

ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE

April 7, 2021

1:17 p.m.

MEMBERS PRESENT

Representative Matt Claman, Chair
Representative Liz Snyder, Vice Chair (via Teams)
Representative Harriet Drummond
Representative Jonathan Kreiss-Tomkins
Representative David Eastman
Representative Christopher Kurka
Representative Sarah Vance

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING(S) :

Commission on Judicial Conduct

Todd Fletcher - Anchorage
Donald McClintock III - Anchorage
Robert Sheldon - Anchorage
Karla Taylor-Welch - Fairbanks

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 155

"An Act relating to court-appointed visitors and experts; relating to the powers and duties of the office of public advocacy; relating to the powers and duties of the Alaska Court System; and providing for an effective date."

- MOVED HB 155 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 155

SHORT TITLE: COURT SYSTEM PROVIDE VISITORS & EXPERTS

SPONSOR(S) : REPRESENTATIVE(S) TUCK

03/29/21 (H) READ THE FIRST TIME - REFERRALS

03/29/21 (H) JUD, FIN
04/05/21 (H) JUD AT 1:00 PM GRUENBERG 120
04/05/21 (H) Heard & Held
04/05/21 (H) MINUTE (JUD)
04/07/21 (H) JUD AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

TODD FLETCHER, Appointee
Commission on Judicial Conduct
Anchorage, Alaska

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

DONALD MCCLINTOCK III, Appointee
Commission on Judicial Conduct
Anchorage, Alaska

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

ROBERT SHELDON, Appointee
Commission on Judicial Conduct
Anchorage, Alaska

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

KARLA TAYLOR-WELCH, Appointee
Commission on Judicial Conduct
Fairbanks, Alaska

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

JAMES STINSON, Director
Office of Public Advocacy
Department of Administration
Anchorage, Alaska

POSITION STATEMENT: Answered a question during the hearing on HB 155.

ACTION NARRATIVE

[1:17:28 PM](#)

CHAIR MATT CLAMAN called the House Judiciary Standing Committee meeting to order at 1:17 p.m. Representatives Drummond, Kreiss-Tompkins, Eastman, Snyder (via Teams), and Claman were present

at the call to order. Representatives Vance and Kurka arrived as the meeting was in progress.

CONFIRMATION HEARING(S) :
Commission on Judicial Conduct

[1:18:11 PM](#)

CHAIR CLAMAN announced that the first order of business would be the Confirmation Hearing for consideration of the governor's appointees to the Commission on Judicial Conduct.

[1:18:42 PM](#)

CHAIR CLAMAN opened public testimony on the confirmation hearing.

[1:19:08 PM](#)

TODD FLETCHER, Appointee, Commission on Judicial Conduct, stated that he is one of the citizen members on the Commission of Judicial Conduct. He offered his personal and occupational history, as provided in his resume [included in the committee package], and he imparted that he has enjoyed his time working with the attorneys and judges on the commission. In response to Chair Claman, he said, "I have been on the commission, but this is my first ... appointment, I think because of ... the COVID situation."

[1:20:35 PM](#)

MR. FLETCHER, in response to a question from Representative Eastman, said he had reached out to discover how he could give back to community, and this position was one that was available. He stated the importance of the judicial system and said he felt he could be a good public member.

[1:21:22 PM](#)

MR. FLETCHER, in response to Representative Drummond, clarified he has been serving a year and a half, and the commission meets quarterly; therefore, he has been involved in six or seven meetings.

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CHAIR CLAMAN noted that Mr. Fletcher had been appointed originally on May 21, 2019, and the term to which he is being appointed will expire on March 1, 2023.

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MR. FLETCHER, in response to a follow-up question from Representative Drummond, said in his time on the commission thus far, he estimates he has taken part in 10-20 reviews of judicial conduct per meeting.

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MR. FLETCHER, in response to Representative Eastman, said there really have not been any types of judicial conduct of particular concern; many complaints revolve around someone not being happy with a judge's decision. He explained that the manner of looking at the complaint allows the commission to determine whether an ethics [violation] took place. He opined that having three public members, three attorneys, and three judges allows the commission members to work well together in addressing specifics from all different perspectives. In response to a question about the scope of the commission, Mr. Fletcher said, "I think our commissioner ends up basically addressing the situation to see if there is a[n] ethics violation or one that could possibly be, and then it's brought before us" He described a comprehensive analysis wherein those on the commission work with transcripts and audio when considering how things were handled. To another question from Representative Eastman, he confirmed that he does not currently have any personal or professional relationships with members of the judiciary that would be looked on as a conflict of interest.

[1:26:51 PM](#)

CHAIR CLAMAN noted for the committee that the next appointee, Donald McClintock, was first appointed on March 1, 2017, and that term expired on March 1, 2021; he then was appointed March 1, 2021, for a term that will expire March 1, 2025.

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DONALD MCCLINTOCK III, Appointee, Commission on Judicial Conduct, stated his belief in the importance of the commission's role to both protect the public and uphold the integrity of the judicial branch as a valued institution, and he expressed his appreciation for the chance to contribute to that mission. He

said he is an attorney at law, and he hopes his years of experience can be of value on the commission. He concurred with Mr. Fletcher's remark concerning the value of working with attorney, judicial, and public members on the commission. He said he appreciates the chance to serve another term.

[1:29:00 PM](#)

REPRESENTATIVE EASTMAN asked Mr. McClintock if he had any personal or professional relationships with any of the members of the judiciary he may be reviewing that could be a conflict of interest.

MR. MCCLINTOCK answered that the only conflict of interest is his friendship with Judge William Morse, and records will show that he has recused himself from any matters involving Judge Morse.

[1:29:59 PM](#)

REPRESENTATIVE VANCE noted Mr. McClintock's resume listed his involvement with Justice Not Politics Alaska (JNPA), and she asked him to elaborate.

[1:30:19 PM](#)

MR. MCCLINTOCK replied that JNPA is committed to educating the public on the unique Alaska process for selection and retention of judges.

[1:31:33 PM](#)

MR. MCCLINTOCK, in response to Representative Eastman, shared that he had applied once for a position on the Alaska Supreme Court but was not advanced for consideration to the governor.

[1:32:34 PM](#)

CHAIR CLAMAN noted that the next appointee, Robert Sheldon, was appointed to the Commission on Judicial Conduct on January 29, 2008, for a term that expired a couple months later; he was reappointed for a series of terms on March 1, 2008, 2012, 2016, and 2020. The 2020 term is scheduled to expire on March 1, 2024.

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ROBERT SHELDON, Appointee, Commission on Judicial Conduct, offered his biographical information, as shown on his resume [included in the committee packet]. He said he is a public member of the commission. He said fortunately most of the complaints received by the commission are either unsubstantiated or non-jurisdictional in nature. He said there have been a maximum of 75 in a given year. He said his background in economics extends to interconnections with the judiciary branch. He maintained that Rule of Law is critical to an orderly functioning of an economy. He noted that Alaska is priced as if it is "an expensive emerging economy rather than a developed economy." He expressed his hope that "through a continued ensuring of confidence in the judiciary ... Alaska's cost in capital should come down over time." He said serving on the commission has been a satisfying experience. He emphasized how important it is that the commission have "orderly continuity of service," as well as institutional knowledge retention among its members. He said for a variety of reasons, judge and attorney representatives on the commission frequently are unable to serve for more than one, four-year period; public members "help bridge long-term continuity and knowledge." He said he hopes to be a part of that [continuity], and he expressed appreciation for the committee's consideration of his appointment.

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REPRESENTATIVE EASTMAN asked Mr. Sheldon whether he thinks a broader or narrower scope would benefit the Commission on Judicial Conduct.

MR. SHELDON responded that the vast majority of cases are dismissed. The makeup of the commissioner is conducive to effective deliberation. He stated his belief that both the quality and capability of the commission are sufficient. To Representative Eastman's question regarding conflict of interest, he said he does not have any professional or personal relationships with judiciary that would be a conflict of interest.

CHAIR CLAMAN thanked Mr. Sheldon for his years of service on the commission.

[1:37:34 PM](#)

CHAIR CLAMAN noted the next appointee, Karla Taylor-Welch, first served on the Commission on Judicial Conduct beginning March 1, 2016, for a term that expired March 1, 2020; she was then

appointed on April 1, 2020, for a term that will expire on March 1, 2024.

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KARLA TAYLOR-WELCH, Appointee, Commission on Judicial Conduct, noted that she is an attorney member on the commission. She shared her biographical information from her resume [included in the committee packet]. She said she thinks her experience with litigation helps in her service on the commission because she saw the various personalities that judges face. She said she decided she could serve another term and now has "a really good handle on how the commission works." She emphasized her belief in the constitution and the role of the judiciary as an independent branch of the government, and she said it is important for the judiciary branch to remain unbiased and free of unethical activity, and the commission serves to determine whether or not a judge's conduct was ethical. She indicated that the work of the commission ensures the confidence of the people of Alaska in their judicial system. She concluded that it is an honor and privilege to serve the people of Alaska in this way.

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REPRESENTATIVE EASTMAN noted that Ms. Taylor-Welch has a background in family law. He mentioned child in need of aid (CINA - pronounced like "China") and inquired how many of the complaints she deals with relate to family law issues.

[1:41:46 PM](#)

MS. TAYLOR-WELCH answered that where she has seen complaint related to family law is within the realm of divorce and custody, where the person who does not prevail often feels like he/she was not treated fairly. She clarified that the complaints, in general, are in civil and family law.

[1:43:28 PM](#)

CHAIR CLAMAN, [having opened public testimony at the beginning of the confirmation hearing], closed public testimony after ascertaining there was no one further who wished to testify. He invited final comments from committee members.

[1:44:04 PM](#)

REPRESENTATIVE DRUMMOND expressed she was impressed with the level of commitment and trust the appointees bring to her and how they represented themselves.

[1:44:24 PM](#)

REPRESENTATIVE EASTMAN expressed appreciation for the nominees, and he said he would do further research and invite input from his constituents before making a decision.

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CHAIR CLAMAN said he appreciated the service of all the attendees who had served previously and reflected that Mr. Fletcher seemed to be enjoying the year and a half he had spent on the commission thus far as a valuable way to serve the community.

[1:45:06 PM](#)

REPRESENTATIVE SNYDER stated that the House Judiciary Standing Committee has reviewed the qualifications of the governor's appointees and recommends that the following names be forward to a joint session for consideration: Todd Fletcher, Donald McClintock III, Robert Sheldon, and Karla Taylor-Welch to the Commission on Judicial Conduct. She said this does not reflect intent by any of the members to vote for or against these individuals during any further sessions for the purposes of confirmation.

[1:45:39 PM](#)

CHAIR CLAMAN announced that the names of Todd Fletcher, Donald McClintock III, Robert Sheldon, and Karla Taylor-Welch to the Commission on Judicial Conduct would be forwarded to the joint session.

HB 155-COURT SYSTEM PROVIDE VISITORS & EXPERTS

[1:45:50 PM](#)

CHAIR CLAMAN announced that the final order of business would be HOUSE BILL NO. 155, "An Act relating to court-appointed visitors and experts; relating to the powers and duties of the office of public advocacy; relating to the powers and duties of the Alaska Court System; and providing for an effective date."

[1:46:25 PM](#)

CHAIR CLAMAN reminded members that at a prior hearing on HB 155, a question had been asked of Doug Wooliver as to how many cases were filed each year under [AS 47.30.839], which pertains to court ordered administration of medication. He reported that last year there were a total of 63 cases: 50 in Anchorage; 5 in Fairbanks; 5 in Juneau; and 3 in Palmer. He said he looked at the conservatorship-related statute - conservatorship being managed by the court system - and listed were a number of items that need to be put in a report. He observed there is no similar recording requirements that are in the guardianship provision. He questioned if there is a reason for that.

[1:48:10 PM](#)

JAMES STINSON, Director, Office of Public Advocacy, Department of Administration, answered that since 1984, "it has essentially not been needed to be stated." He explained that court visitors are doing the same thing, whether it's a conservatorship case or a guardianship case; they are giving an independent investigative report to the court. He continued:

At the point the court takes administration of this program over, I imagine they could set their own administrative requirements or ... give guidance into what they need in a report, because ultimately a judge is having to make a finding on whether or not a certain threshold is met for somebody to get a conservatorship or to get a guardianship in either case, so there has to be sufficient evidence of that, and the court visitor ... report is sort of one of those important pieces of evidence where they can collect ... medical evidence and other things that can give a court the ability to make that decision.

MR. STINSON concluded that he does not think it is necessary for the guardianship statute to mirror the conservatorship statute. He added, "I imagine it'll continue to be the same."

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CHAIR CLAMAN invited final comments from committee members.

[1:49:39 PM](#)

REPRESENTATIVE DRUMMOND said HB 155 "sounds like a smart move" and she has no problem supporting it.

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REPRESENTATIVE EASTMAN mentioned the two fiscal notes and questioned why, if one department gains a service the other one loses, the cost would not remain consistent. He observed the amount would increase.

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CHAIR CLAMAN noted for the record that Representative Snyder would be voting via Teams.

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REPRESENTATIVE SNYDER moved to report HB 155 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 155 was reported out of the House Judiciary Standing Committee.

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ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 1:53 p.m.