

**ALASKA STATE LEGISLATURE  
SENATE JUDICIARY STANDING COMMITTEE**

March 23, 2011

1:37 p.m.

**MEMBERS PRESENT**

Senator Hollis French, Chair  
Senator Bill Wielechowski, Vice Chair  
Senator Joe Paskvan  
Senator Lesil McGuire  
Senator John Coghill

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

CONFIRMATION HEARINGS

Alaska Police Standards Council  
Mark Mew  
Richard Burton

CONFIRMATIONS ADVANCED

Violent Crimes Compensation Board  
Nora Barlow

CONFIRMATION ADVANCED

Alaska Commission on Judicial Conduct  
Amy Demboski

CONFIRMATION ADVANCED

Alaska Judicial Council  
Donald J. Haase

HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

No previous action to record.

**WITNESS REGISTER**

MARK MEW, Appointee  
Alaska Police Standards Council  
Anchorage, AK

**POSITION STATEMENT:** Testified as appointee to the Alaska Police Standards Council.

RICHARD BURTON, Appointee  
Alaska Police Standards Council  
Ketchikan, AK

**POSITION STATEMENT:** Testified as appointee to the Alaska Police Standards Council.

NORA BARLOW, Appointee  
Violent Crimes Compensation Board  
Anchorage, AK

**POSITION STATEMENT:** Testified as appointee to the Violent Crimes Compensation Board.

AMY DEMBOSKI, Appointee  
Alaska Commission on Judicial Conduct  
Chugiak, AK

**POSITION STATEMENT:** Testified as appointee to the Alaska Commission on Judicial Conduct.

DAVID HAEG, representing himself

**POSITION STATEMENT:** Testified on the appointment of Ms. Demboski to the Alaska Commission on Judicial Conduct.

THOMAS STEP NOSKI, representing himself  
Kenai, AK

**POSITION STATEMENT:** Testified on the appointment of Ms. Demboski to the Alaska Commission on Judicial Conduct.

DONALD J. HAASE, Appointee  
Alaska Judicial Council  
Valdez, AK

**POSITION STATEMENT:** Testified as appointee to the Alaska Judicial Council.

LARRY COHN, Executive Director  
Alaska Judicial Council  
Anchorage, AK

**POSITION STATEMENT:** Explained what area representation means and the history of that qualification for the public members of the Alaska Judicial Council.

TERRY MILLER, representing herself and as managing editor

Ketchikan Daily News  
Ketchikan, AK

**POSITION STATEMENT:** Testified in support of maintaining area representation when appointing members to the Alaska Judicial Council.

#### **ACTION NARRATIVE**

[1:37:50 PM](#)

**CHAIR HOLLIS FRENCH** called the Senate Judiciary Standing Committee meeting to order at 1:37 p.m. Present at the call to order were Senators Wielechowski, Paskvan, and French.

#### **CONFIRMATION HEARINGS**

[1:38:11 PM](#)

**CHAIR FRENCH** announced that the business before the committee would be board confirmation hearings.

#### **Alaska Police Standards Council**

[1:38:20 PM](#)

**CHAIR FRENCH** asked Mr. Mew to tell the committee about his interest in serving on the Police Standards Council.

[1:39:15 PM](#)

**MARK MEW**, Appointee, Alaska Police Standards Council (APSC), said he's the chief at the Anchorage Police Department (APD) and has been in that position for about 14 months. This will be his second term and he believes that part of why he was asked to step forward was to provide representation from a larger city. The council reviews certification and decertification issues and Anchorage can help other departments set common goals and standards for police conduct. We generate a lot of that business and the council would like our input, he stated.

**CHAIR FRENCH** pointed out that there are 13 members on the Alaska Police Standards Council. Eleven members are appointed by the governor and stand for confirmation. The commissioners of public safety and corrections are the other two members and they are confirmed in separate proceedings. He asked Mr. Mew if it's correct that he's been serving for about a year, but hasn't gone through the confirmation process.

**CHIEF MEW** said that's correct and he isn't sure how that came about. He's attended a couple of council telephonic sessions, but this is his first confirmation hearing.

CHAIR FRENCH asked him to compare the disciplinary processes when he is acting as police chief and as a member of the APSC.

[1:43:14 PM](#)

SENATOR COGHILL joined the hearing.

CHIEF MEW explained that the typical scenario when APD has a disciplinary matter is that they've decided to terminate an officer for some misconduct. They fill out paperwork and notify APSC that the person is no longer employed as an officer and they check a box if they believe that the conduct warranted decertification. After receiving the paperwork, APSC conducts a preliminary investigation to see if they agree with the recommendation and the former employee has the option to voluntarily relinquish their certificate or ask to have the case heard. He said that the department would submit documents supporting its action and at that point he would recuse himself from a vote if it were his former employee.

He stated that regardless of whether he's on the council or not, his job as chief is to provide the APSC any information it wants in order to make its evaluation. As a member of the APSC he would look at decertification requests from other departments. If the APSC decides that decertification isn't warranted, the officer is free to move to a different department and maintain his or her certification. A certification becomes inactive after a year or so if the person doesn't work in law enforcement

[1:45:36 PM](#)

SENATOR WIELECHOWSKI asked him to discuss the Rollins case and what was done at APD in terms of changing protocol in order to discourage that type of activity.

CHIEF MEW said the Rollins affair is a tragedy for both the community and the APD. The APD has moved to decertify Mr. Rollins and it's a pending case that will probably be dealt with at the May meeting. He said that while he was employed at the school district he read about the case in the papers and since he returned to the APD he's learned more of the history on how it came about. He noted that the case goes back to shortly after he left the department in 2003. The APD has publicly acknowledged that there was conduct early-on that was incorrect, but the relationships were consensual. He was disciplined but there wasn't enough for a criminal case. The second round of his conduct, however, was criminal and in that case six victims were identified and he's been convicted on five.

As a result of that case the APD has improved the sergeant to officer ratio so there will be better and more consistent supervision. They've also made changes in how they supervise overtime detail because the cases that generated Mr. Rollins' criminal convictions were done on that shift. That loop has been closed and overtime details are more closely supervised. The APD has also introduced internal affairs software to track conduct and allegations at a threshold level regardless of whether an officer moves from department to department or stays in one location. It's an early warning system. They are also looking at options to install additional cameras at substations.

[1:51:41 PM](#)

CHAIR FRENCH pointed out that Chief Mew has over 20 years of service with the APD, he attended the FBI academy, and has a bachelors' degree in anthropology. He seems highly qualified to serve on the APSC.

[1:52:00 PM](#)

SENATOR WIELECHOWSKI moved to forward the name Mark Mew to the full Legislature sitting in joint session for a vote. There being no objection, it was so ordered.

CHAIR FRENCH asked Mr. Burton to tell the committee about his interest in continuing to serve on the Alaska Police Standards Council.

[1:53:03 PM](#)

RICHARD BURTON, Appointee, Alaska Police Standards Council (APSC), said he is a retired commissioner and is interested in serving to improve training, supervision, and management. He's been involved with this since before there was a council. When he was initially hired he received no training and he realized that this could be problematic. New hires were fingerprinted and their prints were sent to the FBI, but the department wouldn't hear back for about six months. This bothered him so he and others developed training and background checks in 1971. He's worked at both the state and federal level and has seen how law enforcement works in other areas. His interest is that one size doesn't fit all and there is always need for additional training. Discipline and misconduct is important but it usually comes from lack of background checks and training.

[1:59:25 PM](#)

CHAIR FRENCH said he doesn't know of anyone who has a broader and more remarkable resume in public safety. Mr. Burton joined

the Alaska State Troopers in 1959, served twice as the commissioner of the Department of Public Safety, was the chief of police for the City and Borough of Juneau, visited Russia in conjunction with public safety, and was a guest of the Turkish government at an international meeting of 31 countries to discuss international extraditions. He thanked Mr. Burton for continuing to serve.

[2:00:31 PM](#)

SENATOR COGHILL said the Legislature has tried to get tough on crime in some areas and increasing penalties to a felony seem to be the preferred tool. He asked if that's a discretionary problem from the APSC perspective.

MR. BURTON said it is a discretionary problem, but it also depends on the Department of Law (DOL) that has to prosecute cases. He'd like to give village courts certain jurisdiction and let people have some say over the conduct in their community. Things would run more smoothly and be more financially efficient.

SENATOR COGHILL said he likes the idea of community accountability and he'll give that serious thought.

MR. BURTON offered to follow up on the conversation.

SENATOR COGHILL said he'd appreciate that.

[2:03:49 PM](#)

CHAIR FRENCH found no further questions and solicited a motion.

SENATOR WIELECHOWSKI moved to forward the name Richard Burton to the full Legislature sitting in joint session for a vote. There being no objection, it was so ordered.

### **Violent Crimes Compensation Board**

[2:04:50 PM](#)

CHAIR FRENCH asked Ms. Barlow to tell the committee about her interest in serving on the Violent Crimes Compensation Board (VCCB).

NORA BARLOW, Appointee, Violent Crimes Compensation Board, said she is an attorney with DeLisio Moran Geraghty & Zobel and has been serving on the Violent Crimes Compensation Board for one year. She took over the position designated for an attorney when Leroy Barker retired, and didn't know what she was getting into

but she has enjoyed the service. She would like to continue working with the board. The work is important and fits well with her background as a lawyer and her desire to serve the community.

2:06:12 PM

CHAIR FRENCH disclosed that Ms. Barlow is his neighbor. He pointed out that she was formerly an assistant attorney general and since has been in private practice. He asked how often the board has met.

MS. BARLOW answered they've met once every three months. There is a meeting coming up this Sunday and they have 100 claims to consider. The board also comes to Juneau once a year to meet with legislators. The time commitment is not overly burdensome considering the service that's provided.

CHAIR FRENCH asked how long a typical meeting would last.

MR. MARLOW answered about eight hours. She added that the VCCB makes emergency awards up to \$5,000. They can handle 20 to 30 claims during the period between meetings.

CHAIR FRENCH pointed out that the board has three members; including one physician and one attorney.

2:08:44 PM

SENATOR COGHILL said he's always interested in hearing about the legal barriers for crime victims and he's open to discussion if she sees anything.

MR. BARLOW said one discussion is if VCCB can be involved with the SANE/SART exams, which are the exams that occur after there has been an allegation of sexual assault or sexual abuse. It's not simple to get authority to get involved in different things, but there is interest in the issue. She isn't sure if a comprehensive proposal has been made, but that would be helpful. She's more interested in the implementation. She provided an example of a divorce that had associated domestic violence and the victim didn't know about the VCCB even though she was involved with the criminal justice system. There might not be a legal fix, but getting information out about what VCCB can do for victims is the biggest hurdle at this point. It is hard to distribute the information and get it to the right people.

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SENATOR COGHILL said he would keep that in mind.

CHAIR FRENCH found no further questions and solicited a motion.

[2:13:14 PM](#)

SENATOR WIELECHOWSKI moved to forward the name Nora G. Barlow to the full Legislature sitting in joint session for a vote. There being no objection, it was so ordered.

### Alaska Commission on Judicial Conduct

[2:13:36 PM](#)

CHAIR FRENCH asked Ms. Demboski to tell the committee about her interest in serving on the Alaska Commission on Judicial Conduct.

AMY DEMBOSKI, Appointee, Alaska Commission on Judicial Conduct, said she's been involved in public service for 20 years and recently decided she would like to serve on a board or commission.

CHAIR FRENCH asked if she had attended any commission meetings.

MS. DEMBOSKI answered she attended the public portion of the meeting on February 28, the day before her term started.

CHAIR FRENCH noted that the Alaska Commission on Judicial Conduct is made up of nine members, six appointed by the governor, including three public members who are not judges, three attorneys who have practiced law in Alaska for ten years, and three justices and judges elected by the judges of state courts.

[2:15:58 PM](#)

SENATOR WIELECHOWSKI asked what piqued her interest in this commission.

MS. DEMBOSKI said she received a degree in criminal justice and history several years ago. For many years she thought she wanted to go into law enforcement. Now she feels she could serve the public in a different capacity. She finds the subject interesting and feels she could benefit the community.

SENATOR PASKVAN said the emphasis in her resume seemed to be in the dental field. He asked what she would focus on accomplishing.

MS. DEMBOSKI said she is in dental office management and is a problem solver. She imagines the issues will be the same; gather facts and make a fair assessment. In this case the statutes are guiding. She believes that she brings common sense and problem solving skills to the commission. She views the position as being an advocate for the state, and for the people of Alaska.

SENATOR WIELECHOWSKI asked if there are instances that she's seen of judicial conduct that should have been punished, or that was punished that should not have been.

MS. DEMBOSKI replied she is unbiased because she doesn't know any judges, has no axe to grind, and is not a cynic. Generally she believes the judges are good people who are trying to do the best they can. People do sometimes act inappropriately or illegally, and if they do they should be held accountable.

[2:20:09 PM](#)

CHAIR FRENCH asked if she had had any contact with the judicial system.

MS. DEMBOSKI answered the most contact is that she observed some trials, as a class assignment.

[2:20:57 PM](#)

DAVID HAEG, representing himself, read a letter, as follows:

My name is David Haeg and I represent myself and my family.

I thank the Senate Judiciary Committee for the opportunity to speak today.

Ms. Demboski has stated that she applied to be a member of the Commission on Judicial Conduct because she is a public-minded individual with an interest in the law and, as such, wants to ensure fair and equitable treatment for all parties involved in court cases.

Given this assurance on her part, I would hope that if evidence of malfeasance on the part of a judge, the commission and/or its sole investigator came to light that she would follow up on this evidence and see that the matter is fully vetted and not swept under the carpet, especially if the information was forwarded to

the Commission by a Superior Court Judge and also provided to the Ombudsman.

I look forward to hearing her thoughts on this issue and trust that if confirmed she will not fall prey to the "good ol'boy mentality" of cronyism in the face of judicial corruption and investigatory negligence.

Again, thank you to the Chair and the Committee members for taking my comments.

[2:22:24 PM](#)

THOMAS STEP NOSKI, representing himself, Kenai, said he met Ms. Demboski at the last AJCC hearing and he was impressed with her testimony before the House. He asked her to always use common sense.

[2:23:46 PM](#)

CHAIR FRENCH closed public testimony.

SENATOR WIELECHOWSKI moved to forward the name Amy Demboski to the full body for consideration.

CHAIR FRENCH announced that without objection Ms. Demboski's name would be forwarded to a joint meeting of the House and Senate for confirmation.

### Alaska Judicial Council

[2:24:17 PM](#)

CHAIR FRENCH asked Mr. Haase to state his name and affiliation, if any, and his interest in serving on the Alaska Judicial Council.

[2:24:46 PM](#)

DONALD J. HAASE, Appointee, Alaska Judicial Council, Valdez stated that he first visited Alaska in 1972 and never left. He has worked for various contractors at the Valdez marine terminal since 1995; currently he is working as an electrical designer to upgrade the pipeline's fire protection system. His experience with the court is limited to two separate adoptions, one-time service as a juror, and one mandatory appearance for a speeding ticket. His interest in the position stems from his political science degree that included several prelaw classes, which gave him a firm grasp of how the system is designed to work and why it is set up as it is. He related that he has served as a Valdez planning and zoning commissioner since 2004. In this capacity he

has participated in public hearings and discussions. He would take public testimony, weigh arguments from all sides of an issue, and chose the strongest. In addition he brings the experience of having run a political campaign for House District 12 to the table. This provided an opportunity to speak with a large number of people on a diverse variety of topics. He pledged to be an unbiased, thoughtful, and considerate judge if confirmed.

[2:27:40 PM](#)

CHAIR FRENCH pointed out that the Alaska Judicial Council is made up of seven members, each of whom are appointed for a six-year term. The council is comprised of three non-attorney members who are appointed by the Governor with regard to area representation and without regard to political affiliation; three attorneys who are appointed by the Alaska Bar Association; and the Chief Justice who sits ex-officio and as chair. Only the non-attorney members appear before the Legislature for confirmation. He noted that he asked Mr. Cohn from the Judicial Council to be available to answer questions about the area representation issue. This nomination is a concern, he said, because the person who is leaving the council is from Ketchikan and Mr. Haase is from Valdez.

CHAIR FRENCH asked Mr. Haase if he thinks that the Alaska courts skew to the liberal side, the conservative side, or the middle.

MR. HAASE replied they do a fairly good job of representing Alaskans. Very few judges are voted off the court when they're reviewed.

CHAIR FRENCH asked if he's saying that they're politically aligned with the rest of the state.

MR. HAASE answered yes.

SENATOR WIELECHOWSKI asked if he had an opinion on how Alaska appoints its judges and if the process should be changed.

MR. HAASE responded that he's read the Constitutional Convention minutes about the potential for political tampering in the election process and more and more he's come to believe that this is a good way to appoint judges. However, he didn't see any evidence of that in Michigan where he was raised so he wouldn't be opposed to changing the process. He added that while he is committed to working through the current process, he could also support changing to the federal process where the president

appoints whomever he wants and the Senate confirms the appointment.

SENATOR WIELECHOWSKI asked if he would work to change the constitution in this regard if he were to be appointed.

MR. HAASE answered he didn't have that in mind when he applied for the position. Changing the process would require an amendment to the constitution and being on the commission probably wouldn't help at all, he added.

[2:31:21 PM](#)

SENATOR PASKVAN asked him to comment on the fact that his website that identified his core beliefs was recently taken down.

MR. HAASE replied he had a campaign website for the recent primary election and he closed that in order to close out his Alaska Public Offices Commission (APOC) paperwork.

SENATOR PASKVAN asked if part of the purpose was to deny the public or the Legislature access to information about his core beliefs.

MR. HAASE answered no.

SENATOR PASKVAN asked if he had made comments about potentially barring the judiciary from considering certain constitutional challenges.

MR. HAASE asked if that was in a questionnaire he filled out because he didn't recall that reference.

SENATOR PASKVAN responded it's in your status as president of Eagle Forum Alaska.

MR. HAASE asked if he's referring to the Eagle Forum blog.

SENATOR PASKVAN asked if he is president of Eagle Forum Alaska.

MR. HAASE answered no. "I was until I took this position and then I stepped down because I don't see that I have enough time to do both well," he added.

SENATOR PASKVAN asked if in that forum he identified the judiciary as an imperial judiciary.

MR. HAASE replied, "I don't believe I did."

SENATOR PASKVAN asked if he advances that concept, which was set forth in the blog while he was president of Eagle Forum Alaska.

MR. HAASE responded:

I was only president for about two months and I don't believe we updated the blog at all while I was president. Many of the posts to the blog have my name on them because I was the one that was posting comments that came in from the public. The way it went was the president would vet the comments to make sure there [weren't] cuss words or other violent statements and that type, and then she would forward them to me and I posted them just to save her the time of having to do that. So there will be for probably about two years worth, just about every comment on there was posted by me, but you also see in there who actually wrote it would be in the post.

SENATOR PASKVAN asked what role of the judiciary he believes should be limited. He added that there were comments on the Eagle Forum Alaska website that addressed barring the court from considering certain constitutional challenges. For example, he said, dealing with the pledge of allegiance, the Ten Commandments, or the definition of marriage.

MR. HAASE replied he wasn't sure; he didn't write that and doesn't have that before him.

[2:34:42 PM](#)

SENATOR PASKVAN asked if he believes that the posting on that blog is accurate where it calls the judiciary an imperial judiciary.

MR. HAASE replied:

I believe it can be. If it's allowed to be it could be, but in Alaska we have standards set up to where we the people review the judges on a periodic basis depending on which level we're talking about. So in that sense no, because we are able to vote them off the bench so we're still in charge just like we are over our representatives.

SENATOR PASKVAN asked if he recalls the other postings on the blog about felony prosecution of those engaged in extramarital sexual affairs.

MR. HAASE answered no.

SENATOR PASKVAN asked if he believes that there should be felony prosecution of people involved in extramarital affairs.

MR. HAASE replied he doesn't see that that would rise to a felony level.

SENATOR PASKVAN asked if it's a crime.

MR. HAASE answered he doesn't know the law it that regard; it may be a crime but he doesn't recall that anyone's been prosecuted for that.

SENATOR PASKVAN asked if he believes that it should be a crime.

MR. HAASE answered yes; extramarital affairs are harmful. "It's harmful to children and it's harmful to the spouse who entered a legally binding agreement to marry the person that's cheating on them."

SENATOR PASKVAN asked if he believes that premarital affairs should be a crime.

MR. HAASE replied he isn't sure, but it certainly would be up to the voters. He added:

If it came before me as a vote I probably would vote for it, I'm not real certain about that. I can see where it would be a matter for the state to be involved with because of the spread of disease and the likelihood that it would cause violence. I can see legitimate reasons to push that as a crime. But it's not something that I'm strongly convinced about and it's certainly not something I'm going to be able to push through this application. I'm not sure why this is even coming up.

SENATOR PASKVAN asked if he would agree that his core beliefs and attitudes are important since he will have a role in judgeship appointments.

MR. HAASE said yes, but his political views on any controversial issue would be irrelevant for two reasons. First, judges don't make laws and he wouldn't want a judge to take his views and try to make them into law. The second reason that his political views are not too important to this appointment is that it would be a convoluted process for the judicial council to try and change the law. This isn't the place to change the law and it's a slim chance that a judge will make a decision on any of these hot-button issues because they'll be dealing with traffic violations, domestic disputes, petty crimes, and small claims.

[2:39:20 PM](#)

SENATOR PASKVAN asked what he believes the role of the judiciary is with respect to majority rule in general.

MR. HAASE replied judges should have a deep respect for the Legislature, the law, and the constitution. Judges should be fair and balanced and consider legislative intent and their personal views should be set aside, he added.

SENATOR PASKVAN asked if he believes that government has the power to stop unhealthy choices in the pursuit of happiness.

MR. HAASE replied the government does that all the time. He has to wear a seatbelt, he can't drive drunk, and the government dictates at what age people can smoke and drink.

SENATOR PASKVAN asked if he recalls that the Haase for House campaign website had a specific section related to pursuit of happiness.

MR. HAASE said yes.

SENATOR PASKVAN asked if he recalls that in that section he said:

The pursuit of happiness is about much more than acquiring wealth or status. It is about being free to do whatever God has called you to do. When a person makes unhealthy choices in the pursuit of happiness, there is nothing that government can or should do to make that person happy. There can be no government guarantee of happiness.

SENATOR PASKVAN again asked if he believes that government has the power to stop unhealthy choices in the pursuit of happiness.

MR. HAASE clarified that he meant that a person who makes unhealthy choices will bear the consequences. For example, if he eats poorly and gets fat he will bear the health risks and diseases that come with it. What he was getting at is that the government shouldn't get involved in trying to make him happy. It's my fault if I make the wrong choice and end up poor and the government shouldn't hand me your money in order to make me happy, he stated.

[2:42:19 PM](#)

SENATOR PASKVAN asked if he believes that diversity in the judiciary is important.

MR. HAASE answered yes.

CHAIR FRENCH said the issue is if you can set aside your personal political views when judging the merits of someone who steps forward to be a judge.

MR. HAASE replied he certainly can. He reiterated that it would be impractical to push his political views in this venue and it would be wrong as well. Judges follow the law they don't make the law. Finally, he said, I'll be taking an oath to try to prevent political considerations from outweighing fitness in recommending judgeship and public defender nominations.

SENATOR WIELECHOWSKI asked if he believes that there are activists judges on the Alaska bench.

MR. HAASE said he can't think of any off the top of his head.

SENATOR WIELECHOWSKI asked if he considers any judicial decisions to have been activist judicial decisions.

MR. HAASE replied he doesn't believe that's relevant because he would influence judges' decisions in this position. "If I saw a candidate that I thought for some reason was going to be activist - that something they said seemed to imply that the reason they were applying was because they wanted to change the law, then yes I would probably vote against them based on that," he added.

SENATOR WIELECHOWSKI asked him to give examples of decisions he deems activist that would therefore make a judge unqualified to sit on the bench.

[2:45:47 PM](#)

MR. HAASE said Roe v. Wade was definitely an activist decision that was better left to the electoral process. Things like that where the judiciary makes up a new right would be the things that would make a judge unqualified.

CHAIR FRENCH asked if he would forward the name of a judge who was otherwise qualified, but who supported a woman's right to choose.

MR. HAASE said yes and reiterated his belief that it's unlikely that a particular judge would rule on an abortion-related case. The qualities he would look for in a judge are empathy and knowledge the law. One particular issue wouldn't disqualify anyone.

CHAIR FRENCH said you have a good understanding of how the system works, but if confirmed you will have the opportunity to shape the field of candidates who are seated on the Alaska Court of Appeals and the Alaska Supreme Court. Things like parental notification and choice issues come up regularly in those courts.

[2:47:54 PM](#)

MR. HAASE reiterated that one belief wouldn't trump good qualifications.

SENATOR PASKVAN asked if he believes that it would be appropriate to commit that he would not work to change the constitution as to the Judicial Council if he was confirmed to sit on the council.

MR. HAASE replied he could easily commit to that.

SENATOR COGHILL asked if the nonpublic members get the same type of scrutiny as the public members.

CHAIR FRENCH said the Alaska Bar Association appoints three attorney members to the council and he would defer to Mr. Cohn to explain the vetting process.

[2:49:33 PM](#)

LARRY COHN, Executive Director, Alaska Judicial Council, explained that the Board of Governors of the Alaska Bar Association solicits applicants who are members of the bar by judicial district because of the constitutional requirement for geographical diversity. For example, if there's an opening in district 3 they will solicit applicants from among the attorneys

in that district. Attorneys in that district are polled for feedback as to the applicants' qualifications and with the benefit of that poll the Board of Governors makes an appointment. He said he doesn't know what criteria the board applies because he hasn't been privy to that discussion.

SENATOR COGHILL said he didn't anticipate the line of questioning that happened today and he'd be interested in finding out more about the poling. It's probably a valuable line of questioning, he added.

CHAIR FRENCH said he too has become curious and will try to find out more about the vetting process used by the Board of Governors.

[2:51:51 PM](#)

CHAIR FRENCH asked Mr. Cohn to tell the committee what area representation means and the history of that qualification for the public members of the council like Mr. Haase.

MR. COHN said the constitution states that appointments to the judicial council shall be made with due regard to area representation to ensure that the council has geographical diversity. A review of the Constitutional Convention minutes clearly indicates that the framers intent in that regard was to ensure familiarity with the legal culture, the judges, and the applicants within a judicial district. It's also beneficial to have a diversity of viewpoints on the council and over its 52-year history the council has had geographical diversity.

[2:54:07 PM](#)

CHAIR FRENCH asked how long he's been executive director of the Alaska Judicial Council.

MR. COHN replied it's been nearly 10 years. His experience is that they've had a representative on the council from the first, third, and fourth judicial districts and geographical diversity has been commonly understood to mean within the judicial districts. Voters only vote on judges for retention purposes within their judicial district so that's the way it's been interpreted. He doesn't recall having members from the second judicial district. The principle venues in that district are Nome, Kotzebue, and Bethel and it's very small in terms of court locations, court cases, and attorneys. During his term as executive director and historically the council has had diversity from the other three districts. He noted that the position to which Mr. Haase has been nominated was previously

occupied by someone from Ketchikan. In the 52-year history of the judicial council there has had a public member from the first judicial district in all but two years. Julie Willoughby currently sits on the council as an attorney member from the first judicial district.

[2:56:42 PM](#)

SENATOR PASKVAN asked Mr. Haase why he didn't include his role as president of Eagle Forum Alaska on his resume. He noted that the website indicates that it's closed for maintenance and asked if it might be reopened after this confirmation process is completed.

MR. HAASE replied, "The reason it wasn't included is because I don't believe I was even a president when I filed my application. I first applied for this position when Kathleen Tompkins-Miller was appointed, and then my application was still on file when this appointment came up. So that's why it wasn't listed. Like I said, I was only president for a couple of months and then I resigned as soon as I got the call that this position might be available."

SENATOR PASKVAN pointed out that a resume goes back for years and then asked how long he had participated in Eagle Forum Alaska to advance to the position of president.

MR. HAASE recalled that he signed on sometime in 2005 or 2006. He added that he's sure that the website has been down for over a year.

SENATOR PASKVAN asked why he didn't include his role in Eagle Forum Alaska - including the presidency, on his resume.

MR. HAASE replied, "I guess I didn't see it as significant as far as being on it. As far as being president, I wasn't. Like I said, I wasn't president so I wouldn't have included that." He added that he also didn't mention that he is the chair of his church board and has been for about the same timeframe.

SENATOR PASKVAN asked if there is any thought about reopening the Eagle Forum Alaska web at some future time.

MR. HAASE replied he didn't know because he didn't maintain the website. The former president stopped maintaining the website at least a year ago and he stepped in to help maintain the blog for a couple of years, but there wasn't much response and it was too much to maintain for the amount of interest it generated.

3:00:07 PM

CHAIR FRENCH thanked Mr. Haase and announced he would hold the nomination over to look more deeply into the issue of area representation.

MR. HAASE said he understands that concern but he would point out that neither Valdez nor any other Prince William Sound community has had representation on the council. His appointment would broaden the representation on the commission. He pointed out that since statehood judicial district 1 has had 24 people on the council, judicial district 3 has had 23 people on the council, and district 4, has had 20 people on the council. Appointments from these districts has been fairly even while district 2 has only had 2 appointments in history. "My appointment is certainly in line with...geographic balance," he stated.

3:01:50 PM

TERRY MILLER, representing herself, said she is also testifying as the managing editor of the Ketchikan Daily News. She said her concern with the appointment of Mr. Haase relates to location and geographic representation. This appointment is significant to Southeast Alaska. She pointed out that people from Valdez can easily get to Anchorage, but it's not easy for people from Southeast to get anywhere. If Southeast doesn't have representation on the council it misses getting to know the people from Southeast that they're judging and people in Southeast lose the opportunity to give their views on who will be judging them. It would be a significant lapse if the Southeast seat isn't maintained, she stated.

3:03:56 PM

There being no further business to come before the committee, Chair French adjourned the meeting at 3:03 p.m.