

CONFIRMATION

MICHAEL
HOLMES



POUCH V
JUNEAU, ALASKA 99811
(907) 465-4990

Alaska State Legislature
HOUSE OF REPRESENTATIVES

REPRESENTATIVE
CHARLIE BUSSELL
CHAIRMAN

Committee on Judiciary

Telephone Interview Questions

(Judicial Conduct Commission Confirmer's)

- 1) Do you feel that you understand the role you would play as a Judicial Conduct Commissioner?
- 2) Are you willing to put in the amount of time required to do the job without renumeration?
- 3) Why do you want to serve on the Commission?
- 4) Do you have any suggestions/plans, etc. for the Commission?
- 5) What specific qualifications do you possess for the Commission?
- 6) Have you held any public offices in the past?
- 7) What is your party/political affiliation?
- 8) Do you feel any conflict of interest between a role as a Commissioner and your private life?
- 9) Any other statements for the Committee members to consider?

MEMBERS:

REP. JOHN LISKA, VICE CHAIRMAN; REP. RAMONA BARNES, EMERITUS;
REP. JOE HAYES; REP. HUGH MALONE; REP. DON CLOCKSIN; REP. RON WENDTE



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Michael M. Holmes

(Judicial Conduct Commission Confirmer's)

586-2210

- 1) Yes, have served on the Judicial Qualifications Commission for one and a half years, so have very good idea of the role of a commissioner and the amount of time involved.
- 2) Yes, see above.
- 3) To do some good; I have been a Judicial Council member so have the necessary experience and qualifications to do a good job for the Commission.
- 4) The Commission needs to be better organized for effectiveness and it needs new procedural rules.
- 5) Judicial Qualifications Commissioner for one and a half years; Judicial Council member, plus twenty-three years of experience as an attorney. Also know most, if not all of the Superior/Supreme Court Judges.
- 6) No elective office, but have held public position as:
 - Assistant Attorney General - 3 years
 - Deputy Attorney General - 3½ years
 - Judicial Council Member - 8 years
 - Judicial Qualifications Commissioner-1½ years
- 7) Registered Democrat; but not active.
- 8) No conflict of interest at all.
- 9) No additional statements.

MEMBERS:

REP. JOHN LISKA, VICE CHAIRMAN; REP. RAMONA BARNES, EMERITUS;
REP. JOE HAYES; REP. HUGH MALONE; REP. DON CLOCKSIN; REP. RON WENDTE

Alaska State Legislature



Speaker of the House of Representatives

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-3720

Official Business

May 2, 1983



Representative Charlie Bussell
Chairman, Judiciary Committee
Capitol Building Room 122
Juneau, AK 99811

Dear Charlie,

Attached is a copy of Governor Sheffield's letter of April 29, 1983 submitting the names of Marcus Clapp, Bruce Bookman and Michael Holmes for appointment to the Commission on Judicial Conduct. Please review these appointments and hold confirmation hearings as necessary.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Joe L. Hayes".

Joe L. Hayes
SPEAKER OF THE HOUSE

Enclosure

JLH:jvd



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

MAY 02 1983

April 29, 1983

The Honorable Joe Hayes
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Mr. Speaker:

Pursuant to applicable law, I submit the following names
for legislative confirmation of appointment to the
positions noted:

BOARDS AND COMMISSIONS
(with terms)

State Medical Board

Dr. Thomas Conley, Ketchikan, 83/04/28 - 86/04/21

Alaska State Board of Public Accountancy

J. Shelby Stastny, Anchorage, 83/04/28 - 85/04/25

Commission on Judicial Conduct

Marcus Clapp, Fairbanks, 83/04/28 - 4 year term

Bruce Bookman, Anchorage, 83/04/28 - 4 year term

Michael Holmes, Juneau, 83/04/28 - 4 year term

L+C
Sent
Jud

Sincerely,

Bill Sheffield
Bill Sheffield
Governor

L+C
Jud

NORMAN C. BANFIELD
OF COUNSEL
MICHAEL M. HOLMES
WILLIAM B. ROZELL
LAWRENCE T. FEENEY
CHARLES N. DRENNAN
ANTHONY M. SHOLTY
JAMES R. WEBB
JOHN F. CLOUGH, III
GREGORY F. COOK

LAW OFFICES OF
FAULKNER, BANFIELD, DOOGAN & HOLMES
A PROFESSIONAL CORPORATION
801 WEST TENTH STREET, SUITE 300
P. O. BOX 1150
JUNEAU, ALASKA 99802-1150
(907) 586-2210
TELEX: 088-45-335

ANCHORAGE OFFICE
DENALI TOWERS NORTH
2550 DENALI, SUITE 700
ANCHORAGE, ALASKA 99503
(907) 274-0886
TELEX: 090-26-455

RANDALL J. WEDDLE
MICHAEL A. BARCOTT
KAREN L. RUSSELL
LEE S. GLASS
RICHARD B. BROWN
TIMOTHY A. McKEEVER
RICHARD L. WAGG
ROBIN G. WILCOX

HERBERT L. FAULKNER (1882-1972)
FRANK M. DOOGAN (1923-1977)

April 20, 1983

Ms. Cathy Stevenson
Secretary to the Governor
Lt. Governor's Wing
Third Floor - State Capitol Building
Juneau, Alaska 99801

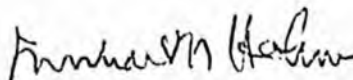
Dear Ms. Stevenson:

At your request, I am submitting the following resume:

Michael M. Holmes was born in Seattle, Washington on April 6, 1934. He was admitted to the Bar in the State of Washington in 1959 and to the Bar in the State of Alaska in 1962. He has been a resident of Juneau, Alaska since 1960. Mr. Holmes graduated from The University of Washington (BA 1956) and The University of Washington School of Law (LLB 1959). He was an assistant attorney general from 1960 to 1963 and Deputy Attorney General from 1963 to 1966. He was a member of the Alaska Judicial Council from 1973 to 1980 and was a member of the Alaska Bar Association Board of Governors from 1963 to 1964. He served on the Judicial Qualifications Commission from April 1981 until December 1982. He is the senior partner in the law firm of Faulkner, Banfield, Doogan & Holmes (established 1934, offices in Juneau and Anchorage). He is a member of the Alaska Bar Association and the Juneau Bar Association and is Fellow of The American Bar Association. He is married and has three teenage children. He is Vice President of Gastineau Channel Little League.

I hope this summary will be sufficient.

Yours very truly,



Michael M. Holmes

MMH/pp

Section 2. Supreme Court.

(a)

NOTES TO DECISIONS

Cited in *Johnson v. State*, Ct. App. Op. No. 006 (File No. 4462), 631 P.2d 508 (1981).

Section 3. Superior Court.

NOTES TO DECISIONS

Jurisdiction generally. — The question of a court's jurisdiction goes to its power to hear and adjudicate the subject matter in a given case. *K.C.M. v. State*, Sup. Ct. Op. No. 2326 (File No. 4764), 627 P.2d 607 (1981).

Where a court is one of general jurisdiction, such as a superior court, it has traditionally been regarded as having the power to hear all controversies which may be brought before a court within a legal bounds of rights or remedies, except insofar as has been expressly and unequiv-

ocally denied by the state's constitution or statutes. *K.C.M. v. State*, Sup. Ct. Op. No. 2326 (File No. 4764), 627 P.2d 607 (1981).

Order for sterilization of mental incompetent. — A superior court, as a court of general jurisdiction, does have, as part of its inherent *perens patriae* authority, the power to entertain and act upon a petition seeking an order authorizing the sterilization of a mental incompetent. *K.C.M. v. State*, Sup. Ct. Op. No. 2326 (File No. 4764), 627 P.2d 607 (1981).

(Proposed Amendment)

Section 10. Commission on Judicial Conduct. The Commission on Judicial Conduct shall consist of nine members, as follows: three persons who are justices or judges of state courts, elected by the justices and judges of state courts; three members who have practiced law in this state for ten years, appointed by the governor from nominations made by the governing body of the organized bar and subject to confirmation by a majority of the members of the legislature in joint session; and three persons who are not judges, retired judges, or members of the state bar, appointed by the governor and subject to confirmation by a majority of the members of the legislature in joint session. In addition to being subject to impeachment under Section 12 of this article, a justice or judge may be disqualified from acting as such and may be suspended, removed from office, retired, or censured by the supreme court upon the recommendation of the commission. The powers and duties of the commission and the bases for judicial disqualification shall be established by law.

Editor's notes. — This amendment was proposed by Legislative Resolve No. 36, SLA 1981, and will be voted upon at the next general election to be held in

November, 1982.

Cross references. — For provisions on the powers and duties of the Commission on Judicial Qualifications, see AS

Section 8. Judicial Council. The judicial council shall consist of seven members. Three attorney members shall be appointed for six-year terms by the governing body of the organized state bar. Three non-attorney members shall be appointed for six-year terms by the governor subject to confirmation by a majority of the members of the legislature in joint session. Vacancies shall be filled for the unexpired term in like manner. Appointments shall be made with due consideration to area representation and without regard to political affiliation. The chief justice of the supreme court shall be ex-officio the seventh member and chairman of the judicial council. No member of the judicial council, except the chief justice, may hold any other office or position of profit under the United States or the State. The judicial council shall act by concurrence of four or more members and according to rules which it adopts.

"Term". — With the exception of Alaska Const., art. IV, §§ 4 and 13, wherever "term" or "service at the pleasure of" appears in the constitutional text originally adopted, the reference is to a period of service for a particular office. *Buckalew v. Holloway*, Sup. Ct. Op. No. 1988 (File No. 4058), 604 P.2d 240 (1979).

Meaning of phrase "position of profit". — See *Begich v. Jefferson*, Sup. Ct. Op. No. 481 (File No. 894), 441 P.2d 27 (1968).

And its intent. — The term "position of profit" was intended to prohibit all other salaried non-temporary employment under the United States or the State of Alaska. *Begich v. Jefferson*, Sup. Ct. Op. No. 481 (File No. 894), 441 P.2d 27 (1968).

Quoted in *Delahay v. State*, Sup. Ct. Op. No. 648 (File No. 1252), 476 P.2d 906 (1970).

Section 9. Additional Duties. The judicial council shall conduct studies for improvement of the administration of justice, and make reports and recommendations to the supreme court and to the legislature at intervals of not more than two years. The judicial council shall perform other duties assigned by law.

Section 10. Commission on Judicial Qualifications. The Commission on Judicial Qualifications shall consist of nine members, as follows: one justice of the supreme court, elected by the justices of the supreme court; three judges of the superior court, elected by the judges of the superior court; one judge of the district court, elected by the judges of the district court; two members who have practiced law in this state for ten years, appointed by the governing body of the organized bar; and two persons who are not judges, retired judges, or members of the state bar, appointed by the governor and subject to confirmation by a majority of the members of the legislature in joint session. In addition to being subject to impeachment under section 12 of this article, a justice or judge may be disqualified from acting as such and may be suspended, removed from office, retired, or censured by the supreme court upon the recommendation of the commission. The powers and duties of the commission and the bases for judicial disqualification shall be established by law. [Amendment approved August 27, 1968]

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Cross reference
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