

ALASKA STATE LEGISLATURE
SENATE JUDICIARY COMMITTEE

January 24, 2001
1:36 p.m.

MEMBERS PRESENT

Senator Robin Taylor, Chair
Senator Dave Donley, Vice Chair
Senator John Cowdery
Senator Gene Therriault
Senator Johnny Ellis

MEMBERS ABSENT

None

COMMITTEE CALENDAR

Confirmation Hearing - Select Committee on Legislative Ethics

PREVIOUS COMMITTEE ACTION

No previous action.

WITNESS REGISTER

Mr. Thomas P. Owens, Jr.
1500 West 33rd Avenue
Anchorage, Alaska 99503

Mr. Dennis "Skip" Cook
1714 4th Avenue, Suite 200
Fairbanks, Alaska 99701

ACTION NARRATIVE

TAPE 01-2, SIDE A

Number 001

CHAIRMAN ROBIN TAYLOR called the Senate Judiciary Committee meeting to order at 1:36 p.m. Present were Senator Ellis, Senator Therriault, Senator Cowdery and Chairman Taylor.

CHAIRMAN TAYLOR announced the committee would take up confirmation

hearings for the Select Committee on Legislative Ethics. He thanked Mr. Owens for his willingness to serve on the committee and asked him to give his presentation.

MR. THOMAS OWENS said he has been in Alaska since 1967 and is a senior partner with the law firm Owens and Turner in Anchorage. He graduated from the United States Air Force Academy with a degree in engineering, as a rated navigator, and commissioned second lieutenant. He has a jurist doctorate from the Duke University School of Law and a master's degree in clinical psychology from Alaska Pacific University. He is certified in neurolinguistic programming and is also a certified individual and organizational coach.

MR. OWENS has been practicing law, psychology, and consulting in Anchorage. He has submitted a list of Owens and Turner's representative clients to the committee. Mr. Owens specializes in litigation and persuasion, and he represents employers in labor and employment relation matters.

MR. OWENS said he is happy to volunteer his services for the legislative ethics committee. He feels he can do a good job and he looks forward to participating in the committee work, which he considers to be primarily educational. He also looks forward to assisting the legislature in living within the laws it has adopted to regulate it's own conduct. Mr. Owens does not consider his function as a member of the legislative ethics committee to be a watchdog.

Number 268

SENATOR THERRIAULT asked if there was any one client he does a preponderance of work for.

MR. OWENS said his law firm does not have one dominant client; they represent many businesses in and outside of Alaska.

SENATOR THERRIAULT asked for the number of licensed practitioners in his law firm.

MR. OWENS answered that there are currently eight lawyers working for Owens and Turner.

Number 386

CHAIRMAN TAYLOR asked how or if he distinguishes between the words morality and ethics.

MR. OWENS replied he would apply the statute as the legislature has adopted it; he would not substitute his sense of what's morally right or morally wrong for the decisions that have already been made by the legislature.

CHAIRMAN TAYLOR said that attorneys live by a code of ethics that is interpreted and regulated by a panel within the bar association. People who practice law have a unique understanding of the judicial code. Chairman Taylor said that sometimes the layperson thinks that morality is a subject for discussion by the ethics committee. He is troubled by this because a legislator can be highly ethical in the way he/she conducts themselves, and at the same time be an alcoholic. There are certain people in the public who would find this personal conduct offensive to their moral code. Chairman Taylor asked if Mr. Owens felt there was a distinction here.

Number 707

MR. OWENS said he feels there is a distinction. When interpreting and enforcing the code of ethics, it is important to deal with ethical behavior, without superimposing a person's own moral code. The ethics committee seeks to interpret and assist in self-regulation and enforcement.

Number 831

SENATOR DONLEY said the Alaska Public Offices Commission (APOC) sometimes extrapolates its own view of the statutes and does not always confine itself to the parameters of the statutes. APOC has not always attempted to find legislative intent, it has imported its own thoughts into what the statutes should mean, rather than what they say. He asked Mr. Owens about his personal philosophy in dealing with this.

MR. OWENS said he is impressed with the way the past ethics committee has gone about setting up the committee process in giving informal advice and answering questions. This process has enabled the committee to develop a body of advice law, which is of benefit to everyone. As far as his role, the first thing he will look to is the statute - what the legislature has announced as its own rules to govern its own conduct.

Number 1014

SENATOR THERRIAULT asked how Mr. Owens' name was advanced.

MR. OWENS replied he was called by Chief Justice Dana Fabe who asked him to serve on the ethics committee. He considered the

request and informed her he would be honored to serve. She then wrote a letter nominating him.

CHAIRMAN TAYLOR thanked him for offering to serve on the panel, having someone with his background and experience is a real plus for everyone.

MR. OWENS said he would like to make one comment for the record - he would like his name to read Thomas P. Owens, Jr.

SENATOR COWDERY asked that the letter approving Mr. Thomas P. Owens, Jr. to the Select Committee on Ethics be sent to the full Legislature for consideration.

CHAIRMAN TAYLOR announced Mr. Dennis E. "Skip" Cook as the next person for consideration. Chairman Taylor asked him to give his presentation to the committee.

Number 1191

MR. DENNIS E. "SKIP" COOK said he has been serving on the legislative ethics committee for the last two years. He was initially contacted by Chief Justice Skip Matthews and this year he was contacted by Chief Justice Dana Fabe. He is willing to continue serving on the committee because there has been a high turnover in personnel this year, and he feels that continuity and a smooth transition are important for the committee. For the second year, he will be chairman of the overall ethics committee.

MR. COOK said he was born and raised in Fairbanks and has only lived away to attend school. He went to MIT undergraduate school and received a degree in economics, politics, and engineering. He has a master's degree in political science and he also has a law degree. He ran the first organizational election for the North Star Borough and he managed the centennial exposition in Fairbanks. Mr. Cook worked for Governor Egan as head of the Local Affairs Agency, which was the predecessor of the Department of Community and Regional Affairs.

MR. COOK said he has been with Cook, Schuhmann & Groseclose for 31 years. The firm has ten lawyers, five partners, and five associates.

MR. COOK said he has enjoyed his service on the committee and is happy to continue as a member. As a group, the committee tries to make certain that people know what the ethical expectations are, and because of this, complaints have been few.

MR. COOK commented that the committee is there to make certain that the ethic disclosures that are required to be made are made. They review the disclosures and if there is a complaint, the committee will then take action. The committee is not out in the forefront campaigning for anyone's perceived set of morals.

CHAIRMAN TAYLOR thanked him on behalf of the committee for his years of service and for staying on to provide continuity.

SENATOR THERRIAULT disclosed that his wife is one of the five partners at Cook, Schuhmann and Groseclose and that Mr. Cook is a personal friend of his.

SENATOR COWDERY asked that the letter approving Mr. Dennis E. "Skip" Cook to the Select Committee on Legislative Ethics be sent to the full legislature for approval.

CHAIRMAN TAYLOR announced that there is no scheduled date to hear SB 37 yet. There being no further business to come before the committee, the meeting was adjourned at 2:04 p.m.