

SJR

47

8-LS1199E
Dierdorff
3/17/94

CS FOR SENATE JOINT RESOLUTION NO. 47()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS HALFORD, Phillips, Sharp, Taylor, Leman, Frank

A RESOLUTION

1 Proposing an amendment to the Constitution of the State of Alaska changing the
2 membership of the judicial council.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. Article IV, sec. 8, Constitution of the State of Alaska, is amended to read:

5 SECTION 8. JUDICIAL COUNCIL. The judicial council shall consist of nine
6 [SEVEN] members. Three attorney members shall be appointed for six-year terms by
7 the governing body of the organized state bar. Five [THREE] non-attorney members
8 shall be appointed for six-year terms by the governor subject to confirmation by a
9 majority of the members of the legislature in joint session. Vacancies shall be filled
10 for the unexpired term in like manner. Appointments shall be made with due
11 consideration to area representation and without regard to political affiliation. The
12 chief justice of the supreme court shall be ex-officio the ninth [SEVENTH] member
13 and chair [CHAIRMAN] of the judicial council. No member of the judicial council,
14 except the chief justice, may hold any other office or position of profit under the
15 United States or the State. The judicial council shall act by concurrence of five
16 [FOUR] or more members and according to rules which it adopts.

- 1 * Sec. 2. The amendment proposed by this resolution shall be placed before the voters of
- 2 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
- 3 State of Alaska, and the election laws of the state.

ALASKA STATE LEGISLATURE

Senator Rick Halford

President of the Senate

MEMORANDUM

While in Session:
State Capitol
Juneau, AK 99801-1182
907-465-4958

While in interim:
P.O. Box 670190
Chugiak, AK 99567
907-694-4958

TO: Senator Robin Taylor, Chair
Senate Judiciary Committee

FROM: Senator Rick Halford

DATE: March 16, 1994

SUBJECT: Sponsor Statement -- SJR 47

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Senate Joint Resolution would amend Article IV, Section 8, of the Alaska Constitution to change the composition of the Judicial Council from three lawyers and three Alaska Citizen's to three lawyers and five Alaska citizens.

Currently, the Council is largely controlled by members of the legal community. During the judicial appointment process, the Governor has only the option of choosing from a list provided to him by the existing Judicial Council. Any tie resulting from a Council vote is determined by another attorney, the Chief Justice.

As is increasingly evident in the Alaskan voices which have been raised in letters to the editor and other forums, the unhealthy situation in which Alaska's lawyers get to select the very judges who decide their cases is simply inappropriate. The potential for conflict of interest is enormous. The concerns of Alaska's ordinary citizens are well-founded, and that is why this model is not used for the selection of judges in any other state.

There is clear and convincing evidence that there is a need to strike a balance between the legal community and the people of Alaska. This legislation provides that necessary balance.

I urge the committee to give SJR 47 its full and favorable consideration.