottom, dashed line is the number of votes taken by the Chief Justice.

The chart shows that the frequency of the Chief Justice voting has remained relatively steady over time, even though the total number of votes take by the Council has fluctuated a lot over time.

Notes

Total Votes During This Period:

1,136

Total Number of Votes by Chief Justice:

68 (6% of all votes)

## Alaska Judicial Council Constitutional Duties

### **Alaska Const. Article IV, Section 8. Judicial Council**

The judicial council shall consist of seven members. Three attorney members shall be appointed for six-year terms by the governing body of the organized state bar. Three non-attorney members shall be appointed for six-year terms by the governor subject to confirmation by a majority of the members of the legislature in joint session. Vacancies shall be filled for the unexpired term in like manner. Appointments shall be made with due consideration to area representation and without regard to political affiliation. The chief justice of the supreme court shall be ex-officio the seventh member and chairman of the judicial council. No member of the judicial council, except the chief justice, may hold any other office or position of profit under the United States or the State. The judicial council shall act by concurrence of four or more members and according to rules which it adopts.

### **Alaska Const. Article IV, Section 5. Nomination and Appointment**

The governor shall fill any vacancy in an office of supreme court justice or superior court judge by appointing one of two or more persons nominated by the judicial council.

### **Excerpts from Constitutional Convention discussion of Article IV:**

“What we are trying to prevent are some of the travesties which have existed in some of the states where our judges are picked and plucked directly from the ward political office.”

“The whole theory of the Missouri Plan is that in substance, a select and professional group, licensed by the state, can best determine the qualifications of their brothers.”

“The intent of the Missouri Plan was in substance to give a predominance of the vote to professional men who knew the foibles, the defects and the qualifications of their brothers. It is unquestionably true that in every trade and every profession the men who know their brother careerists the best are the men engaged in the same type of occupation.”

“The theory on the lay members on the confirmation, they represent the public and they represent the predominant political thought. The theory on the lawyer members of the council, they represent the profession,.... they represent a desire to have the best judges on the benches.”

- Delegate McLaughlin

### **Alaska Const. Article IV, Section 9. Additional Duties**

The judicial council shall conduct studies for improvement of the administration of justice, and make reports and recommendations to the supreme court and to the legislature at intervals of not more than two years. The judicial council shall perform other duties assigned by law.