

**HB**

**268**

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Alaska Commission  
 Title: Act relating to the BRU: on Judicial Conduct  
Commission on Judicial  
Conduct  
 Sponsor: Judiciary Components: \_\_\_\_\_  
 Requestor: State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

General Funds	-0-	-0-	-0-	-0-	-0-	-0-
Federal Funds	-0-	-0-	-0-	-0-	-0-	-0-
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Marla N. Greenstein, Executive Director

Division: Alaska Comm'n on Judicial Conduct

Phone: 272-1033

Date: 2-5-90

Approved by: Marla N. Greenstein, Executive Director

Agency: Alaska Comm'n on Judicial Conduct

Date: 2-5-90

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management & Budget  
 Impacted Agency(ies)

CS HB 268 (Jud) am, Commission on Judicial Conduct and to the Alaska Supreme Court's power to discipline judges.

INVITATIONAL TELECONFERENCE; Anchorage LIO and Marla Greenstein  
ANNOUNCE; WE ARE ONLY TELECONFERENCING TWO BILLS TODAY;  
CS HB 268 and SB 518, after that we will drop off line.

TO TESTIFY;

Representative Gruenberg or staff, Andy Hemenway  
Marla Greenstein, Director of the AK. Commission on Judicial Conduct.  
AK.Family Support Group: John Grames and/or Steve Strube

NOTES;

1. Donley tried to amend on the house floor to further open up the process by requiring that the Council vote (intent is to make a conscious decision) to impose confidentiality on the proceeding. Amendment failed,

He also tried to amend by adding that a minority report go to the Supreme Court at any time if signed by commission members. Amendment failed.

Commission strongly opposed to both amendments.

House journal showing the amendments is in your packet, NOT in committee packets.

DONLEY VERY INTERESTED IN THIS BILL, HE MAY SHOW UP TO TESTIFY.

SECTIONAL ANALYSIS

CS HB 268 (JUD)

Section 1 [AS 15.58.050]

Conforming amendment; deletes reference to statutory subsections deleted in Section 5 of the bill.

Section 2 [AS 22.30.010]

Requires that a quorum of the Commission on Judicial Conduct include at least one member from each of its three constituent groups: judges, attorneys, and public members.

SENATE COMMITTEE REPORT

DATE: 4/2/90

FURTHER: Judiciary

DATE TURNED INTO OFFICE: \_\_\_\_\_

State Affairs Committee considered CSHB 268 (Judiciary)

"An Act relating to the Commission on Judicial Conduct and to the Alaska Supreme Court's power to discipline judges."

and recommended:

- replace with \_\_\_\_\_ CS \_\_\_\_\_  same title
- or adopt \_\_\_\_\_ CS \_\_\_\_\_  new title
- attached amendment(s)  technical title change (HB only)
- \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S): Dept/Date:

fiscal note(s) \_\_\_\_\_  
\_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_  
\_\_\_\_\_

appropriation-no fiscal note

APPROVES PREVIOUS:

Dept/Date:

fiscal note(s) \_\_\_\_\_  
\_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_  
\_\_\_\_\_

Governor's bill w/fiscal note

SIGNING DO PASS:

*Jan Fuchs*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OTHER RECOMMENDATIONS:

*Al Adams. No Rec*  
\_\_\_\_\_  
\_\_\_\_\_

*Pat Sanchez do pass*  
\_\_\_\_\_  
Chair: Signature and Recommendation

# Alaska State Legislature

Sen. Pat Pourchot, Chairman

Sen. Jan Faiks, Vice Chairman  
Sen. Al Adams  
Sen. Tim Kelly  
Sen. Rick Uehling



P.O. Box V  
State Capitol  
Juneau, Alaska 99811

907-465-3712

## Senate State Affairs Committee

### MEMORANDUM

TO: Senate State Affairs Committee Members  
FROM: Senator Pat Pourchot  
RE: Monday, April 23 Committee Hearing  
DATE: April 21, 1990

On ~~Wednesday~~, April 23 at 1:30 p.m. in the Beltz Room the Senate State Affairs Committee will hear the following bills:

SB 206. An Act relating to intrastate competition in telecommunications; continuing the existence of the APUC; and providing for an effective date.  
Rescheduled to Wednesday, April 25  
CSHB 405. Public Access to public information.  
Rescheduled to Wednesday, April 25

CS HB 268 (jud). An Act relating to the Commission on Judicial Conduct and to the Alaska Supreme Court's power to discipline judges. The major provisions of this bill, sponsored by Representative Gruenberg, are:  
.the Judicial Conduct Commission would be required to hold a public hearing if it finds probable cause to proceed on an allegation of judicial misconduct. Currently, the public remains uninformed until the matter is resolved.  
.removal of unconstitutional language which allowed the Commission to reprimand judges, clarification that only the Supreme Court can sanction judges.  
.clarification that the hearing on the charges and the majority and minority report of the Commission are public.

Further Referral: Judiciary House Vote: 39 Yeas 0 Nays

SB 518. An Act relating to income eligibility for certain housing weatherization programs. Sponsored by the Rules Committee, at the request of Senator Coghill, this bill would restrict the Department of Community and Regional Affairs from considering the value of the longevity bonus or permanent fund dividends in determining eligibility for weatherization assistance. DCRA currently contracts on a community by community basis, therefore this bill would increase the number of eligible participants in a given community but due to budget constraints, the total number of people served will not increase. No further committee referral.

SB 547. An Act relating to address information required for voter registration and providing for an effective date. This bill was developed at the request of Division of Elections as a response to the Baird vs. State court decision, in which the court decided against the countability of votes cast

by voters with insufficient addresses. According to the Division of Elections, that court decision has the potential to disenfranchise between 19,000 and 25,000 rural voters in the upcoming Primary and General Elections. SB 547 clarifies the rules on which Division of Elections will determine the sufficiency of address information. No further committee referral.

SB 452, An Act repealing limitations on the Older Alaskans Commissions relating to the longevity bonus program and the Alaska Pioneers Home. Sponsored by Senator Rodey, this bill expands the powers of the OAC by repealing the statute which denies them the authority to investigate, review or undertake any responsibility for the longevity bonus program or the Pioneers' Homes. There is no fiscal impact. No further committee referral.

CS HB 244 (Fin) am. An Act relating to the frequency and content of certain state agency reports; relating to the frequency and contents of the report to the legislature on the housing assistance revolving fund; eliminating an annual oil and gas reporting and analysis requirement; and eliminating the long-term energy plan preparation and revision requirements. Sponsored by the House Finance Committee, this bill changes many state agency report requirements from an annual to a biennial basis and eliminates the annual oil and gas reporting/analysis requirement and the annual long-term energy plan. Further Committee Referral: Finance House Vote: 40 Yeas 0 Nays

# State of Alaska

## Committees

CO-CHAIR, HOUSE JUDICIARY  
VICE-CHAIR, HOUSE LABOR AND COMMERCE  
HOUSE HEALTH, EDUCATION  
AND SOCIAL SERVICES



P.O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-4712  
465-4968/4986  
(SESSION)

914 CLAY COURT  
ANCHORAGE, ALASKA 99503  
(907) 276-6844

Representative Max F. Gruenberg, Jr.  
District 11  
Spenard, Upper Midtown Anchorage

## MEMORANDUM

TO: Sen. Pat Pourchot  
Chairman, Senate State Affairs Committee

FROM: Rep. Max F. Gruenberg, Jr. *MG*

DATE: April 6, 1990

SUBJECT: Scheduling of HB 268, "An Act relating to the  
Commission on Judicial Conduct."

The House unanimously passed CS HB 268 (Jud) on March 30, and the bill is ready for a hearing in your committee. A sectional analysis of the bill is attached.

The bill opens the process of judicial discipline to the public, once there is a finding of probable cause that a judge has violated standards of judicial conduct. Under current law the public remains uninformed about pending disciplinary matters until they are finally resolved.

This new legislation will substantially improve the judicial discipline process, and I ask that you schedule the bill as soon as possible.

CSHB 268 (Jud)

Amendment No. 1 by Donley:

Page 4, lines 2 - 17:

Delete all material and insert:

"\* Sec. 6. AS 22.30.060(b) is amended to read:

(b) All proceedings, records, files, and reports of the commission are confidential and disclosure may not be made except

(1) upon waiver in writing by the judge at any stage of the proceedings;

(2) if the subject matter or the fact of the filing of charges has become public, in which case the commission may issue a statement in order to confirm the pendency of the investigation, to clarify the procedural aspects of the proceedings, to explain the right of the judge to a fair hearing, or to state that the judge denies the allegations; or

(3) that when the commission first meets to consider an allegation and has an opportunity to vote on the question of confidentiality, the proceedings, records, files, and reports of the commission become public unless the commission votes to keep the proceedings, records, files, and reports confidential, and at least one public member votes in favor of confidentiality; if the commission imposes confidentiality under this paragraph, the proceedings, records, files, and reports remain confidential until the commission files formal charges, if any, on the allegation; upon filing of formal charges, all proceedings, records, files, and reports of the commission relating to the case are public except for deliberations of the commission concerning the case, which remain confidential; the commission's ultimate decision and recommendation to the supreme court, if any, including any minority report, are public [UPON FILING OF FORMAL CHARGES, IN WHICH CASE ONLY THE CHARGES SHALL BECOME PUBLIC]."

Representative Donley moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative Goll objected.

The Speaker placed a call of the House on CSHB 268 (Jud) and lifted the call.

CSHB 265 (Jud)

Amendment No. 1 to Amendment No. 1 by Donley:

In paragraph (3), lines 7 and 8:

Delete "and at least one public member votes in favor of confidentiality"

Representative Donley moved and asked unanimous consent that Amendment No. 1 to Amendment No. 1 be adopted. There being no objection, it was so ordered.

The question being: "Shall Amendment No. 1 as amended be adopted?" The roll was taken with the following result:

CSHB 268 (JUD) AM1 AM

Yeas: 16 Collins, Cotten, Davis, C., Donley, Furnace, Hanley, Hoffman, Hudson, Jacko, Larson, Leman, Martin, Menard, Shultz, Swackhammer, Zawacki

Nays: 22 Boucher, Boyer, Brown, Davidson, Davis, M., Ellis, Finkelstein, Foster, Goll, Gruenberg, Grussendorf, Koponen, Kubina, Miller, Navarre, Pettyjohn, Phillips, Riegler, Sharp, Taylor, Ulmer, Wallis

Excused: 1 Barnes

Absent: 1 MacLean

Sharp changed from "yea" to "nay".

And so, Amendment No. 1 as amended was not adopted.

Amendment No. 2 was not offered.

Amendment No. 3 by Donley:

Page 4, line 25, following "committees.":

Add:

"If three members of the commission agree, they may submit a report recommending a different course of action by the commission at any time to the chief justice of the supreme court, the attorney general and the chair of the senate and house judiciary committees."

*Amendment Failed.*

7 5/25/90  
PAT: Caution... John Grames  
belongs to this group and will be on  
teleconference. This letter is only  
about Judge Carlson... but you  
should review.



April 22, 1990

Chris Christiansen  
Senator Jan Faik's Office  
Box V  
Juneau, Ak. 99811

Re: House Bill 268, and Judicial Corruption

Dear Chris,

It is my understanding that House Bill 268, the Bill regarding the Alaska Commission on Judicial Conduct will be heard in the Senate State Affairs Committee on Monday, April 23, 1990.

Because the Alaska Family Support Group that I represent did not have the opportunity to testify or ask questions when HB 268 was heard in the House, please consider this a request that this document be distributed to the members of the Senate State Affairs Committee and to the members of the Senate Judiciary Committee, and that the following questions be asked of the representative of the Alaska Judicial conduct Commission when HB 268 is heard in Committee:

1. Marla Greenstien, Executive Director of the Alaska Commission on Judicial Conduct, who also served as Senior Staff Attorney on the Alaska Judicial Council, has publicly stated that the complaints against Judge Carlson are being made by losers in divorce court who are particularly bitter and unhappy, implying that this accounts for the many complaints against Judge Carlson.

Having seen all the complaints is there any merit to the charges that Judge Carlson committed crimes, and violates court rules, codes, and judicial canons? Are these complainants victimized or are they just prejudiced against Judge Carlson?

2. Are there substantive facts that Judge Carlson has treated the complainants unfairly?

3. What are your views on open government in this delicate area of confidentiality and the public's right to know?

4. Are nearly all of the complaints made to the Commission also filed with the Alaska Supreme Court in the appellate process?

If the answer is yes than the Supreme Court is aware of the complaints. How would you open up the process of investigating complaints of judicial misconduct to the other two branches of government?

5. Can you tell us how many complaints against Judge Carlson have been filed with the Alaska Commission on Judicial Conduct to date or the nature of those complaints?

6. What actions can the public and their elected officials take to follow-up on complaints that are brought before the Commission and the Supreme Court?

7. Besides the recommendations of special interests, how does the public obtain information to knowledgeably vote on the retention of judges?

8. Prior to the recommendation of the Ombudsman did you see the potential conflict of interest when you served on both the Commission on Judicial Conduct and on the Judicial Council?

As we approach 1000 petition signatures calling for the investigation into the impeachment of Judge Carlson, we have failed to receive a response, a special investigation, or a special hearing from Senator Tim Kelly, President of the Senate. See attached letter and petition.

Every Bill that we are supporting in the legislature this session that will benefit Alaskan families, ( HB 571, HB 472, HB 561, HB 538 and 539, and SB 519 has been stalled by the lobbying efforts of the other branches of government using State funds; in an unholy alliance with the Bar Association and the Women's Lobby. This results in discrimination against men, fathers, and families. In our view, this undermines democracy, change, and reform.

You can count on us to keep striving for fairness and equality in the child support industry, including wiser laws, better government, and healthier families.

In closing, we would like to draw attention to widespread fear of retribution from judges and lawyers, and a large number of people are afraid that someone will see their names on the petitions.

Sincerely,

*Steven P. Strube*

Steven P. Strube, Director

892-7760 HM

892-6027 WK

**ALASKA FAMILY SUPPORT GROUP  
P.O. BOX 521155  
BIG LAKE, ALASKA 99852**

P.O. BOX 521155 BIG LAKE, ALASKA 99652

FOR IMMEDIATE NEWS RELEASE

March 31, 1990

Senator Tim Kelly  
Senate President  
P.O. Box V  
Juneau, Ak. 99811



Dear Senator Kelly,

Please accept these 600 petition signatures collected from among our Alaska Family Support Group members during the past month, requesting an investigation toward the possible impeachment of Superior Court Judge Victor D. Carlson.

We are continuing to collect signatures until the investigation by the Legislative Branch of Government has begun, and we are planning our petition campaign with "WE THE PEOPLE" and other pro-democracy-groups.

We are compelled to petition our elected representatives because our institutions of government have failed us. Judges, lawyers, and administrators charged with the task of running the justice system have postponed cleaning the courthouse we provide them, using their rules of confidentiality. The media has failed to acknowledge and report wrongdoing by Officials of the Court. Too many fear retribution if they come forward or demonstrate.

This particular judge stands out; Judge Carlson has broken his oath of office by violating Judicial Canons, Civil Rules of Court, and the Constitutional Rights of Alaskans.

John Grames, with limited resources, has compiled substantive documented evidence and testimony to present to a special investigator or at a hearing of your choosing. We can show at least two cases of each of the following charges; directing law enforcement officers to harrass or arrest innocent persons, removing nursing babies from their mothers by court action, giving favor to certain attorneys, illegally hiding litigants records, economically destroying families by judicial decree, setting child support payments in excess of 100% of noncustodial parents income, bringing irrelevant evidence and bias into the courtroom, and judicial violence.

Some of Judge Carlson's victims reported their horror stories to the Family Support Task Force.

It is significant that Judge Carlson served on this states Child Support Enforcement Commission in 1985, and served again on the Civil Rule 90.3 Revision Committee in 1989 that have made child support law until the present time. House Bill 472, currently in House H.E.S.G. Committee will have the effect of removing our State's child support awards system from the oligarchy of the court system and placing it in the democratic process of the Legislature.

Please note that Judge Carlson has been removed once again from hearing family law cases as a result of public pressure. The most frequent complaints against him are that he systematically violates Civil Rule 90.3 and that he resents fathers.

In response to a complaint filed with the Commission on Judicial Conduct against Judge Carlson the Alaska Supreme Court interpreted the State Constitution to mean that the court has the final disposition of complaints made to the Commission. We have no way of knowing the number of complaints that are filed against Judge Carlson, nor of any sanctions taken against him.

HB 268 was supposedly intended to open the process of investigation of judicial misconduct to the public but it passed the House without public comment where all amendments were defeated by government lobbying.

We believe Judge Carlson has the greatest number of Appeals for errors in judgement, particularly during the latter part his eighteen years on the bench. These Appeals cost the State millions of dollars, some examples go on for many years. The Supreme Court repeatedly remands them back to Judge Carlson. At least three of these victims have Appealed all the way to the United Nations Human Rights Commission in Geneva, Switzerland.

Enclosed are the record near 2000 pre-emptory challenges without a single recusal from 1979 to 1988. Did Judge Carlson finally take himself off a case voluntarily? Also enclosed are the endorsements of police officers and prosecutors regarding his last retention in 1984. He is a regular guest lecturer/instructor at the A.P.D. Academy.

We are deeply concerned that when Judge Carlson is forced into retirement he will become a Senior Consulting Judge enjoying full retirement benefits and privileges, while continuing to terrorize the unsuspecting citizens of Alaska. It is our hope that our elected representatives will take action on this serious matter and that if he is found guilty, he be made an example to prevent abuses of judicial power in the future, a warning that judges are not above the law and that we the people will not tolerate Injustice in this country.

Sincerely,  
*Steven F. Strube*  
Steven F. Strube, Director



# Alaska State Legislature

Sen. Pat Pourchot, Chairman

Sen. Jan Faiks, Vice Chairman  
Sen. Al Adams  
Sen. Tim Kelly  
Sen. Rick Uehling



P.O. Box V  
State Capitol  
Juneau, Alaska 99811

907-465-3712

## Senate State Affairs Committee

### MEMORANDUM

TO: Senate State Affairs Committee Members  
FROM: Senator Pat Pourchot  
RE: Monday, April 23 Committee Hearing  
DATE: April 21, 1990

DO NOT  
REMOVE  
AGENDA

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- .removal of unconstitutional language which allowed the Commission to reprimand judges, clarification that only the Supreme Court can sanction judges.
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JANICE =

Comm. on E.  
62M

GRAMES 277-5321  
JOHN ~~XXXXXXXXXX~~: HB 268 =  
AK. Family Support Group.

Dave Donley tried to amend. to truly open up - but Bar Association defeated.

News Release / Petition to impeach  
Judge Carlson

ISSUE:

> Cost per litigant

Judiciary / CS in SA = Michael ← Donley

< Open Process

- Minority Reports - dissenting member report (3) could be public
- Council should make a conscious decision (vote) on whether to go public or confidential.

• Commission very opposed to  
Donley amendments =

Steve Strube  
HK Family Support  
Group

HB 268 -  
376 - 3704 (LIS)  
S. 892 - 7760 (h)  
892-6027 (w)

How many complaints  
against Judge Carlson

→ confidential

= Bill would not  
change this  
once to hearing  
it becomes

When is hearing?

→ Monday

teleconf to Wasilla?

# State of Alaska

## Committees

CO-CHAIR, HOUSE JUDICIARY  
VICE-CHAIR, HOUSE LABOR AND COMMERCE  
HOUSE HEALTH, EDUCATION  
AND SOCIAL SERVICES




P.O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-4712  
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914 CLAY COURT  
ANCHORAGE, ALASKA 99503  
(907) 276-6844

Representative Max F. Gruenberg, Jr.  
District 11  
Spennard, Upper Midtown Anchorage

## MEMORANDUM

TO: Sen. Pat Pourchot  
Chairman, Senate State Affairs Committee

FROM: Rep. Max F. Gruenberg, Jr. 

DATE: April 6, 1990

SUBJECT: Scheduling of HB 268, "An Act relating to the  
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This new legislation will substantially improve the judicial discipline process, and I ask that you schedule the bill as soon as possible.

## SECTIONAL ANALYSIS

CS HB 268 (JUD)

### Section 1 [AS 15.58.050]

Conforming amendment; deletes reference to statutory subsections deleted in Section 5 of the bill.

### Section 2 [AS 22.30.010]

Requires that a quorum of the Commission on Judicial Conduct include at least one member from each of its three constituent groups: judges, attorneys, and public members.

### Section 3 [AS 22.30.011(a)]

Establishes a six year statute of limitations for inquiries by the Commission into allegations of judicial misconduct.

### Section 4 [AS 22.30.011(b)]

This section is the heart of CS HB 268 (Jud). It requires the Judicial Conduct Commission to hold a public hearing if it finds probable cause to proceed on an allegation of judicial misconduct. Only an exoneration or an informal admonition by the Commission would be private under the new language. Currently, judicial misconduct hearings are private.

### Section 5 [AS 22.30.011(d)]

AS 22.30.011(d)(2) is deleted; informal and private admonishments and recommendations for counselling by the Commission are now authorized only prior to a public hearing under revised AS 22.30.011(b) [Section 4].

This section also removes AS 22.30.011(d)(3), which authorized the Commission to reprimand judges; the Supreme Court held in In re Inquiry Concerning a Judge, 762 P.2d 1292 (Alaska 1988), that this provision was unconstitutional, and that only the Supreme Court can sanction judges.

Section 5 also authorizes the Commission to recommend to the Supreme Court that it reprimand a judge, if a more severe sanction is not warranted.

Section 6 [AS 22.30.060(b)]

Clarifies that although the Commission's investigative and other files remain confidential after formal charges are filed, the hearing on the charges and the majority and minority report of the Commission are public. The deliberations of the Commission, like jury deliberations, are confidential.

Section 7 [AS 22.30.068 (NEW)]

Provides that a member of the Commission may submit a minority report at the conclusion of a hearing on formal charges; the minority report may be sent to the chief justice, the attorney general, and the chairs of the legislature's judiciary committees.

Sections 8 and 9 [AS 22.30.070(b), (c)]

These sections authorize the Supreme Court to reprimand judges, to conform with changes to AS 22.30.011(d) in Section 5 of the bill; there the Commission's authority to reprimand judges was deleted, and it was given the authority to recommend that the Supreme Court take that action.

Also, the reference to AS 22.30.011(e) is deleted, because that subsection is repealed in Section 11 of the bill.

Section 10 [AS 22.30.080(2)]

The definition of "judge" is amended to make it clear that the Commission's jurisdiction includes part-time and temporary judges.

Section 11 [repealers]

The repealed provisions outlined the procedures for reprimands by the Commission; the Commission's authority to reprimand judges was declared unconstitutional, and is deleted in Section 5 of the bill.

# nothing else, maybe the power-sated judiciary got a reality check

A couple of dozen angry people showed up to testify at the Alaska Judicial Council's first-ever public hearing on judges on the ballot. Alaska's judges aren't elected, they're appointed. Every so often voters decide whether to keep a judge on the bench. In practice a judge loses about as often as Perry Mason. The council comes out with a judge only slightly less often, arriving at its recommendation in roughly the same manner a private investigator expels a member. These balls are routinely ignored by the voters. The council is trying to change by its all-new citizen advisory committee one of the openings. It walked a parade of people with a beef against the court system.



**mike  
doogan**

As at any public hearing, a couple of people seemed to be receiving radio signals from a great distance. At least a couple of others were full-time, multisubject malcontents.

But the majority of those who testified were mad at

Superior Court Judge Victor Carlson.

Carlson has spent most of his time on the bench dividing the spoils of failed marriages. Not surprisingly, he has made enemies. The bulk of the testimony came from men who thought they'd lost because Carlson didn't play fair.

Among the most strident were men who said they belonged to an outfit called the Alaska Family Support Group. They get families under the tent by arguing that having to pay what Carlson ordered for their former families makes life tough for their current families.

They want a real witch hunt — a legislative investigation and impeachment of Carlson. They had a lot to say about their rights, but almost nothing to say about

their responsibilities.

Some of them said ridiculous things. "All my rights were violated," one man said. "We've got a guy who's 10 times worse than Noriega right here in our courthouse," said another. My favorite came from Wild Bill Nelson: "There's a civil war coming. If you stand in our way we're going to mow you down. Thank you." That Bill may be a social misfit, but he's a polite social misfit.

Some also indulged in the sort of rumormongering about Carlson's personal life that could give McCarthyism a bad name.

As an information-gathering tool the hearing was useless, the usual people saying the usual things. It added little to the store of reliable information about Carlson's honesty, fairness

and knowledge of the law, the issues on which his fitness to continue on the bench should be decided.

The hearing might have had some value as a chance to dip judges, however briefly, in the chilly waters of the world outside the courthouse. Inside the courtroom, judges are little emperors, treated with deference and respect whether they deserve it or not; the testimony might have been a useful reminder that not everybody thinks they're the bee's knees.

Judges need to know this because they have a hand in manufacturing these enemies. When people end up in court, what usually happens is the legal system takes their money and puts them through a complicated, frustrating and mysterious pro-

cess that spits them out poorer, confused and often without what they wanted: vindication and victory.

That's bad enough when the case is some business deal gone bad. But when it's domestic warfare — a battle over sex, power, children and money — the combatants can be as tenacious as pit bulls and about as reasonable.

"These are lives that judges deal with," one man said. "After a case is over, we all have to deal with it."

Judges should know firsthand, as the rest of us do, that some people deal with it by getting mad. By finding someone else to blame. By trying to get even.

□ Mike Doogan is an Anchorage Daily News columnist.

MEMO TO FILE

Date: April 23, 1990

Re: Phone Call from John Grames

Mr. Grames phoned to express his extreme displeasure of Pat, Susie, and the Senate State Affairs Committee's handling of HB 268, specifically regarding the non-adoption of Rep. Donley's amendments. Grames was also extremely frustrated that the Committee did not ask any questions of Marla Greenstein. (Refer to notes in State Affairs' HB 268 bill file.)

Mr. Grames also wanted to reiterate his opposition to the reappointment of Sandra Hendricks to the Human Rights Commission. He feels she, as well as Bev Ramos, the Alaska Women's Lobby, the Women's Commission, and the Human Rights Commission are all anti-men and feels therefore that no support to be given to these organizations or individuals.

cc: State Affairs HB 268 bill file  
Sandra Hendricks Reappointment File  
Misc. Constituent Correspondence File  
Chron

CSHB 268 (Jud)

Amendment No. 1 by Donley:

Page 4, lines 2 - 17:

Delete all material and insert:

" \* Sec. 6. AS 22.30.060(b) is amended to read:

(b) All proceedings, records, files, and reports of the commission are confidential and disclosure may not be made except

(1) upon waiver in writing by the judge at any stage of the proceedings;

(2) if the subject matter of the fact of the filing of charges has become public, in which case the commission may issue a statement in order to confirm the pendency of the investigation, to clarify the procedural aspects of the proceedings, to explain the right of the judge to a fair hearing, or to state that the judge denies the allegations; or

(3) that when the commission first meets to consider an allegation and has an opportunity to vote on the question of confidentiality, the proceedings, records, files, and reports of the commission become public unless the commission votes to keep the proceedings, records, files, and reports confidential, and at least one public member votes in favor of confidentiality; if the commission imposes confidentiality under this paragraph, the proceedings, records, files, and reports remain confidential until the commission files formal charges, if any, on the allegation; upon filing of formal charges, all proceedings, records, files, and reports of the commission relating to the case are public except for deliberations of the commission concerning the case, which remain confidential; the commission's ultimate decision and recommendation to the supreme court, if any, including any minority report, are public [UPON FILING OF FORMAL CHARGES, IN WHICH CASE ONLY THE CHARGES SHALL BECOME PUBLIC]."

Representative Donley moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative Goll objected.

The Speaker placed a call of the House on CSHB 268 (Jud) and lifted the call.

CSHB 268 (Jud)

Amendment No. 1 to Amendment No. 1 by Donley:

In paragraph (3), lines 7 and 8:

Delete "and at least one public member votes in favor of confidentiality"

Representative Donley moved and asked unanimous consent that Amendment No. 1 to Amendment No. 1 be adopted. There being no objection, it was so ordered.

The question being: "Shall Amendment No. 1 as amended be adopted?" The roll was taken with the following result:

CSHB 268 (JUD) AMI AM

Yeas: 16 Collins, Cotten, Davis, C.,  
Donley, Furnace, Hanley, Hoffman,  
Hudson, Jacko, Larson, Leman,  
Martin, Menard, Shultz,  
Swackhammer, Zawacki

Nays: 22 Boucher, Boyer, Brown, Davidson,  
Davis, M., Elliott, Finkelstein,  
Foster, Goll, Gruberberg,  
Grussendorf, Koppen, Kubina,  
Miller, Navarre, Pettyjohn,  
Phillips, Rieger, Sharp, Taylor,  
Ulmer, Wallis

Excused: 1 Barnes

Absent: 1 MacLean

Sharp changed from "yea" to "nay".

And so, Amendment No. 1 as amended was not adopted.

Amendment No. 2 was not offered.

Amendment No. 3 by Donley:

Page 4, line 25, following "committees.":

Add:

"If three members of the commission agree, they may submit a report recommending a different course of action by the commission at any time to the chief justice of the supreme court, the attorney general and the chair of the senate and house judiciary committees."