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Supreme Bill

BILL CONTACT/ACTION

DATE	CONTACT/ACTION
4/20	JUDICIALY COMMITTEE BACKUP
	COURT SYSTEM - VNUIN
	JUDICIAL COUNCIL 2792576
	MIRIAM GREENSTEIN

NOTIFIED OF 4/29 MEETING



alaska judicial council

1031 W. Fourth Avenue, Suite 301, Anchorage, Alaska 99501 (907) 279-2526

EXECUTIVE DIRECTOR
Francis L. Bremson

NON-ATTORNEY MEMBERS
Mary Jane Fata
Herbert J. Henrickson, M.D.
Renee Murray

ATTORNEY MEMBERS
William T. Council
James D. Gimore
Barbara L. Schuhmann

March 3, 1986

CHAIRMAN, EX OFFICIO
Jay A. Rabinowitz
Chief Justice
Supreme Court

Senator Patrick Rodey
Senate Judiciary
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

RE: House Bill 563
"An Act relating to the Duties of the Commission on
Judicial Conduct"

Dear Senator Rodey:

Enclosed please find a zero fiscal note for the Judicial Council on H.B. 563. The Council requests your favorable consideration of this proposed legislation.

This proposed amendment will enable the Judicial Conduct Commission to provide the Judicial Council with access to private reprimands issued by the Commission. This information will be utilized by the Council in performing its mandated functions of evaluating each judge or justice standing for retention election (AS 15.58.050).

Currently, the Judicial Council bases its evaluations on: (1) surveys of all active members of the Alaska Bar Association and all state peace officers and all probation officers; (2) narrative questionnaires submitted by counsel who have appeared before each judge or justice during their term; and (3) personal questionnaires filled out by the judges. The Council also reviews health, credit, criminal, civil, judicial discipline and Alaska Public Offices Commission records. Under current law, the Council's access to judicial discipline records is limited to those that are considered public records, i.e., where formal charges and public sanctions have been imposed. Since private reprimands are formal sanctions that

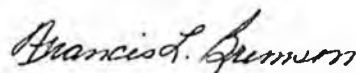
Senator Patrick Rodey
March 3, 1986
Page 2 of 2

are not made public, the Judicial Council is not aware of their issuance. Judicial misconduct that warrants a private reprimand may be relevant to a judge's fitness to be retained in office. Though not serious enough to warrant a public sanction, such misconduct should be available to the Judicial Council to consider in conjunction with the other information it receives when recommending whether a judge should be retained in office. By receiving private reprimands, the Judicial Council will be able to formulate informed opinions as to judges' qualifications.

The Judicial Council will maintain the confidentiality of the existence of private reprimands. The proposed amendment to AS 22.30.011(f) will strike an effective balance between the privacy interests of the judge and the public's need for reliable information on which to base informed decisions in judicial retention elections.

Thank you for the opportunity to submit written testimony on this matter. Please let us know if you have questions regarding the Council's position on this legislation.

Sincerely



FRANCIS L. BREMSON
EXECUTIVE DIRECTOR



Enclosure

cc: Frank Flavin, Commission on Judicial Conduct
Suzanne LaPierre

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : HB563
 Title : "An Act relating to the duties of
 the Commission on Judicial Conduct"

Sponsor : The Judiciary Committee
 Requestor : The Judicial Council & The Judicial
 Date of Request : 2/3/86 Conduct Commission

FISCAL DETAIL

Agency Affected : _____
 BRU : _____

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

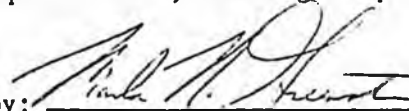
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

This bill has no fiscal impact, as it requires no additional operating expenditures, funding or positions.

Prepared by :  Marla N. Greenstein Phone : (907) 279-2526
 Division : Alaska Judicial Council Date : 3/3/86

Approved by Commissioner : Francis L. Bremson Date : 3/3/86
 Agency : Alaska Judicial Council

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)



alaska judicial council

1031 W. Fourth Avenue, Suite 301, Anchorage, Alaska 99501 (907) 279-2526

EXECUTIVE DIRECTOR
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Renee Murray

ATTORNEY MEMBERS
William T. Council
James D. Gimore
Barbara L. Schuhmann

March 3, 1986

CHAIRMAN, EX OFFICIO
Jay A. Rabinowitz
Chief Justice
Supreme Court

Representative M. Mike Miller
House Judiciary
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

RE: House Bill 563
"An Act relating to the Duties of the Commission on
Judicial Conduct"

Dear Representative Miller:

Enclosed please find a zero fiscal note for the
Judicial Council on H.B. 563. The Council requests your
favorable consideration of this proposed legislation.

This proposed amendment will enable the Judicial
Conduct Commission to provide the Judicial Council with access
to private reprimands issued by the Commission. This
information will be utilized by the Council in performing its
mandated functions of evaluating each judge or justice standing
for retention election (AS 15.58.050).

Currently, the Judicial Council bases its evaluations
on: (1) surveys of all active members of the Alaska Bar
Association and all state peace officers and all probation
officers; (2) narrative questionnaires submitted by counsel who
have appeared before each judge or justice during their term;
and (3) personal questionnaires filled out by the judges. The
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discipline and Alaska Public Offices Commission records.
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Representative M. Mike Miller
March 3, 1986
Page 2 of 2

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Thank you for the opportunity to submit written testimony on this matter. Please let us know if you have questions regarding the Council's position on this legislation.

Sincerely

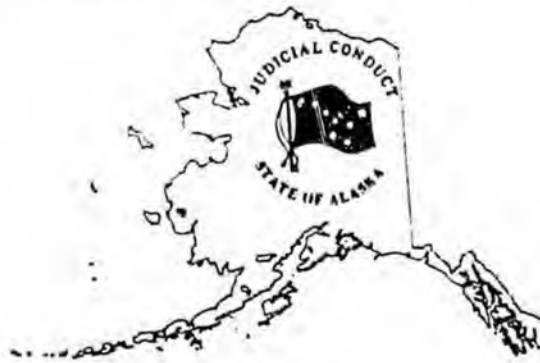
Francis L. Bremson

FRANCIS L. BREMSON
EXECUTIVE DIRECTOR



Enclosure

cc: Frank Flavin, Commission on Judicial Conduct
Hayden Kaden



Commission on Judicial
Conduct

303 K STREET
ANCHORAGE, ALASKA 99501
264-0528

March 5, 1986

Rep. M. Mike Miller
Chairman, Member,
House Judiciary Committee
Pouch V, Mail Stop 3100
Juneau, Alaska 99811

Re: HB 563

Dear Representative Miller:

The proposed language in HB 563 was considered by the Commission on Judicial Conduct at its January 1986 meeting. The Commission is sensitive to the need of the Judicial Council for such information in its evaluation of judges for retention election and does not oppose sending copies of private reprimands to the Council in addition to the Supreme Court. Presently, only the Supreme Court receives copies of private reprimands.

SUBSTANTIVE IMPACT OF HB 563

The Commission on Judicial Conduct may take one or more of the following actions in regard to judicial discipline matters:

Commission Criticism

- Counseling short of Admonishment
- Private Admonishment
- Private Reprimand
- Public Reprimand

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03/05/86

Recommend Supreme Court Criticism

- Private Censure by Supreme Court
- Public Censure by Supreme Court

Recommend Supreme Court Discipline

- Suspension
- Removal from Office

Counseling and admonishment are Commission actions in the nature of advice or constructive criticism. A reprimand is the lowest level of Commission action which could be considered a significant sanction, as is evidenced by the requirement that the Supreme Court receive a copy of a reprimand. The proposed legislation (HB563) would grant the Judicial Council the same access to private reprimands as the Supreme Court.

The more serious sanctions of censure, suspension and removal from office are carried out by the Supreme Court upon the recommendation of the Commission on Judicial Conduct. The Commission's recommendation is preceded by a statement of Formal Charges which is public information. The Commission has agreed to provide a copy of such charges to the Judicial Council when they are issued.

FISCAL IMPACT

HB563 as presently drafted should not have a significant fiscal impact on the Commission's operations. However, if disclosure were extended to matters that are currently considered "counseling" or "admonishments", or the Judicial Council were required to publish private reprimands, we could expect a significant fiscal impact where matters of constructive criticism are viewed as potentially career-threatening, we can expect that judges will be represented by attorneys, at state expense, at the earliest stages of the Commission's investigation. The investigative process will be both adversarial and costly.

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page three

SUMMARY

HB563, as drafted, provides useful information to the Judicial Council without a significant adverse substantive or fiscal impact on the Commission on Judicial Conduct.

Thank you for your consideration in this matter.

Sincerely,

Frank Flavin / jsv
Frank Flavin
Executive Director

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : HB563
 Title : "An Act relating to the duties of
 the Commission on Judicial Conduct"

Sponsor : The Judiciary Committee
 Requestor : The Judicial Council & The Judicial
 Date of Request : 2/3/85 Conduct Commission

FISCAL DETAIL

Agency Affected : _____
 BRU : _____

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

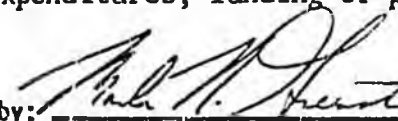
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

This bill has no fiscal impact, as it requires no additional operating expenditures, funding or positions.

Prepared by :  Marla N. Greenstein Phone : (907) 279-2526
 Division : Alaska Judicial Council Date : 3/3/86

Approved by Commissioner : Francis L. Bremson Date : 3/3/86
 Agency : Alaska Judicial Council

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB464
 Title : "An Act relating to the duties of the Commission on Judicial Conduct:"
 Sponsor : The Judiciary Committee
 Requestor : The Judicial Council & The Judicial
 Date of Request : 2/3/86 Conduct Commission

FISCAL DETAIL

Agency Affected : _____
 BRU : _____
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

This bill has no fiscal impact, as it requires no additional operating expenditures, funding or positions.

Prepared by: Francis L. Bremson Phone: (907) 279-2526
 Division: Alaska Judicial Council Date: 3/20/86
 Approved by Commissioner: Francis L. Bremson Date: 3/20/86
 Agency: Alaska Judicial Council

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Ford
5/9/86 ✓

Original sponsor: Judiciary Committee
by request

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 563 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

6 For an Act entitled: "An Act relating to the duties of the Commission on
7 Judicial Conduct and to public sanctions imposed on
8 judges."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 15.58.050 is amended to read:

11 Sec. 15.58.050. INFORMATION AND RECOMMENDATIONS ON JUDICIAL
12 OFFICERS. No later than August 1 [75 DAYS] before the state general
13 election, the judicial council shall file with the lieutenant governor
14 a statement including information about each supreme court justice,
15 court of appeals judge, superior court judge, and district court judge
16 who will be subject to a retention election. The statement shall
17 reflect the evaluation of each justice or judge conducted by the
18 judicial council according to law and shall contain a brief statement
19 describing each public sanction imposed on the judge under
20 AS 22.30.011 and 22.30.070 during the period covered in the
21 evaluation. A statement may not exceed 600 words.

22 * Sec. 2. AS 22.30.011(f) is amended to read:

23 (f) If the commission decides to reprimand a judge privately,
24 the commission shall forward the reprimand to the judge. A copy of
25 the reprimand shall be sent to the chief justice of the supreme court
26 and the judicial council. A private reprimand is confidential.
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