

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

April 28, 2021

1:57 p.m.

**MEMBERS PRESENT**

Representative Matt Claman, Chair  
Representative Liz Snyder, Vice Chair  
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):

Alaska Judicial Council

Kristie Babcock - Kenai

- CONFIRMATION(S) ADVANCED

**PREVIOUS COMMITTEE ACTION**

No previous action to record

**WITNESS REGISTER**

KRISTIE BABCOCK, Appointee  
Alaska Judicial Council  
Soldotna, Alaska

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

DONNA GOLDSMITH, Chair  
Alaskans for Fair and Independent Courts  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to the confirmation  
of Appointee to the Alaska Judicial Council.

ELAINE ANDREWS

Anchorage, Alaska

**POSITION STATEMENT:** Testified during the hearing on confirmation of Appointee to the Alaska Judicial Council.

MIESJE STEINKRUGER

Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to the confirmation of Appointee to the Alaska Judicial Council.

MELANIE BAHNKE, President and Chief Executive Officer

Kawerak, Inc.

Nome, Alaska

**POSITION STATEMENT:** Testified in opposition to the confirmation of Appointee to the Alaska Judicial Council.

NICOLE BORROMEO, Executive Vice President and General Counsel

Alaska Federation of Natives

Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to the confirmation of Appointee to the Alaska Judicial Council.

#### **ACTION NARRATIVE**

[1:57:09 PM](#)

**CHAIR MATT CLAMAN** called the House Judiciary Standing Committee meeting to order at 1:57 p.m. Representatives Vance, Drummond, Snyder, Kreiss-Tomkins, Eastman, and Claman were present at the call to order. Representative Kurka arrived as the meeting was in progress.

#### **Confirmation Hearing(s)**

[1:57:51 PM](#)

CHAIR CLAMAN announced that the only order of business would be the consideration of the Governor's Appointee to the Alaska Judicial Council.

[1:58:04 PM](#)

CHAIR CLAMAN opened public testimony on the confirmation hearing.

[1:58:17 PM](#)

KRISTIE BABCOCK, Appointee, Alaska Judicial Council, shared with the committee that she was born in Zambia, Africa, and came to Alaska at the age of one, where she has remained except for her years at college in the state of Oregon and three years while employed in the state of Washington. She said that she graduated from East High School in Anchorage and attended Willamette University majoring in Spanish and International Studies. She said that in December 1989, she accepted employment as an aide in the Alaska State Legislature and relocated then to Juneau. She stated that she had also worked for former Alaska Governors Walter Hickel and Frank Murkowski as the Director of Boards and Commissions. She listed the locations in Alaska in which she has lived including Anchorage, Wasilla, Juneau, Kenai, Ninilchik, and Soldotna. She shared that for the last 25 years to present has been associated with State Farm Insurance and is currently an agent with licenses in property, casualty, life, and disability insurance and mortgage origination and series 6, 63, and 65 securities in the Kenai Peninsula area. She described her community involvement which had included work with the Boys and Girls Club and her own children's soccer programs. She described her blended family and her community engagement. She expressed her desire for confirmation as a public member to the Alaska Judicial Council for its role in judicial oversight and its benefit to society. She described her knowledge of the council.

[2:02:44 PM](#)

REPRESENTATIVE KURKA asked Ms. Babcock to describe the values she would seek embodied in judges.

MS. BABCOCK answered that the qualities she would seek are codified in the bylaws of the council and include professional competence, written and oral communication skills, diligence, administrative skills, and temperament, among others.

[2:04:03 PM](#)

CHAIR CLAMAN asked whether Ms. Babcock was serving on the council while awaiting legislative confirmation.

MS. BABCOCK answered that she had been serving on the council since her appointment on March 1 [2021].

CHAIR CLAMAN asked whether Ms. Babcock had participated in any meetings of the council or any reviews of any candidates during the time [since her appointment].

MS. BABCOCK answered that she had not.

CHAIR CLAMAN noted that there had been questions raised regarding the governor's historical appointment of a third [nominee] from the Southcentral region. He asked Ms. Babcock to share her perspective on the appointment of three members from Southcentral Alaska.

MS. BABCOCK recalled her experience during her tenure with Boards and Commissions in which she reviewed dozens of applicants to the Alaska Judicial Council. She stated that in 32 years of her experience in and observation of the council's [activities], it had never received the level of attention given to geographic representation as has been currently, to which she expressed her curiosity. She recalled that, since 1959, the council has consisted of seven members, three of which are public members. She stated that there had been occasions in which certain geographical areas did not have representation on the council and she had never observed a problem to have existed [with the lack of geographic representation on the council]. She stated that rural Alaska or rural Northwest Alaska had been represented [by members on the council] for only 18 of the council's 62-year history and there existed no public members from the greater Anchorage municipality for 14 of those years. She added that no public members from Fairbanks or Interior Alaska existed [on the council] for 17 years. She added that no woman had been appointed to the council from the Kenai Peninsula. She questioned whether opposition to her appointment pertained to geographic representation. She questioned why former judges or attorneys would opine on her appointment due to the Alaska Bar Association's representation consisting of three seats which are not subject to the legislative confirmation process. She suggested that the Bar Association address geographical representation concerns among its membership. She opined that opposition [based on geographical representation] was undignified. She expressed her desire to be considered on her individual merits which include her, and her family, having lived in multiple geographical areas of the state.

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CHAIR CLAMAN asked Ms. Babcock to recall what period of time she had worked with Boards and Commissions.

MS. BABCOCK answered that it had been during late May or early June 1991 to 1994, at the end of the Hickel Administration, and

she had worked for eight years under the Knowles Administration and had been invited to remain on staff from December 2002 to March of 2003 under the Murkowski Administration.

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CHAIR CLAMAN asked whether, during the Knowles Administration, Ms. Babcock had been working for Boards and Commissions.

MS. BABCOCK answered that she had not.

CHAIR CLAMAN asked whether, during Ms. Babcock's time working for Boards and Commissions, she could recall any instance of having three [nominees] for the Alaska Judicial Council from the same geographical region.

MS. BABCOCK answered that she did not know, and she would defer to Chair Claman's recollection that there had not.

CHAIR CLAMAN clarified that he was seeking to learn whether Ms. Babcock had a specific recollection of Alaska Judicial Council nominations during her time with Boards and Commissions.

MS. BABCOCK referred to a ledger which may contain additional information on geographical representation, from which she had ascertained periods of time in which there had been the lack of geographic representations that she had described earlier.

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REPRESENTATIVE KURKA stated that he had learned that attorney members of the Alaska Judicial Council are based in Fairbanks and Sitka and suggested that there existed a diverse cross section of the state [represented on the council]. He asked Ms. Babcock to elaborate.

MS. BABCOCK shared her understanding that attorney members on the council were from Fairbanks, Anchorage, and Southeast Alaska, and public members were from Wasilla, Anchorage, and Kenai. She stated that the council lacked a member from the second judicial district. She noted that in March [2022] a public seat would become open on the council presenting the governor with the opportunity to appoint another member. She stated that she had conducted research and found that the Alaska Bar Association had never appointed an individual who was not from Fairbanks or Anchorage.

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DONNA GOLDSMITH, Chair, Alaskans for Fair and Independent Courts, testified in opposition to the appointment of Ms. Babcock to the Alaska Judicial Council. She stated that, should the appointment be confirmed, all lay members of the council would be from the same judicial district and from urban areas on the road system in Southcentral Alaska. She stated that there existed three additional judicial districts from which representation could be sought. She urged rejection of the nomination and state that the Alaska State Constitution directs appointments made to the council should be made with consideration of geographic representation. She stated that, during the constitutional convention, it had been made clear that a general geographic representation should exist on the Alaska Judicial Council. She suggested that non-attorney members from diverse geographical areas would aid in enabling the council to "have a pulse" of judges in each region by the member having a personal and community familiarity with judicial candidates. She suggested that the opposition to Ms. Babcock's appointment was not based on her individual merits but based on a lack of geographical representation on the council.

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REPRESENTATIVE EASTMAN asked Ms. Goldsmith what the geographic representation is from the second judicial district on the Board of Governors of the Alaska Bar association.

MS. GOLDSMITH stated that she was not affiliated with the Bar Association and therefore could not answer.

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CHAIR CLAMAN offered that the Bar Association maintains rules that state from where nominees shall be selected. He added that the second and fourth judicial districts have been combined for one seat, and the third and first district each have its own seat. He stated that the current representative [for the second judicial district] was Geraldine Simon from Fairbanks. He offered additional information remains available should Representative Eastman maintain an interest in learning more.

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ELAINE ANDREWS echoed sentiments expressed through previous written testimony. She stated that the Alaska Judicial Council

has an obligation to conduct studies for the improvement of the administration of justice and make reports at least every two years to the Supreme Court and to the Legislature as mandated by the Alaska State Constitution. She expressed her concern regarding news reporting that she categorized as "disturbing" regarding concerns about the administration of justice in rural Alaska. She suggested that the layperson seats consist of individuals within only an approximate 250-mile radius. She urged representation from a rural area. She recalled her appointment to the Alaska Judicial Council in 1991, when Ms. Babcock was [employed by] the office of Boards and Commissions, and there existed representation from Sitka, Anchorage, and Barrow. She suggested that, at that time, Ms. Babcock had fulfilled her obligation to put forth nominees that take into consideration diverse geographic representation on the council. She expressed that she had no knowledge of any outreach on the part of Boards and Commissions and her understanding that its members may be unaware of any constitutional concerns regarding geographic representation.

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REPRESENTATIVE EASTMAN asked Ms. Andrews whether she could recall when the judicial district boundaries had been amended or changed.

MS. ANDREWS stated her understanding that there had been no changes to judicial districts since the drafting of the constitution.

REPRESENTATIVE EASTMAN asked Ms. Andrews to share her opinion on the potential impacts of changing population patterns and whether that should be taken into consideration for any future redistricting.

MS. ANDREWS stated that there exist only three layperson seats [on the council] and that there exist four judicial districts and that there would never exist representation of all four judicial districts. She suggested that concerns raised were not those of maintaining representation from the same district, as represented by the seat that was vacated, but rather an understanding of the diversity created by the geography in Alaska.

REPRESENTATIVE EASTMAN recalled earlier testimony that [Ms. Babcock] was the first female appointee from Kenai to the

council. He said that the constitution does not address gender and asked whether Ms. Andrews felt that it should be considered.

MS. ANDREWS stated that she felt that gender, ethnic, and geographical diversity should be sought and that diverse individuals should be actively solicited for their interest in service.

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MIESJE STEINKRUGER stated that she is a 47-year Alaska resident. She stated that she was a retired superior court judge from the fourth district and had served in that capacity for 19 years. She added that she had served for an additional 12 years in [all four] districts and was now fully retired. She stated that she had encouraged individuals from the second and fourth districts to serve on the council. She suggested that there did not exist significant public interest in service on the council and that some recruitment had been necessary [to fill the seats]. She stated that the terms are for 6 years and involve significant travel and no pay. She added that preparation for council meetings involved extensive review of materials and that decisions made by the council are met with public scrutiny. She said that the Bar Association had institutionalized diversity [among council appointments] through its bylaws that require representation from the first, third, and combined second and fourth districts. She suggested that, while the nomination of Ms. Babcock was not illegal, there exist suitable candidates from other geographic regions. She urged the committee to reject the nomination of Ms. Babcock in favor of a candidate from a different geographic region. She added that the districts are not based on population.

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REPRESENTATIVE EASTMAN asked Ms. Steinkruger her opinion on the qualifications of Ms. Babcock without considering geographical representation [on the council].

MS. STEINKRUGER stated that she assumed Ms. Babcock to be qualified for the appointment and that her concerns were to maintain representation of members from more than one district.

[2:31:13 PM](#)

MELANIE BAHNKE, President and Chief Executive Officer, Kawerak, Inc. stated that she was a former member of the Alaska

Commission of Judicial Conduct and currently a member of the Alaska Redistricting Board. She expressed her respect to Ms. Babcock and urged the committee to consider the constitutional language that the council shall take into consideration geographic area representation and without consideration of political affiliation. She suggested that the 'spirit' of the law rather than the "letter" of the law be considered. She suggested that the justice system in Alaska had been met with "scathing" public scrutiny and opined that diversity and representation are matters of import. She lauded the prudence of the constitutional convention's initial geographic division of judicial districts.

[2:34:18 PM](#)

NICOLE BORROMEO, Executive Vice President and General Counsel, Alaska Federation of Natives, testified in opposition to the appointment of Ms. Babcock to the Alaska Judicial Council on behalf of the Alaska Federation of Natives (AFN). She stated that Article 4, Section 8 of the Alaska State Constitution mandates area representation. She stated that if the confirmation of Ms. Babcock were to occur, all three of the non-attorney seats on the council would be held by individuals from the same district. She stated that AFN maintains that [the appointment] would be detrimental to rural districts by assigning undue power and influence from the urban, non-Native, third district. She suggested that geographic diversity existed [in the Constitution] by design and would reduce the likelihood of "politicizing the bench" and would increase the quality of applicants [to the council]. She opined that confirmation of a candidate from a district other than the second district would undermine the constitutional requirement of area representation.

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REPRESENTATIVE EASTMAN asked whether she or the AFN maintained a position on the size of the Alaska Judicial Council being seven members.

MS. BORROMEO stated opposition to any changes to the council. She stated that the council had been modeled on that of the State of Missouri and had served its intended function well. She emphasized AFN's position of full area representation from all judicial districts. She stated that AFN does not object to the appointment of Ms. Babcock based on her personal or professional credentials. She noted earlier testimony stating that the staggering of council terms would result in a vacancy

in March 2022, and that the governor could nominate Ms. Babcock for a seat at that time, to which AFN would not be voicing the same objections.

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CHAIR CLAMAN noted that the schedule of appointments would be a vacancy filled in 2023 and no [planned] vacancy in 2022. He added that [Ms. Babcock's fellow nominee] David Parker's nomination, if confirmed, would expire in 2024 and Ms. Babcock's seat would expire in 2027.

[2:38:11 PM](#)

CHAIR CLAMAN ascertained that there was no one else who wished to testify and closed public testimony

CHAIR CLAMAN recalled Representative Eastman's earlier question regarding any adjustments to judicial districts and that he had been informed by the court system that very few adjustments had been made and had been based on voter precincts and other matters that he characterized as minor.

[2:39:12 PM](#)

REPRESENTATIVE KURKA asked what process exists for any changes to judicial districts.

CHAIR CLAMAN expressed that he had been seeking information on the matter and offered that there had previously existed a map in the judicial rulebooks depicting the judicial districts and that he was unable to find information during his research.

REPRESENTATIVE KURKA asked rhetorically whether four judicial districts were sufficient considering the large geographical diversity of the state.

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REPRESENTATIVE EASTMAN expressed his thanks to individuals who had taken the time to provide testimony. He also expressed his curiosity about why the concerns raised were timely when there had existed previous circumstances under which the concerns may have been raised.

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REPRESENTATIVE KURKA expressed his thanks to individuals who had taken the time to provide testimony. He stated that he would continue to conduct research into the issues that had been raised and stated that he did not share the concerns that had been expressed.

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REPRESENTATIVE SNYDER stated that the Alaska Judicial Council was not the only board or commission that is obliged to take geographical representation into consideration for nominees. She stated that, despite her inexperience in voting on nominees as a freshman representative, she maintains her position as one of striving to achieve diversity between urban and rural representation. She suggested that opportunities for improvement on accepted practices exists.

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REPRESENTATIVE DRUMMOND recalled testimony from a member of the public describing crime in rural Alaska. She suggested that geographic representation was critical to the function of the council and that the concerns raised that she shared were not a reflection on the qualifications of the nominee but were those of [the lack of] geographical representation.

[2:44:20 PM](#)

REPRESENTATIVE VANCE thanked Ms. Babcock for her previous public service and her willingness to serve in the capacity for which she is nominated. She lauded Ms. Babcock's professional, personal, and community reputation and expressed her belief that Ms. Babcock would be effective if confirmed.

[2:45:10 PM](#)

CHAIR CLAMAN suggested that there exist valid concerns regarding the Bar Association's appointment of council members from the [combined] second and fourth judicial districts due to the lack of available appointees from the second district. He suggested that [nominees historically appointed from the fourth district for that seat] was understandable because of the larger applicant pool in the Fairbanks area. He added that nominees from the first district were from a greater diversity of communities, and it was less so for the third judicial district due to the population in Anchorage. He added that the governor maintains the authority to appoint members from a geographic

diversity and the Bar Association was less adept at doing so. He suggested that, should Ms. Babcock be confirmed, that there would be five representatives from the third judicial district because the council's ex-officio [Alaska Supreme Court] Chief Justice is from Anchorage. He stated that, while he has had opportunities to travel to rural communities and represent rural Alaskans, he did not have direct experience in living in rural Alaska and expressed his belief was in support the goals of geographic diversity among the nominees for consideration. He added that the lived experience of victims of sexual assault and violent crimes in rural Alaska necessitated representation of individuals from rural Alaska on the council. He stated that his concerns were not those of Ms. Babcock's individual qualifications but those of statewide geographic diversity on the council. He added that, if confirmed, Ms. Babcock's appointment to the council would result in the first historic instance of any single judicial district of all three laypersons on the council, and that change would amount to one of significance.

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REPRESENTATIVE SNYDER announced that the House Judiciary Standing Committee has reviewed the qualifications of the governor's appointee and recommends that the following name be forwarded to a joint session of the House and Senate for consideration: Kristie Babcock, Alaska Judicial Council. She said that signing the report regarding appointments to boards and commissions in no way reflects an individual member's approval or disapproval of the appointee, and the nomination is merely forwarded to the full legislature for confirmation or rejection.

[2:50:03 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:50 p.m.