

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

March 2, 2015

1:05 p.m.

**MEMBERS PRESENT**

Representative Gabrielle LeDoux, Chair  
Representative Wes Keller, Vice Chair  
Representative Neal Foster  
Representative Bob Lynn  
Representative Charisse Millett  
Representative Matt Claman  
Representative Max Gruenberg

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S):

Board of Governors

William Gordon - Fairbanks

- CONFIRMATION(S) ADVANCED

Alaska Judicial Council

Allen M. Joseph - Bethel

- CONFIRMATION(S) ADVANCED

**PREVIOUS COMMITTEE ACTION**

No previous action to record

**WITNESS REGISTER**

WILLIAM GORDON  
Fairbanks, Alaska

**POSITION STATEMENT:** As appointee to the position of the Board of Governors of the Alaska Bar Association, discussed his qualifications and answered questions.

ALLEN M. JOSEPH  
Bethel, Alaska

**POSITION STATEMENT:** As appointee to the position of the Alaska Judicial Council, discussed his qualifications and answered questions.

**ACTION NARRATIVE**

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**CHAIR GABRIELLE LEDOUX** called the House Judiciary Standing Committee meeting to order at 1:05 p.m. Representatives Claman, Gruenberg, Foster, Keller, Lynn, Millett, and LeDoux were present at the call to order.

**CONFIRMATION HEARING(S):**  
**BOARD OF GOVERNORS OF THE ALASKA BAR ASSOCIATION**  
**ALASKA JUDICIAL COUNCIL**

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CHAIR LEDOUX brought before the committee the appointments of William Gordon to the position of the Board of Governors of the Alaska Bar, and the appointment of Allen Joseph to the position of the Alaska Judicial Council. [Packets contain biographical information on both appointees.]

CHAIR LEDOUX advised the committee it would be hearing the qualification of these two individuals today and recommending that their names be referred to the Joint House and Senate for consideration. Chair LeDoux reminded the committee that its job is only to review the history and qualifications of these men. She stated there will be no vote for or against their confirmations in this committee. Committee members should feel free to ask questions as they arrive, but bear in mind that the committee is not voting on their qualifications, merely reviewing them, she highlighted.

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WILLIAM GORDON, said he is from Fairbanks and assumed the committee had his resume.

CHAIR LEDOUX questioned whether there is anything other than what is on his resume that he would like to highlight.

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MR. GORDON advised he is a life-long Alaskan and has lived in many communities, including Fairbanks, Anchorage, and Juneau, and has been to almost every community in Alaska a multiple of times in the course of his private and public sector experience. He added to his resume his past three years of service on the Board of Governors of the Alaska Bar Association. He noted that he co-chairs a nonprofit with former Chief Justice Bud Carpeneti that informs the public about the challenge in the Alaska State Senate to Judicial Article IV of the Alaska State Constitution.

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REPRESENTATIVE MILLETT (Indisc.)

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CHAIR LEDOUX asked Mr. Gordon whether he submitted a resume in addition to the application.

MR. GORDON answered he believes that, under the former administration, the resume was attached to the application. "I asked if that same information would be provided to the committee and I think they told me they would provide it, so I didn't provide anything new."

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CHAIR LEDOUX assumed that when Mr. Gordon referred to his resume, he meant the application. She advised that the committee does not have his resume and asked that he forward it to the committee chair.

MR. GORDON reiterated he has served in both the public and private sectors. He advised his public service was serving as the Chief of Staff to Governor Jay Hammond during his first administration. At that time, he said, he became interested in the works of the judiciary and some of the lawyering aspects of serving on the Board of Governors. Subsequent to working with Governor Hammond, he went into the private sector "and did many things." He said for the past twenty years he has owned and operated several public utility licenses in and around the Fairbanks area. Approximately six years ago he said he "sold those out." Currently, he is semi-retired looking for the next adventure and hopes it will come along because he still has more to do, he remarked. He said he has served four different

governors under different appointments, in that Governor Hammond appointed him to the Alcoholic Beverage Control Board, which he chaired; Governor Frank Murkowski appointed him to the Alaska Judicial Council wherein he served six years; Governor Parnell appointed him to the Board of Governors of the Alaska Bar; and currently he has been re-appointed by Governor Bill Walker. He advised he has served on many "entities" in and around Fairbanks in volunteer service and assisting the community in any manner he can. He offered that he is married with three children and two grandchildren.

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REPRESENTATIVE LEDOUX said she noted that Mr. Gordon has been re-appointed to the Board of Governors and yet the application form reads Commission on Judicial Conduct.

MR. GORDON explained that during the original discussion with Governor Parnell, they discussed where Mr. Gordon could best serve Alaska. He remarked that "others" within the judiciary urged him to take the Board of Governor vacancy so Governor Parnell changed it to the Board of Governors.

CHAIR LEDOUX surmised he had been appointed to the Board of Governors of the Alaska Bar Association, and is currently up for re-appointment.

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REPRESENTATIVE GRUENBERG asked if there is anything "major" the legislature should be aware regarding the Board of Governors.

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MR. GORDON responded that the Board of Governors has been "extremely" progressive in trying to reduce its costs and be more transparent to the public it serves, including opening the convention to the public. There is nothing controversial of any nature, he opined.

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REPRESENTATIVE GRUENBERG advised he was unaware the conventions would be open to the public.

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REPRESENTATIVE CLAMAN confirmed that Mr. Gordon worked on the Alaska Judicial Council under Governor Murkowski.

MR. GORDON answered in the affirmative.

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REPRESENTATIVE CLAMAN asked if his experience with the Alaska Judicial Council, as an effectively functioning organization, was one of the reasons he is working with retired Justice Carpeneti to help support efforts to keep the Alaska Judicial Council intact in its current structure.

MR. GORDON advised that he found it a well-functioning body and does not see the need to change something that has served Alaska so well better than 60 years.

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REPRESENTATIVE CLAMAN noted that some people in the public have suggested there is a lawyer/non-lawyer split on the Alaska Judicial Council.

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CHAIR LEDOUX asked Representative Claman to keep the conversation to Mr. Gordon's qualifications for the Board of Governors of the Alaska Bar Association.

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REPRESENTATIVE CLAMAN noted that a few years ago the Board of Governors changed the fee structure for lawyers so it is more of "pay as you go" structure rather than "a lot of savings sitting in the Bar Association's bank account." He questioned whether Mr. Gordon was familiar with the change and whether it was a good change in terms of fiscal management for the Board of Governors.

MR. GORDON remarked that the change was before his time and could not really comment on it, but it has been diligent in trying to not only lower the cost for the members through sharing of costs, the "cost cause" or "cost payor" type of approach. He pointed out that one-third of the board's costs are involved with discipline matters and it attempts to find ways where the people who cause the problem pay more. He opined that in working through the Alaska Supreme Court it is finding

success. As far as the dues being paid, he stated, Representative Claman may be referring to front payment rather than paying and they go. He posited that there are several structures set up for members to make their payments.

REPRESENTATIVE CLAMAN stated a different model was used to set the dues at a certain amount and try to keep them to put money in savings, with the first few years at a higher rate and eventually ...

MR. GORDON interjected that the Board of Governors adopted a cash basis budget, and it is no longer doing that. He explained that its budget is based truly on ... dues are set on what the budget is set at.

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REPRESENTATIVE CLAMAN surmised that he is one of three public members on a board that has more lawyers than public members. He asked whether Mr. Gordon had an experience in which his voice, as a public member, was not heard by the other members of the board.

MR. GORDON expressed that the opposite is true in that the lawyers have been anxious to have his business experience brought to the board and are constantly asking and probing his experience to see if it can make some changes. He related that each public member brings a different set of goals and objectives, and found the lawyers to be open to the public members.

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REPRESENTATIVE KELLER moved to forward the name of William Gordon to the joint session of the House and Senate for confirmation. There being no objection, the confirmation of William Gordon is advanced from the House Judiciary Standing Committee.

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The committee took a brief at ease.

[1:18:48 PM](#)

CHAIR LEDOUX announced that Allen Joseph's confirmation to the Alaska Judicial Council is next.

1:19:18 PM

ALLEN M. JOSEPH, said he is a Yup'ik Eskimo, and was born and raised in Hooper Bay. He advised he is a shareholder of Sea Lion and Naparyarmiut Corporation and is interested in membership in the Alaska Judicial Council in order to contribute to the overall wellbeing of Alaskans. He said he would like to help select good judges for the Alaska Court System, and that he has experience in selecting qualified individuals for various positions. After graduating from Kuskokwim College in Bethel, he began working on real estate issues involving Native allotments and restricted town site laws. He described the work as preparing public hearings for administration law judges and early on he understood the importance of judges and the decisions they make how prepared parties must be in order for the judges to make fair and the best decisions. He advised he has worked for the three social services organizations in Bethel, ABCP Housing Authority, Yukon-Kuskokwim Health Corporation, and AVCP Regional Housing Authority, where he currently is employed. Throughout his career he has been involved in the management of staff and programs, has spent much of his time reviewing applications, resume and interviewing many people and, he noted, looks for people committed to helping others. He is currently chairing the Bethel School District Board and school boards are the peoples' voice and representatives and as a board member he has screened, reviewed, and evaluated administrator or principal applications for the schools. This includes annual reviews of principals' job performances including recommendations for retention or not. He noted he has also been involved in the Bethel search and rescue operations as a board member, and volunteer searcher. He said he has come to realize that giving himself and his time in search and rescue is very satisfying to his soul and spirit, and it contributes to the communities' basic needs. He offered that he supplements his family income with subsistence hunting and fishing; therefore, court cases and decisions involving subsistence are very important. He remarked that he will work for the people of the state and do his best in accomplishing the mission of the Alaska Judicial Council in working to find the most qualified candidates under the council's responsibility. He highlighted that he has respect for the judges and court staff currently employed and he would like to help preserve the respectability and professionalism of the Alaska Court System. He assured the committee that if he is selected for the position on the Alaska Judicial Council he will do his best for the

people of the state, legislature, court system, and Governor Bill Walker.

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REPRESENTATIVE FOSTER asked Mr. Joseph whether he had experience dealing with the Indian Child Welfare Act (ICWA), and how familiar he is with the issues.

MR. JOSEPH responded that he has overseen the positions with ICWA as a manager at ABCP. He did not get involved in the activities of ICWA in going through the courts or listening to hearings, except in a couple of cases. He advised he has been involved in forming a family wellness organization, and the Yukon-Kuskokwim Health Corporation picked up the organization and integrated it into the health care system.

REPRESENTATIVE FOSTER presumed Mr. Joseph had a supervisory role over the person responsible for the ICWA program.

MR. JOSEPH responded in the affirmative.

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REPRESENTATIVE KELLER noted that the judicial selection process is important in this state, and questioned what Mr. Joseph would look for in a judicial candidate.

MR. JOSEPH replied he would look for the individual best fit for the job and, most importantly, the most qualified candidate who would accomplish the mission of the council.

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REPRESENTATIVE KELLER quiered whether he would review the particular applicant's values in any manner in the evaluation.

MR. JOSEPH responded that he believes in good values in his family and community.

REPRESENTATIVE KELLER said he did not mean to put him on the spot and was curious as to how he would look at the judges in that the judicial selection process has been under the microscope a number of times. He recalled that in 2004, there was a judge applicant on his third round of applying for a position as Superior Court Judge and during the interview one of the public members asked whether or not he supported Republican

values. He opined that the applicant was taken aback, and Representative Keller wondered whether Mr. Joseph believed it would ever be appropriate to ask a candidate about their political interests and, more importantly, their values. He asked whether Mr. Joseph has a criteria himself in putting someone forward.

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MR. JOSEPH responded that he would find it inappropriate for anyone to ask a candidate their party affiliations or a party's values. As to personal values, he would first consider their performance, work history, experience, and actions at the bench, as actions speak louder than words.

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REPRESENTATIVE KELLER questioned whether a judge should ever create law in its judgements within the judicial system.

MR. JOSEPH asked if Representative Keller was asking whether a judge should make a decision based on gut feelings, "no." Judges should read cases carefully, perform research, and not make decisions from how he/she feels about cases or situations.

REPRESENTATIVE KELLER noted that if he were on the council he would struggle with those questions and hopes that the judge would be interested in making determinations based on the law that exists.

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REPRESENTATIVE CLAMAN said he is pleased Mr. Joseph will bring a rural perspective to the Alaska Judicial Council, and that his resume shows he will speak up for his own views and will work with the council, yet be independent.

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REPRESENTATIVE GRUENBERG advised the committee does not have Mr. Joseph's application and questioned whether he is a registered voter. He remarked that he is interested in the application form itself.

MR. JOSEPH related that he is a registered voter.

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REPRESENTATIVE KELLER moved to forward the name of Allen M. Joseph to the joint session of the House and Senate for confirmation.

REPRESENTATIVE GRUENBERG objected for discussion and not the nomination.

CHAIR LEDOUX advised Representative Gruenberg whether he is not objecting to the nomination, then after the nomination is forwarded the committee can have a brief discussion of what ... assuming his discussion is germane to the appointee process.

REPRESENTATIVE GRUENBERG stated "it is," and he withdrew his objection.

CHAIR LEDOUX advised that there being no objection, the confirmation of Allen M. Joseph is advanced from the House Judiciary Standing Committee.

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The committee took an at-ease from 1:37:17 to 1:38:59 p.m.

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REPRESENTATIVE GRUENBERG said he noticed on an application form, "Are you a registered voter," and advised research is being performed as to whether the question is constitutional.

[1:40:01 PM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 1:40 p.m.