

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

March 5, 2003

1:05 p.m.

MEMBERS PRESENT

Senator Ralph Seekins, Chair
Senator Scott Ogan, Vice Chair
Senator Gene Therriault
Senator Johnny Ellis
Senator Hollis French

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

Confirmation Hearings:

Select Committee on Legislative Ethics - Dennis "Skip" Cook,
Herman G. Walker, Jr.;

Judicial Council - Bill Gordon;

Violent Crimes Compensation Board - Gerad G. Godfrey

CONFIRMATIONS ADVANCED

PREVIOUS ACTION

Select Committee on Legislative Ethics - see Joint House and
Senate Judiciary minutes dated 2/24/03.

Alaska Judicial Council - No previous action to record.

Violent Crimes Compensation Board - No previous action to
record.

WITNESS REGISTER

Mr. Dennis "Skip" Cook
P.O. Box 101468
Anchorage, AK 99510-1468

Mr. Herman G. Walker

P.O. Box 101468
Anchorage, AK 99510-1468

Mr. Bill Gordon
3205 Riverview Drive
Fairbanks, AK 99709

Mr. Gerad G. Godfrey
P.O. Box 1254
Valdez, AK 99686

ACTION NARRATIVE

TAPE 03-06, SIDE A

CONFIRMATION HEARINGS

CHAIR RALPH SEEKINS called the Senate Judiciary Standing Committee meeting to order at 1:05 p.m. Present were Senators Ogan, Ellis, French and Chair Seekins. Senator Therriault joined the committee at 1:30 p.m. Confirmation hearings for the Select Committee on Legislative Ethics, the Alaska Judicial Council and the Violent Crimes Compensation Board were before the committee.

CHAIR SEEKINS explained the meeting was originally scheduled as a joint meeting of the House and Senate Judiciary Committees for the consideration of the appointments of Mr. Dennis "Skip" Cook and Mr. Herman G. Walker, Jr. to the Select Committee on Legislative Ethics. Chair Seekins said the committee has not yet had the opportunity to hear the third nominee. He asked if there were any questions or comments about the previous testimony from Mr. Walker or Mr. Cook. He asked if there was a motion.

SENATOR ELLIS said, before a motion, he wanted to know the plan for Ms. McCoy.

CHAIR SEEKINS replied, "We're going to hear from her, we just haven't got her scheduled back in yet."

SENATOR ELLIS asked if she was just not available today.

CHAIR SEEKINS said he did not know if she was available or not, but the committee already had other people on line. He said that Ms. McCoy would be scheduled soon. He did not anticipate any

problem since she lived in Juneau and is seated on the committee.

SENATOR OGAN moved that the Senate Judiciary Committee forward Herman T. Walker, Jr.'s name on to the full Senate for consideration of confirmation to the Select Committee on Legislative Ethics.

There being no objection, Chair Seekins announced that Mr. Walker's name would be advanced to the full body for a vote.

SENATOR OGAN moved that the Senate Judiciary Committee forward Dennis "Skip" Cook's name on to the full Senate for consideration of confirmation to the Select Committee on Legislative Ethics.

There being no objection, Chair Seekins announced that Mr. Cook's name would be advanced to the full body for a vote.

CHAIR SEEKINS reminded members that the motions do not reflect the intent of members to vote for or against the confirmations at any further sessions.

CHAIR SEEKINS explained, for the benefit of Mr. Bill Gordon and Mr. Gerad G. Godfrey who were participating via teleconference, that the House of Representatives went back into session and what was originally intended to be a joint session is now a meeting of the Senate Judiciary Committee. He asked them to be available during the afternoon because the House Judiciary Committee was going to try to meet to address their confirmations. The Senate Judiciary Committee planned to move forward with consideration of their confirmations. He offered his and Chair McGuire's apologies.

CHAIR SEEKINS invited Mr. Gordon to testify as to why he would like to serve on the Alaska Judicial Council and to discuss his qualifications to serve.

MR. BILL GORDON gave the following testimony.

As you and others know I'm a lifelong Alaskan. I've been committed to serve both local and state governments through all my career. I think you have my resume before you.... I have been interested in the Judicial Council in particular ever since my service on Governor Jay Hammond's staff when one of my duties was the screening and vetting of potential

judicial appointments. [I] recognized clearly at that point that most of the important work was done, as intended by the constitutional framers, at the Judicial Council level to send to the governor the most qualified applicants to help him do that process. And recognizing that I think that Governor Murkowski and I, because of my previous service, felt that I could be helpful in this process and I'm glad to accept that responsibility.

All my life my service has been in the area of executive decision-making and this is certainly one. The constitutional framers made it very clear what they wanted in this process. They eliminated any partisan opportunities there by not submitting judges to elections and also by removing partisanship the basis of the governor's appointment also.

It would be a great honor to serve in this position. I would take it very seriously and would give it my utmost attention to make sure that I attend all meetings and am available for whatever council for those who seek these very important positions.

SENATOR FRENCH asked if his background was not in the legal profession.

MR. GORDON said that is true.

SENATOR FRENCH asked if he would be serving as a public member of the Judicial Council.

MR. GORDON answered yes.

SENATOR FRENCH noted Mr. Gordon is familiar with how the system works. Applicants submit their names for judicial vacancies. The first step is an Alaska Bar Association poll, a local law enforcement officers' poll and a court judicial officers' poll. The results of the three polls are used to create a ranking of candidates before they come before the Judicial Council for interviews.

MR. GORDON said that was correct.

SENATOR FRENCH noted that recently the person who achieved the highest score on the Alaska Bar Association poll did not have

her name advanced to the Governor after her interview with the Judicial Council. He asked Mr. Gordon his thoughts about that.

MR. GORDON said he had some questions also. He explained the Judicial Council at the Constitutional Convention was very clear about the definition of "most qualified" versus "qualified." Governor Hammond was frustrated when the Judicial Council for whatever reason overlooked people that he thought were very qualified. How a candidate moves from the "very qualified" to the "most qualified" level has been a source of some contention over the years. Some very subjective decisions are being made involving judicial temperament, honesty, integrity and whether the candidates have a judicial philosophy that is consistent with the members of the Judicial Council. He thought that "very qualified" people are often passed over for the "most qualified." He said it is certainly something he would be sensitive to in his position but to ascertain the individual that is "most qualified" versus "very qualified" is going to be difficult.

SENATOR FRENCH commented that it is a tough call. He stated:

I have flirted with the idea of trying to create sort of a by - if you will, whereby the top vote getter just gets his or her name submitted automatically to the governor given the prestige and the... claim, if you will, being the top vote getter represents. I'm not sure that's the right way to go, but I guess I'd like to see the Judicial Council passing more names on to the governor, not less, and making sure that people do get....

MR. GORDON interjected that his bias is that the governor should have more prerogative. However, in reading the constitutional convention minutes, the people that discussed this long and hard concluded that they should limit the governor's prerogative by sending only the "most qualified" applicants. Over the years that has been limited to two people, sometimes three, and on a very rare occasion four names have been sent to the governor. Seven, eight or nine people may be qualified to be judges, but the Judicial Council members have to decide, under the intent of the framers of the Constitution, whether they are the most qualified.

SENATOR FRENCH said no one wants to tamper with that. He said it sounds like he and Mr. Gordon were more or less agreeing. Some of the more sought after judgeships, particularly the urban

judgeships, attract a highly qualified pool of applicants. Some of the less desirable judgeships do not get such a strong field. He said it strikes him as unfair to penalize those people who are "most qualified" just because they happen to be applying with a bunch of other "most qualified" individuals at the same time.

MR. GORDON said that is very true. What they really need to do is urge some of those people who are so qualified in the urban areas to be willing to serve in the rural areas, but that is a personal decision.

1:15 p.m.

CHAIR SEEKINS thanked Mr. Gordon for appearing before the committee. He agreed with Senator French that this appointment is very significant because it is important to have the brightest and the best serve in the judicial branch and it is important to the people of the State of Alaska that highly qualified people are placed into the judgeships.

SENATOR OGAN moved that the Senate Judiciary Committee forward Bill Gordon's name on to the full Senate for consideration of confirmation for Alaska Judicial Council.

There being no objection, Chair Seekins announced that Bill Gordon's name would be advanced to the full body for a vote.

CHAIR SEEKINS introduced the Senate Judiciary Committee to Mr. Gerad Godfrey. He asked Mr. Godfrey why he wanted to be on the Violent Crimes Compensation Board and his qualifications for the position.

MR. GERAD G. GODFREY explained his father and mother were victims of a violent crime the previous fall and his mother's survival was jeopardized when assistance, medical aid and transportation was delayed. He told members, "It brings a perspective to the position that a victim of a violent crime is in." He explained it is a perspective that one probably can't fully appreciate unless they or a family member or a loved one has been a victim of an egregious and needless act of violence.

MR. GODFREY said that now he has that perspective he would like to use his experience to improve the situation for others in the same situation. He explained:

If you have the time and the commitment, which I believe I do, I have both, it's almost a duty, a sense of duty you feel to help others and lend out the empathy and new perspective you have and try to put that to some constructive use.

MR. GODFREY said he was pleased to report that his mother is recovering nicely. Also, the Mayor of Anchorage appointed him to an oversight task force to explore, investigate and propose remedies to the 911 system. With each task force meeting it becomes less likely that anyone else will have to wait 49 minutes for an ambulance to arrive as his mother did.

MR. GODFREY concluded by saying he would be vigilant in attending meetings and lending his opinion to the benefit of the board and to those that come to the board.

CHAIR SEEKINS extended the committee's sympathies to Mr. Godfrey, his mother and family for the loss of his father.

SENATOR ELLIS informed Mr. Godfrey he knew his father and was sorry for his loss. He said he fully supported his appointment and confirmation.

SENATOR ELLIS said several legislators worked with Senator Halford to create the new state Office of Victims' Rights (OVR). He asked if Mr. Godfrey had any comments or insight about how the office might operate.

MR. GODFREY said he appreciated those that helped with the legislation that created the state Office of Victims' Rights. He said he was the spokesperson for his family and the liaison for his mother to the office. He had come to know Ms. Tamara de Lucia (Associate Victims' Rights Advocate) and Stephen Branchflower (Director). He stated:

I will say that that office has been an extraordinary resource without which we would not have probably made much if any forward progress in getting the D.911 system in Anchorage to address some of their shortfalls.

He said a number of the shortcomings of the 911 system were evaluated and addressed but not as extensively as he would like. OVR provided his family with insight into recourse and brought to light many things they would never have been able to find out on their own. OVR was able to access documents, subpoenas and

depositions that a private individual does not easily have access to. He said seeing that the problems of the 911 system were being addressed aided his mother's recovery. He said that was OVR's first assignment and the agency is a fantastic creation. He hopes the office would continue to be funded.

SENATOR ELLIS thanked Mr. Godfrey and appreciated his report because there was some controversy associated with creating the office and criticism that the legislature was spending more money and creating more government. A number of legislators thought the Office of Victims' Rights was worth the cost. He was glad to hear the positive report from the Godfrey family.

CHAIR SEEKINS appreciated Mr. Godfrey's willingness to serve the people of the State of Alaska in this important position. He announced Senator Therriault's arrival.

SENATOR OGAN moved that the Senate Judiciary Committee forward Gerad G. Godfrey's name to the full Senate for consideration of confirmation to the Violent Crimes Compensation Board.

There being no objection, Chair Seekins announced that Gerad G. Godfrey's name would be advanced to the full body for a vote.

CHAIR SEEKINS informed Mr. Godfrey the House Judiciary Committee would meet in the afternoon and would contact him.

There being no further business to come before the committee, Chair Seekins adjourned the meeting at 1:32 p.m.