

CONFIRM-

ATIONS

4/20/01



Official Business

Alaska State Legislature

House of Representatives

Office of the Chief Clerk

State Capitol, Room 216
Juneau, AK 99801-1182
Phone: (907) 465-3725
Fax: (907) 465-5334

Committee Report

Date: April 20, 2001

The Honorable Brian Porter
Speaker of the House
State Capitol
Juneau, AK 99801


Dear Speaker Porter:

The Judiciary Committee has reviewed the qualifications of the following individual and recommends that her name be forwarded to a Joint Session for consideration:

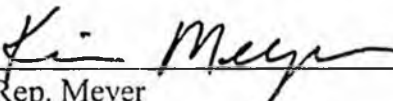
Alaska Judicial Council

Ms. Eleanor Andrews of Anchorage

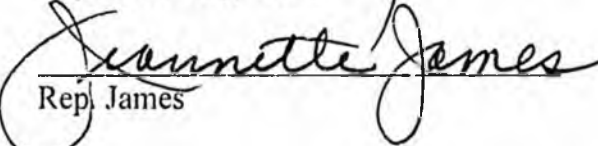
Appointed: 11/15/2000 Reappointed: 03/28/2001 Term Expires: 03/01/2007



Rep. Rokeberg, Chair



Rep. Meyer



Rep. James

Rep. Berkowitz

Rep. Ogar

Rep. Kookesh



Rep. Coghill



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The Honorable Brian Porter
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Dear Speaker Porter:

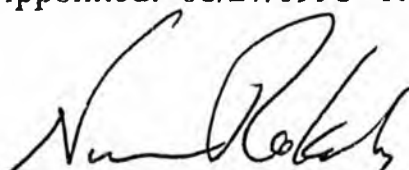
The Judiciary Committee has reviewed the qualifications of the following individual and recommends that her name be forwarded to the House for consideration:

Violent Crimes Compensation Board

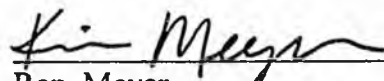
Dr. Colleen M. Murphy of Anchorage

03/01/2003

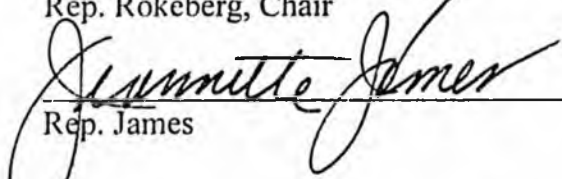
Appointed: 08/27/1998 Reappointed: 12/29/2000 Term Expires: ~~12/15/2003~~



Rep. Rokeberg, Chair



Rep. Meyer



Rep. James

Rep. Berkowitz

Rep. Ogan

Rep. Kookesh



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Office of the Chief Clerk

Committee Report

Date: April 20, 2001

The Honorable Brian Porter
Speaker of the House
State Capitol
Juneau, AK 99801

Dear Speaker Porter:

The Judiciary Committee has reviewed the qualifications of the following individual and recommends that her name be forwarded to the House for consideration:

Commission on Judicial Conduct

Ms. Ethel L. Staton of Sitka

Appointed: 03/04/1997 Reappointed: 12/29/2000 Term Expires: ~~12/31/2004~~ ^{03/11/2004}

Rep. Rokeberg, Chair

Rep. Meyer

Rep. James

Rep. Berkowitz

Rep. Ogan

Rep. Coghill

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MEMORANDUM

Date: April 3, 2001
To: Judiciary Committee
From: Suzi Lowell *sl*
Chief Clerk
Subject: Governor's Appointments

Speaker Porter referred the following Governor's appointment to the Judiciary Committee:

Alaska Judicial Council

Ms. Eleanor Andrews of Anchorage

Appointed: 11/15/2000 Reappointed: 03/28/2001 Term Expires: 03/01/2007

The resume and committee report are attached for your use.

Attachments as noted



Official Business

Alaska State Legislature

House of Representatives

Office of the Chief Clerk

State Capitol, Room 216
Juneau, AK 99801-1182
Phone: (907) 465-3725
Fax: (907) 465-5334

MEMORANDUM

Date: February 1, 2001
To: Judiciary Committee
From: Suzi Lowell *SL*
Chief Clerk
Subject: Governor's Appointments

Speaker Porter referred the following Governor's appointments to the Judiciary Committee:

Commission on Judicial Conduct

Ms. Ethel L. Staton of Sitka

Appointed: 03/04/1997 Reappointed: 12/29/2000 Term Expires: 12/31/2004

Alaska Judicial Council

Ms. Eleancr Andrews of Anchorage

Appointed: 11/15/2000 Term Expires: 05/18/2001

Violent Crimes Compensation Board

Dr. Colleen M. Murphy of Anchorage

Appointed: 08/27/1998 Reappointed: 12/29/2000 Term Expires: 12/15/2003

The resumes and committee reports are attached for your use.

Attachments as noted

Staton, Ethel L.
Judicial Conduct, Commission on

ETHEL L. STATON
P.O. BOX 829
SITKA, ALASKA 99835

PHONE
(907) 747-3435 WORK

FA (907) 747-7886
JANUARY 24, 2001

ETHEL L. STATON AN ALASKAN NATIVE, BORN AND RAISED IN KETCHIKAN, ONE OF FIVE DAUGHTERS OF MABEL MATHER MILONICH AND ROBERT MILONICH. MY MOTHER WAS TSIMSHIAN AND MY FATHER YUGOSLAVIAN. I GRADUATED FROM KETCHIKAN HIGH SCHOOL IN 1943. I MARRIED NORMAN E. STATON IN 1944 AND HAD TWO CHILDREN, CANDACE BARGER, A REALTOR, AND NORMAN STATON JR, A CONSULTANT, FIVE GRANDCHILDREN AND ONE GREAT GRAND-DAUGHTER. MY HUSBAND OF FIFTY-ONE YEARS DIED IN 1995.

WE MOVED TO SITKA IN 1955 TO OPEN A RESTAURANT AND TO MAKE SITKA OUR HOME. THROUGH THE YEARS WE OWNED AND OPERATED SEVERAL RESTAURANTS, COCKTAIL LOUNGE, MOTEL, RENTALS, A GIFT AND JEWELRY STORE. THE STORE IS IN THE OLDEST BUILDING ON THE WEST COAST STILL STANDING BUILT BY THE RUSSIANS IN 1835.

I WAS ON THE INTERIM BOARD OF THE SITKA NATIVE ASSOCIATION CREATED BY THE ALASKA NATIVE CLAIMS SETTLEMENT ACT IN 1971, THAT LED TO THE INCORPORATION OF SHEE ATIKA, INC., IN 1974. I HAVE BEEN ON THE BOARD FOR TWENTY-SEVEN YEARS, HAVING SERVED AS CHAIRMAN AND CURRENTLY THE CORPORATE SECRETARY. SHEE ATIKA HAS GROWN FROM IT'S INCEPTION TO BECOME A SUCCESSFUL NATIVE CORPORATION.

I SERVE ON THE BOARD OF TRUSTEES FOR SHELDON JACKSON COLLEGE AND THE SITKA COMMUNITY ADVISORY BOARD FOR HOLLAND AMERICA LINE, WEST-OURS, INC.

SERVED SIX YEARS ON THE BOARD OF GOVERNORS FOR THE ALASKA BAR ASSOCIATION, PAST PRESIDENT OF THE VETERAN OF FOREIGN WARS IN KETCHIKAN, PAST PRESIDENT OF SITKA EMBLEM CLUB, PAST PRESIDENT OF BETA SIGMA PHI., AND A MEMBER OF ST. PETERS EPISCOPAL CHURCH. MY GRANDFATHER WAS THE FIRST NATIVE EPISCOPAL PRIEST ORDAINED IN ALASKA.

Andrews, Eleanor
Judicial Council, Alaska

**Eleanor Andrews President & CEO
The Andrews Group, Inc.**

Resides in Anchorage

Eleanor Andrews incorporated The Andrews Group Inc., in 1987. She currently holds operation and management services contracts that provide logistics support services to the U.S. Army and U.S. Air Force Alaska and other federal and private sector clients in Alaska and locations in the lower 48 states. In addition, she has expanded her business to include co-ownership of four joint ventures: TAG/DataFlow engaged in information technology services; Koosniic providing facilities operation and support; CDC/TAG engaged in base operating services – particularly family housing maintenance services; and ALCON, engaged in general construction.

Prior to starting The Andrews Group Inc., Andrews served between 1983 and 1986 as the Deputy Commissioner and Commissioner of Administration for the state of Alaska. In this position she was responsible for developing policies and providing administrative support for the state government and managed 22 divisions with 1200 employees with an annual operating budget of over \$250 million dollars, and the state of Alaska's municipal grant budget.

Prior to her tenure with the state, Andrews served as the director of human resources for the Municipality of Anchorage in 1982. In this position, she was responsible for policy development and administration of the municipality's labor

relations, equal employment opportunity, personnel, training and development, records and benefits programs for more than 3,500 employees.

Other career highlights include positions as a labor representative for the International Brotherhood of Electrical Workers, and the Alaska Public Employees Association. Andrews also worked as a counselor at McLaughlin Youth Center.

Ms. Andrews has received several awards for her outstanding service in the community to include her most recent accolade, the 1998 U.S. Small Business Association's Small Business Person of the Year for Alaska. Other awards include 1995 ATHENA award in recognition for her outstanding leadership, excellence and dedication to promoting women in business and development of the community. She is the recipient of the 1994 YWCA Woman of Achievement Award.

Ms. Andrews volunteers her time on national, city and statewide boards including; the state and national Small Business Administration's Small Business Development Center Advisory Boards, the Anchorage Chamber of Commerce, Anchorage Mutual Housing Association, Commonwealth North, Providence Health Systems Foundation, and the advisory board of the University of Alaska Anchorage She is also a Member of the Anchorage East Rotary.

Andrews attended California State University and the University of Alaska, Anchorage.

Eleanor Andrews
The Andrews Group, Inc.
PO BOX 241845
Anchorage AK 99520-1947
wk ph: 276-1454

Colleen Murphy, MD, FACOG

Work Address:
3260 Providence Drive
Suite 522
Anchorage, Alaska, 99508

Education

B.S 1977, University of Michigan, Ann Arbor

Graduated cum laude

1977-1978, One year study abroad program in Aix-en-Provence, France

M.D. 1981, Wayne State University of Medicine, Detroit, Michigan

Graduated with distinction, elected to Alpha Omega Alpha Honor Society

Internship in Family Practice 1982

St. John Hospital, Detroit, Michigan

Residency in Obstetrics & Gynecology 1984-1987

Good Samaritan Medical Center, Phoenix, Arizona

Galloway Fellowship, 9/86-10/86, Sloan-Kettering Hospital, New York City

Professional Experience

10/99 to present

Alaska Women's Health Service

Obstetrician-Gynecologist

6/99

Fort Dix, New Jersey- Operation Refuge

Obstetrician-Gynecologist: Kosovar relief

5/97- 3/99	<u>Alaska Native Tribal Health Consortium</u> Women's Health Consultant
8/87- 2/98	<u>Alaska Native Medical Center</u> Obstetrician-Gynecologist Chief of Department 7/93-4/96 President of Medical Staff 6/97-6/98
8/82-6/84	<u>Truk State Hosoitai</u> : 2 year NHSC scholarship Chief of Pediatrics

Board Certification American College of Obstetricians and Gynecologists

- Initial Certification 1989
- Re-certified 1998, 2000

Professional Memberships

- American College of Obstetricians and Gynecologists
- Alaska State Medical Association
- American Medical Women's Association
- Alpha Omega Alpha Honor Society
- American Institute of Ultrasound Medicine
- American Society of Colposcopy and Cervical Pathology
- American Society of Gynecologic Laproscopy
- International Association of Voluntary Sterilization
- North American Menopause Society

Military Experience Captain, Commissioned Corps, US Public Health Service
Served 8/82- 7/99

Community Activities Alaska Breast and Cervical Cancer Early Detection Program
Alaska Emergency Contraception Project
Planned Parenthood- Alaska Medical Board
Violent Crimes Compensation Board

Awards Public Health Service Award 1983
Isolated Hardship Award 1984
Unit Commendation Award 1990
Achievement Medal 1991
Unit Commendation Award 1996
YWCA Woman of Achievement Honoree 1998
Outstanding Service Medal 1998
Distinguished Service Award 1998
Unit Commendation Award 1999

References Available Upon Request

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.

NOTES TO DECISIONS

"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*, 604 P.2d 240 (Alaska 1979).

Meaning of phrase "position of profit". - See *Begich v. Jefferson*, 441 P.2d 27 (Alaska 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*, 441 P.2d 27 (Alaska 1968).

Applied in *Acevedo v. City of N. Pole*, 672 P.2d 130 (Alaska 1983).

Quoted in *Delahay v. State*, 476 P.2d 908 (Alaska 1970).

Cited in *Division of Elections v. Johnstone*, 669 P.2d 537 (Alaska 1983); *Abood v. Gorsuch*, 703 P.2d 1158 (Alaska 1985).

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.

Sec. 18.67.020. Violent Crimes Compensation Board.

(a) There is the Violent Crimes Compensation Board in the Department of Public Safety composed of three members to be appointed by the governor. One of the members shall be designated as chairman by the governor. At least one member must be a medical or osteopathic physician licensed to practice in this state and one member must be an attorney licensed to practice in this state.

(b) Members of the board serve staggered terms of three years. All vacancies, except through the expiration of term, shall be filled for the unexpired term only.

(c) Each member of the board is eligible for reappointment and serves at the pleasure of the governor.

(d) A member of the board may be removed by the governor for inefficiency, neglect of duty, or malfeasance in office after due notice and hearing.

(e) Members of the board receive no salary, but are entitled to per diem and travel expenses authorized by law for other boards.

(f) The board may appoint one or more hearing officers, who must be licensed to practice law in the state, to conduct hearings and take testimony in proceedings under this chapter, but final determinations of any matter shall be only by the board. A hearing officer acting under this section shall report findings of fact and conclusions of law to the board, together with the reasons for the findings and conclusions. The board shall act only after consideration of the report and other evidence that it considers appropriate.

(g) The board may appoint and fix the duties of personnel necessary for carrying out its functions under this chapter.

(§ 1 ch 203 SLA 1972; am § 2 ch 132 SLA 1975; am § 1 ch 87 SLA 1978; am § 38 ch 37 SLA 1986; am § 28 ch 30 SLA 1992)

Effect of amendments. The 1992 amendment, effective May 16, 1992, substituted "A member" for "Each member of the board is eligible for reappointment and any" in subsection (d).

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.

Cross references. For provisions on the powers and duties of the Commission on Judicial Conduct, see AS 22.30.011.

For proceedings when a successful candidate for judicial retention or the campaign treasurer or deputy campaign treasurer of such a candidate has been convicted of a violation of the state election campaign laws, see AS 15.13.120(f)(8).

Effect of amendments. The amendment effective October 11, 1968 (5th Legislature's 2d FCCS SCS CSHJR 74 (1968)) rewrote this section to establish the commission and provide for "disqualification" of judges. Formerly, this section dealt only with incapacity and retirement of judges.

The amendment, effective December 24, 1982 (12th Legislature's CSHJR 32 (Jud) am S (1981)), substituted "Conduct" for "Qualifications" following "Commission on Judicial," substituted "three persons who are justices or judges of the state courts" for "one justice of the supreme court" preceding "elected by the justices," substituted "and judges of the state courts" for "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" following "elected by the justices," substituted "three" for "two" preceding "members who have practiced law," added "governor from nominations made by the" preceding "governing body of the organized bar," added "and subject to confirmation by a majority of the members of the legislature in joint session" following "governing body of the organized bar" and substituted "three" for "two" preceding "persons who are not judges."

NOTES TO DECISIONS

Basis of 1968 amendment. - The Alaska Commission on Judicial Qualifications (now Commission on Judicial Conduct) was created by a constitutional amendment which became effective in 1968. This amendment is based on a 1966 revision of the judicial article of the California Constitution. In re Hanson, 532 P.2d 303 (Alaska 1975).

Scope of commission's powers. - This section only empowers the commission to recommend sanctions to the Alaska Supreme Court. Granting the commission the authority to impose sanctions is not permitted. In re Inquiry Concerning A Judge, 762 P.2d 1292 (Alaska 1988).

Ultimate authority vested in supreme court. - This section vests in the supreme court the ultimate authority in disciplinary matters affecting the judiciary. In re Hanson, 532 P.2d 303 (Alaska 1975).

This section and AS 22.30.070(c) unambiguously establish the supreme court of Alaska as the body entrusted with the ultimate dispositive decision in a judicial qualifications matter. In re Hanson, 532 P.2d 303 (Alaska 1975).

Power of supreme court to sanction judge under this section. - Concerning the subject of sanctions this section and AS 22.30.070(c)(2) provide that upon recommendation of the Commission on Judicial Conduct the supreme court of Alaska may suspend, remove, retire or censure a judge. In re Robson, 500 P.2d 657 (Alaska 1972).

Supreme court is to exercise independent judgment. - Normally considerable weight will be accorded to a given recommendation from the Commission on Judicial Qualifications (now Commission on Judicial Conduct), if supported by an adequate factual basis. Nevertheless, both this section and AS 22.30.070(c)(2) clearly establish that the supreme court of Alaska is to exercise its independent judgment in determining an appropriate sanction, if any, as to any recommendation made by the commission. In re Robson, 500 P.2d 657 (Alaska 1972).

The supreme court's scope of review in a judicial qualifications proceeding should be that of an independent evaluation of the evidence. In re Hanson, 532 P.2d 303 (Alaska 1975).

And cannot adopt commission's sanction recommendations automatically. - It would be tantamount to an abdication of its constitutional and statutory obligations if the supreme court were to adopt the sanction recommendations of the Commission on Judicial Qualifications (now Commission on Judicial Conduct) automatically. In re Robson, 500 P.2d 657 (Alaska 1972).

Substantial evidence test employed in reviewing commission's findings of fact. - Regarding the scope of review which the supreme court should exercise in reviewing findings of fact of the Commission on Judicial Qualifications (now Commission on Judicial Conduct), there is no reason to depart from the substantial evidence test which has heretofore been employed in reviewing matters coming to the supreme court from administrative agencies and other governmental bodies. In re Robson, 500 P.2d 657 (Alaska 1972).

Review of commission's recommendation is broader than substantial evidence criterion. - Under the discretionary grant of power to the supreme court under this section and AS 22.30.070(c)(2), supreme court review of a particular recommendation by the commission is necessarily broader than the substantial evidence criterion adopted for review of findings of fact made by the commission. In re Robson, 500 P.2d 657 (Alaska 1972).

Duties of supreme court in cases concerning punishment of judge. - In every case concerning the suspension, removal, retirement or censorship of a judge, the supreme court must insure that procedural due process has been accorded the judicial officer proceeded against and that requisite findings of fact have been made and are supported by substantial evidence. The supreme court is further obligated to decide whether the commission's recommended sanction is justified by the record and is in accord with the objectives of the commission as reflected in the relevant constitutional and statutory provisions. In re Robson, 500 P.2d 657 (Alaska 1972).

Imposition of more serious sanction than censure. - Where judicial conduct which had been prejudicial to the administration of justice and had brought the judicial office into disrepute, was weighed against the relative judicial inexperience of petitioner at the time, the supreme court concluded that imposition of a more serious sanction than censure would be inappropriate. In re Robson, 500 P.2d 657 (Alaska 1972).

Supreme court sanction decision made part of public record. - Where the actions of a judge

were serious enough infractions to justify its following the censure recommendation of the Commission on Judicial Qualifications (now Commission on Judicial Conduct), the supreme court was of the opinion that given the necessity for the creation of such a commission and the need for enforcement of standards of judicial conduct and canons of judicial ethics, these ends were more fully served by making of record its sanction decision. By making its sanction part of the public record, the supreme court believed that the public's confidence would be maintained, both in the workings of the commission and in the ability of the judicial branch of government to insure its continued integrity. In re Robson, 500 P.2d 657 (Alaska 1972).

Applied in Buckalew v. Holloway, 604 P.2d 240 (Alaska 1979).

Quoted in Delahay v. State, 476 P.2d 908 (Alaska 1970).

Cited in Abood v. Gorsuch, 703 P.2d 1158 (Alaska 1985); In re Johnstone, 2 P.3d 1226 (Alaska 2000).

Collateral references. 46 Am.Jur.2d, Judges, §§ 18 to 20.

48A C.J.S., Judges, §§ 35-52.

Confidentiality of proceedings or reports of judicial inquiry board or commission. 5 ALR4th 730.