

HJR

33

<TARGET><BILL>HJR 33</BILL><SUBJECT>HJR
33</SUBJECT><COMM>HJUD28</COMM></TARGET>

ALASKA STATE LEGISLATURE

Interim:

600 East Railroad Avenue
Wasilla, Alaska 99654
Phone (907) 373-1842
Fax: (907) 373-4729



Session:

State Capitol Building
Juneau, Alaska 99801-1182
Phone: (907) 465-2186
Fax: (907) 465-3818

REPRESENTATIVE WES KELLER DISTRICT 7

SPONSOR STATEMENT HJR 33

"Proposing amendments to the Constitution of the State of Alaska to increase the number of members on the judicial council and relating to the initial terms of new members appointed to the judicial council."

House Joint Resolution (HJR) 33 proposes to amend the Constitution of the State of Alaska at the next general election ballot by giving Alaskans the option to increase the non-attorney membership of the Alaska Judicial Council from three to six members. The Judicial Council's regular voting membership would increase from six to nine members with the chief justice of the Alaska Supreme Court serving as the tenth and ex-officio member. Voters would also decide whether to allow the Council to act based on a majority vote of the members present rather than the existing requirement of a majority vote of the total membership.

Raising the non-attorney membership to six members strengthens the public's ability to meaningfully weigh in on the selection and retention of Alaska's judges and justices. Increased membership does not mean that the Judicial Council will, as some may fear, succumb to partisan posturing and rancor. Each non-attorney member applicant will still be carefully vetted and potentially rejected by the Governor and Alaska Legislature. Nothing in HJR 33 changes the selection and strong representation of Judicial Council's attorney members by the Alaska Bar Association.

HRJ 33's expansion of the non-attorney membership improves Alaska's judicial selection and retention process in two important ways. First, the Judicial Council's current membership is ill-suited to properly meeting its constitutional mandate of reflecting Alaska's diverse geographic and cultural makeup. The number of qualified judicial applicants has increased since Statehood and Alaskans are more interconnected than ever before. It is therefore reasonable and prudent to increase the Council's membership to better reflect a 21st century Alaska.

Secondly, HJR 33 resolves an apparent conflict of interest caused by the Judicial Council's current membership. The chief justice of the Alaska Supreme Court serves as the Judicial Council's seventh as ex-officio member. The Council's bylaws state that the Chief Justice "shall only vote when to do so could change the result." Should the Chief Justice break the tie in favor

E-Mail: [Representative Wes Keller@legis.state.ak.us](mailto:Representative_Wes_Keller@legis.state.ak.us)
Call Juneau Toll free: (800) 468-2186
Website: www.akrepublicans.org/keller/

of the Council's attorney members, he or she is likely to be subjected to partisan accusations of having a conflict of interest due to their being attorneys themselves and potentially voting for or against potential fellow AK Supreme Court justices. Changing the number of regular voting members from an even six to an odd nine greatly reduces the need for the Chief Justice to cast a deciding vote and thereby unfairly subject their personal and professional honor to partisan attack.

Alaska's constitutional framers set out to create a system founded on the principles of prudence and statesmanship for nominating and retaining exemplary judges and justices. The attorney and non-attorney members of Alaska Judicial Council have ably fulfilled this goal. Like all good things however, improvements can be made. Alaska has grown considerably since statehood and the Judicial Council's current membership structure is hard-pressed to properly represent Alaska's broad and interconnected geographic diversity. HJR 33 proposes a remedy to this problem.

I urge your support for HJR 33 and join me in enhancing the able work the Alaska Judicial Council has and continues to do.

28-LS1509\U
Wallace
3/3/14

CS FOR HOUSE JOINT RESOLUTION NO. 33(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE JUDICIARY COMMITTEE

A RESOLUTION

1 **Proposing amendments to the Constitution of the State of Alaska to increase the number**
2 **of members on the judicial council and relating to the initial terms of new members**
3 **appointed to the judicial council.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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

6 **Section 8. Judicial Council.** The judicial council shall consist of ten
7 [SEVEN] members. Three attorney members shall be appointed for six-year terms by
8 the governing body of the organized state bar. Six [THREE] non-attorney members
9 shall be appointed for six-year terms by the governor. Members are subject to
10 confirmation by a majority of the members of the legislature in joint session.
11 Vacancies shall be filled for the unexpired term in like manner. Appointments shall be
12 made with due consideration to area representation and without regard to political
13 affiliation. The chief justice of the supreme court shall be ex-officio the tenth
14 [SEVENTH] member and chairman of the judicial council. No member of the judicial
15 council, except the chief justice, may hold any other office or position of profit under

1 the United States or the State. The judicial council shall act by concurrence of five
2 [FOUR] or more members and according to rules which it adopts.

3 * **Sec. 2.** Article XV, Constitution of the State of Alaska, is amended by adding a new
4 section to read:

5 **Section 30. Judicial Council Additional Members.** If the 2014 amendment
6 increasing the membership of the judicial council (art. IV, sec. 8) is adopted, the first
7 term for the new non-attorney members of the judicial council shall be for two, four,
8 and six years respectively.

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

FISCAL NOTE

STATE OF ALASKA
2014 LEGISLATIVE SESSION

Bill Version HJR 33
Fiscal Note Number _____
() Publish Date _____

Identifier (file name) HJR33-AJC-2-28-14 Dept. Affected Alaska Court System
Title CONST. AM: MEMBERSHIP OF JUDICIAL COUNCIL Appropriation Judicial Council
Allocation Judicial Council
Sponsor House Judiciary Committee
Requester House Judiciary Committee OMB Component Number 771

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

	FY15 Appropriation Requested	Included in Governor's FY15 Request	Out-Year Cost Estimates				
			FY16	FY17	FY18	FY19	FY20
OPERATING EXPENDITURES	FY15	FY15	FY16	FY17	FY18	FY19	FY20
Personal Services							
Travel	11.0		11.7	11.7	11.7	11.7	11.7
Services	0.2		0.2	0.2	0.2	0.2	0.2
Commodities	1.1						
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	12.3	0.0	11.9	11.9	11.9	11.9	11.9

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF	12.3	11.9	11.9	11.9	11.9	11.9
1005	GF/Prgm (DGF)						
1007	I/A Rcpts (Other)						
1156	Rcpt Svcs (DGF)						
		12.3	0.0	11.9	11.9	11.9	11.9

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES

Estimated SUPPLEMENTAL (FY14) operating costs 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY15) costs 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended, or repealed? n/a Discuss details in analysis section.

Why this fiscal note differs from previous version (If Initial version, please note as such)

Initial version for HJR33.

Prepared by Susanne DiPietro, Executive Director
Division Judicial Council
Approved by Susanne DiPietro, Executive Director
Division Judicial Council

Phone 279-2526
Date/Time 2/28/14 2:30 PM
Date 2/28/2014

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HJR 33

Analysis

HJR33 proposes a constitutional amendment to increase the membership of the Alaska Judicial Council from seven to ten members. If HJR33 becomes law during this legislative session, the proposal to amend the constitution would be put to the voters on the November 2014 ballot. If the voters approve the amendment, the change would become law during FY2015.

The law would increase costs for AJC members to travel for meetings to nominate applicants for state judgeships. Travel costs would increase for two reasons: (1) a larger number of Council members will need to travel, and (2) the larger number of Council members would cause meetings to last longer, thus incurring additional meal and lodging expenses. The amount is based on an average of our Council member current travel costs. The travel costs will be slightly lower in FY15 than in subsequent years because the new Council members would not be appointed until partway through the 2015 fiscal year.

The three new Council members will need electronic devices for storing and viewing meeting materials. This commodity cost is a one-time cost.

The impact of this change on staff time and conference room space is not able to be determined at this time.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: HJR 33
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HJR033-OOG-DOE-2-28-14
Title: CONST. AM: MEMBERSHIP OF JUDICIAL
COUNCIL
Sponsor: JUDICIARY
Requester: House Judiciary

Department: Office of the Governor
Appropriation: Elections
Allocation: Elections
OMB Component Number: 21

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services	1.5							
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	1.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

1004 Gen Fund	1.5							
Total	1.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

--	--	--	--	--	--	--	--	--

Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial Version

Prepared By: Gail Fenumiai, Director
Division: Division of Elections
Approved By: Guy Bell, Administrative Director
Agency: Division of Administrative Services, Office of the Governor

Phone: (907)465-3876
Date: 02/28/2014 03:00 PM
Date: 02/28/14

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HJR 33

Analysis

Passage of this resolution would require the constitutional amendment to appear on the 2014 general election ballot. The cost of providing information about the constitutional amendment in the Official Election Pamphlet, as required by AS 15.58, is \$1.5. Should the addition of this resolution require printing an 8-1/2 by 18 inch ballot, the cost will increase to \$22.0.

State of Alaska
myAlaska
My Government
Resident
Business in Alaska
Visiting Alaska
State Employees

Article 4 - The Judiciary

§ 1. Judicial Power and Jurisdiction

The judicial power of the State is vested in a supreme court, a superior court, and the courts established by the legislature. The jurisdiction of courts shall be prescribed by law. The courts shall constitute a unified judicial system for operation and administration. Judicial districts shall be established by law.

§ 2. Supreme Court

(a) The supreme court shall be the highest court of the State, with final appellate jurisdiction. It shall consist of three justices, one of whom is chief justice. The number of justices may be increased by law upon the request of the supreme court.

(b) The chief justice shall be selected from among the justices of the supreme court by a majority vote of the justices. His term of office as chief justice is three years. A justice may serve more than one term as chief justice but he may not serve consecutive terms in that office. [Amended 1970]

§ 3. Superior Court

The superior court shall be the trial court of general jurisdiction and shall consist of five judges. The number of judges may be changed by law.

§ 4. Qualifications of Justices and Judges

Supreme court justices and superior court judges shall be citizens of the United States and of the State, licensed to practice law in the State, and possessing any additional qualifications prescribed by law. Judges of other courts shall be selected in a manner, for terms, and with qualifications prescribed by law.

§ 5. Nomination and Appointment

The governor shall fill any vacancy in an office of supreme court justice or superior court judge by appointing one of two or more persons nominated by the judicial council.

§ 6. Approval or Rejection

Each supreme court justice and superior court judge shall, in the manner provided by law, be subject to approval or rejection on a nonpartisan ballot at the first general election held more than three years after his appointment. Thereafter, each supreme court justice shall be subject to approval or rejection in a like manner every tenth year, and each superior court judge, every sixth year.

§ 7. Vacancy

The office of any supreme court justice or superior court judge becomes vacant ninety days after the election at which he is rejected by a majority of those voting on the question, or for which he fails to file his declaration of candidacy to succeed himself.

§ 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.

§ 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.

§ 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. [Amended 1968 & 1982]

§ 11. Retirement

Justices and judges shall be retired at the age of seventy except as provided in this article. The basis and amount of retirement pay shall be prescribed by law. Retired judges shall render no further service on the bench except for special assignments as provided by court rule.

§ 12. Impeachment

Impeachment of any justice or judge for malfeasance or misfeasance in the performance of his official duties shall be according to procedure prescribed for civil officers.

§ 13. Compensation

Justices, judges, and members of the judicial council and the Commission on Judicial Qualifications shall receive compensation as prescribed by law. Compensation of justices and judges shall not be diminished during their terms of office, unless by general law applying to all salaried officers of the State. [Amended 1968]

§ 14. Restrictions

Supreme court justices and superior court judges while holding office may not practice law, hold office in a political party, or hold any other office or position of profit under the United States, the State, or its political subdivisions. Any supreme court justice or superior court judge filing for another elective public office forfeits his judicial position.

§ 15. Rule-Making Power

The supreme court shall make and promulgate rules governing the administration of all courts. It shall make and promulgate rules governing practice and procedure in civil and criminal cases in all courts. These rules may be changed by the legislature by two-thirds vote of the members elected to each house.

§ 16. Court Administration

The chief justice of the supreme court shall be the administrative head of all courts. He may assign judges from one court or division thereof to another for temporary service. The chief justice shall, with the approval of the supreme court, appoint an administrative director to serve at the pleasure of the supreme court and to supervise the administrative operations of the judicial system. [Amended 1970]

[Return to Alaska Constitution Table of Contents](#)

- State of Alaska
 - myAlaska
- My Government
 - Resident
- Business in Alaska
 - Visiting Alaska
 - State Employees

State of Alaska © 2012 | [webmaster](#)



Bylaws of the Alaska Judicial Council

Article I Policies

Section 1. Concerning Selection of Justices, Judges, and Public Defender

The Judicial Council shall endeavor to nominate for judicial office and for public defender those judges and members of the bar who stand out as most qualified based upon the Council's consideration of their: professional competence, including written and oral communication skills; integrity; fairness; temperament; judgment, including common sense; legal and life experience; and demonstrated commitment to public and community service. The Council shall actively encourage qualified members of the bar to seek nomination to such offices, shall endeavor to prevent political considerations from outweighing fitness in the judicial and public defender nomination processes, and shall consistently strive to inform the public of Alaska's Judicial Council selection process.

Section 2. Concerning Retention of Judges

Pursuant to the provisions of Alaska Statutes Titles 15 and 22, the Council may recommend the retention in judicial office of incumbent justices and judges found to be qualified through appropriate means of judicial performance assessment; and may recommend against retention of justices and judges found to be not qualified through assessment processes. The Council shall endeavor to prevent political considerations from outweighing fitness in the judicial retention recommendation process.

Section 3. Concerning Administration of Justice

The Council shall initiate studies and investigations for the improvement of the administration of justice. These studies and investigations may be conducted by the entire Council, by any of its members or by its staff as directed by the Council. The Council may hire researchers and investigators and may contract for the performance of these functions. A topic for any study or investigation may be proposed at any meeting of the Council by any member without prior notice.

Article II Membership

Section 1. Appointment; Limitation of Term

Members of the Council shall be appointed and shall serve their terms as provided by law; however, a member whose term has expired shall continue to serve until a successor has been appointed. Council members may be appointed to successive terms; however, no Council member should serve more than two full terms or one unexpired term and one full term.

Section 2. Effective Date of Appointment

(A) Non-Attorney Members. The effective date of a non-attorney member's appointment to the Council shall be the day following the effective date of the vacancy in the seat to which appointed, if appointed before that date; or the date of or specified in the gubernatorial letter of appointment, if appointed after that date. Non-attorney members shall have full voting rights effective upon the appointment date, unless and until denied confirmation by the legislature.

(B) Attorney Members. The effective date of an attorney member's appointment shall be the day following the effective date of the vacancy in the seat to which appointed, if appointed before that date; or the date of or specified in the letter of appointment from the board of governors of the Alaska Bar Association, if appointed after that date.

(C) Chief Justice. When the supreme court elects a new chief justice, the newly elected chief begins serving as a member and chair of the Council immediately upon assuming the office of chief justice.

Section 3. Oath of Office

The chair of the Council shall administer the oath of office to each new member, following a determination by the Council that the person selected has met the qualifications for membership as set forth by law.

Section 4. Vacancies

At least 90 days prior to the expiration of the term of any Council member, or as soon as practicable following the death, resignation, or announced intent to resign of any Council member, the executive director shall notify the appropriate appointing authority and request that the appointment process be initiated immediately to fill the vacancy.

Section 5. Disqualification

(A) Candidacy of Council Member. Any member of the Judicial Council who seeks appointment to a judicial office or the office of public defender must resign from the Council as of the date of the application and should not accept reappointment to the Council for a period of two years thereafter.

(B) Attendance at Regular Meetings. Council members shall attend all regular meetings of the Council unless excused by the chair for good cause. If a member is absent without good cause for two consecutive meetings, the chair shall formally request the resignation of that member.

Section 6. Expenses; Compensation

Council members shall be reimbursed for travel and other expenses incurred while on Council business and may receive compensation as otherwise provided by law.

Article III Officers

Section 1. Officers Specified

(A) The officers of the Council shall be the chair, vice-chair and executive director.

(B) **Chair.** The Chief Justice of the Alaska Supreme Court is the chair of the Alaska Judicial Council.

(C) **Vice-Chair.** The vice-chair will be the member of the Judicial Council whose current term will first expire.

(D) **Executive Director.** The Council by concurrence of four or more of its members may designate an executive director to serve at the pleasure of the Council.

Section 2. Duties and Powers

(A) **Chair.** The chair shall preside at all meetings of the Council and perform such other duties as may be assigned by the Council. In the absence of an executive director or acting director, the chair will serve as acting director.

(B) **Vice-Chair.** The vice-chair shall preside at meetings of the Council in the absence of the chair. The vice-chair shall perform such other duties as usually pertain to the office of the chair when the chair is unavailable to perform such functions.

(C) **Executive Director.** The executive director shall keep a record of all meetings of the Council; shall serve as chief executive officer of the Council; shall be responsible to the Council for planning, supervising and coordinating all administrative, fiscal and programmatic activities of the Council; and shall perform such other duties as may be assigned. The executive director may receive compensation as prescribed by the Council and allowed by law.

(D) **Acting Director.** In the event of the incapacity, disability, termination or death of the executive director, the Council may appoint an acting director, and may impose such limits on the authority of said acting director as it deems advisable, until such time as a new executive director can be found, or until such time as the incapacity of the executive director can be cured. Should the Council choose not to appoint an acting director or otherwise fail to appoint, the chair of the Council will, ex officio, serve as acting director until a replacement can be found.

Article IV Meetings

Section 1. Public Sessions; Public Notice

All meetings of the Judicial Council shall be open to the public, except as specifically provided. At least three days before any meeting to be held in Anchorage, Fairbanks, or Juneau, public notice of date, time, and place of the meeting and of general topics to be considered shall be

given through paid advertisements in major newspapers of general circulation in all three cities; for meetings to be held elsewhere in the state, paid public notice shall be provided at least three days in advance in the newspaper or newspapers of general circulation in such other areas as well as in the newspapers of general circulation in Anchorage, Fairbanks, and Juneau. Absent sufficient funding or when the notice requirements of this section are determined by the Council to be unreasonable, the Council is authorized to meet after such other period and utilizing such other form of public notice as it deems reasonable under the circumstances and which are consistent with the Council's legal obligations.

Section 2. Participation by Telecommunications

The Judicial Council shall meet in person when practicable. The Council may conduct a teleconference between regularly scheduled meetings with the consent of the chair. A teleconference conducted between regularly scheduled meetings is subject to the notice requirements in Article IV, Section 1 and Article IV, Section 8.

A member may participate telephonically in a regularly scheduled meeting only if the chair has found good cause to excuse the member from attending in person. A member may only participate telephonically if the member has had a substantially equal opportunity to evaluate all meeting materials, testimony, and other evidence related to the meeting.

Teleconferencing may be used to receive public input and to establish a quorum. At least one member or staff person must be present at the time and location publicly announced for any meeting or teleconference conducted by the Council.

Section 3. Regular Meetings

The Council shall hold two or more meetings per year, at times designated by the Council, to consider problems that may affect the Council and concern the administration of justice in the State of Alaska.

Section 4. Special Meetings

When a vacancy in the office of justice, judge, or public defender actually occurs or is otherwise determined to be impending, the chair shall call a special meeting of the Judicial Council within the time-frame required by law. The chair shall also call a special meeting of the Council upon the request of four or more members to consider business specified in the request; at that meeting, the Council may also consider other business that may come before the Council with the consent of four or more of the members present. The chair shall fix the time and place of such meeting not more than thirty days from the date of receipt of such request.

Section 5. Public Hearings

The Council may hold public hearings on all matters relating to the administration of justice as it deems appropriate and in such places as it determines advisable.

Section 6. Executive Sessions

The Council may decide as permitted by law whether its proceedings will be conducted in executive session. The Council may make this decision by concurrence of four or more members in a session open to the public. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session, unless auxiliary to the main question. The Council may not vote in an executive session.

Section 7. Place of Meeting

To the extent practicable, meetings should be held in the area of the State most directly affected by the subject matter under consideration.

Section 8. Notice of Meeting: Waiver

Notice of each meeting and teleconference shall be sent to all members of the Council as far in advance as practicable but in any event not less than five days before the date of the meeting or teleconference. Presence at a meeting or teleconference without objection shall constitute waiver of notice. When this notice requirement is determined by the chair to be unreasonable, the Council may meet on shorter notice.

**Article V
Voting and Quorum**

Section 1. Voting

All members of the Council present shall be entitled to vote on all matters coming before the Council, except as provided in Section 2 of this article and except that the chair shall only vote when to do so could change the result. The Council shall act by concurrence of four or more members. All votes shall be taken in public session. Any member can vote in the affirmative or negative or abstain on any matter. A member who wishes to abstain shall indicate the intention to do so prior to the question being called and shall disclose the reasons for the proposed abstention.

Section 2. Conflict of Interest; Disqualification

No member may vote on any matter in which he or she has a substantial personal or pecuniary interest. Any member who believes that his or her personal or business relationship to any applicant for a judicial or public defender vacancy or to any judge or justice being evaluated for retention purposes might prevent the member from fairly and objectively considering the qualifications of such person, or might otherwise involve a conflict of interest or create the appearance thereof, shall disclose the circumstances of the actual or apparent conflict to the Council

and shall disqualify himself or herself from discussing or voting on the nomination or retention of that person.

Section 3. Quorum

Four members of the Council shall constitute a quorum for the transaction of business at any meeting.

Section 4. Rules of Order

Robert's Rules of Order Revised will govern the meetings of the Council to the extent that they do not conflict with these bylaws.

**Article VI
Committees**

Section 1. Standing Committees

The Council may establish such standing committees from time to time when it finds them useful to conduct Council business. The chair may make standing committee assignments annually. The function of each committee shall be to monitor Council activities between meetings, to provide guidance and advice to staff, and to report to the Council at regularly scheduled meetings about the committees' areas of oversight. Each committee shall include at least one attorney and one non-attorney member. To the maximum extent possible, Council members should be permitted to serve on the committee or committees of their choice.

Section 2. Ad Hoc Committees

The chair may create ad hoc committees from time to time as needed. Ad hoc committees shall report to the Council on their activities and may make recommendations for Council action.

**Article VII
Procedure for Submitting Judicial and Public Defender Nominations to the
Governor**

Section 1. Notice of Vacancy; Recruitment

Whenever a vacancy to be filled by appointment exists, or is about to occur, in any supreme court, court of appeals, superior court, or district court of this state, or in the office of public defender, the Council, by mail or by such other publication means as may be appropriate, shall notify all active members of the Alaska Bar Association of the vacancy, and shall invite applications from qualified judges or other members of the bar of this state for consideration by the Council for recommendation to the governor. Council members may also encourage persons believed by such members to possess the requisite qualifications for judicial or public defender office to submit their applications for consideration and may cooperate with judicial selection committees of the state or

local bar associations or of such other organizations as may be appropriate in the identification and recruitment of potential candidates.

Section 2. Application Procedure

Each applicant for a judicial or chief public defender position shall obtain and complete an application for appointment provided by the Council and shall comply with all the requirements therein. Such application may request such information as deemed appropriate to a determination of qualification for office, including but not limited to the following: family and marital history; bar and/or judicial discipline history; criminal record; involvement as a party in litigation; credit history; physical and mental condition and history; community activities; academic and employment history; military record; and representative clientele.

Section 3. Evaluation and Investigation of Applicants' Qualifications

(A) Judicial Qualifications Polls. The Judicial Council may conduct judicial qualifications polls in such form and manner as may be prescribed by the Council and cause the same to be circulated among the members of the Alaska Bar Association. The poll should be relevant to criteria listed in Article 1, Section 1 of these bylaws. If the Alaska Bar Association conducts a qualifications poll satisfactory to the Council, the Council may recognize such poll. The Judicial Council may conduct such other surveys and evaluations of candidates' qualifications as may be deemed appropriate.

(B) Investigation. The Council and its staff shall investigate the background, experience, and other qualifications of an applicant under consideration for a judicial or a public defender vacancy, and may call witnesses before it for such purposes.

(C) Candidate Interviews; Expenses. The Council may, when and where it deems desirable, conduct a personal interview with one, some, or all applicants for any judicial or public defender vacancy. Candidates requested to appear before the Council for such interviews shall appear in person; when, however, a candidate for good cause shown is unable to personally attend such interview, the Council may arrange for an interview by telephone or other electronic communication means with such applicant, and such alternative interview as may be appropriate, including but not limited to interview of such candidate by a committee of the Council at such other time and place as may be convenient. A candidate may choose to be interviewed publicly or in executive session, to protect the candidate's privacy interests consistent with Alaska's Open Meetings Act. The choice to interview publicly or in executive session will have no bearing on the Council's evaluation of the candidate's qualifications.

A candidate's expenses for judicial or public defender office are that candidate's responsibility. The Council may reimburse candidates for travel expenses in the Council's discretion. The cost of a telephone interview requested by the Council shall be paid by the Council.

Section 4. Nomination Procedure; Recommendation of Best Qualified Candidates

The Council shall select two or more candidates who stand out as the most qualified under the criteria set out in Article I, Section 1 of these bylaws, considering (a) other candidates who have applied; (b) the position applied for; and (c) the community in which the position is to be located. The names of the selected candidates shall be submitted to the governor in alphabetical order; but if the Council's vote does not result in selecting at least two applicants who are sufficiently qualified, the Council shall decline to submit any names and will re-advertise the position.

Section 5. Reconsideration

The Council will not reconsider the names submitted to the governor after the nominees are submitted unless the disability or death of one or more nominees leaves the governor with less than two names for filling a judicial vacancy. If the governor requests additional nominees in such a situation, the Council will submit additional names so that the governor has at least two nominees for each vacancy. The Council may select additional names from the original applicants for the position or may re-advertise for the position.

Section 6. Publication and Review of Procedures

The Council shall establish and follow written forms and procedures for the nomination of attorneys who apply to be justices, judges, and public defender. The Council shall publish the bylaws and procedures in its biennial report to the Alaska Supreme Court and legislature, post them on its website, and provide them to applicants. The Council shall review these procedures at intervals not to exceed three years.

**Article VIII
Review of Judicial Performance**

Section 1. Retention Election Evaluation

Prior to each general election in which one or more justices or judges has expressed the intention to be a candidate for retention election, the Council shall conduct evaluations of the qualifications and performance of such justices and judges and shall make the results of evaluations public. Evaluations may be based upon the results of a judicial performance survey conducted among all active members of the Alaska Bar Association and other members, retired or inactive, that the Council chooses. Evaluations also may be based upon such other surveys, interviews, or research into judicial performance as may be deemed appropriate, including but not limited to, any process that encourages expanded public participation and comment regarding candidate qualifications.

Section 2. Recommendation

Based upon the evaluative data, the Council may recommend that any justice or judge either be retained or not be retained. The Council may actively support the candidacy of every incumbent

judge recommended to be retained, and may actively oppose the candidacy of every incumbent judge whom it recommends not be retained. The Council shall publicize its recommendations.

Section 3. Judicial Performance Evaluation

The Council may conduct such additional evaluations of judges, other than at the time of retention elections, at such times and in such a manner as may be appropriate, and make the results of such additional evaluations public.

Section 4. Publication and Review of Procedures

The Council shall establish and follow written procedures for the evaluation of justices and judges. The Council shall publish the procedures in its biennial report to the Alaska Supreme Court and legislature, post them on its website, and provide them to justices and judges. The Council shall review these procedures at intervals not to exceed four years.

**Article IX
Extra-Council Communications**

Members of the public may wish to communicate their thoughts about the qualifications of applicants and the performance of judicial officers to individual Council members. All written communications between a Council member and any other person or organization regarding the qualifications of any applicant or the performance of any judicial officer should be forwarded to all other members; all oral communications regarding such matters should be shared with other members. Council members may encourage people to communicate with the Council in writing or at a public hearing.

Council members may discuss their individual views about the qualifications of applicants and the performance of judicial officers with members of the public, including the applicants and judicial officers. Council members may not publicly discuss the views of other Council members about the qualifications of applicants and the performance of judicial officers. Communications and deliberations among Council members that occur in executive session, including discussion about the qualifications of an applicant or the performance of a judicial officer shall be kept confidential in accordance with the law and Council bylaws.

**Article X
Access to Council Records**

Section 1. Public Records

All records of the Judicial Council, unless confidential or privileged, are public as provided in AS 40.25.110. The public shall have access to all public records in accordance with AS 40.25.120.

Public Records include:

1. Council bylaws and policy statements;
2. Minutes of Council meetings;
3. Final Council reports;
4. Financial accounts and transactions;
5. Library materials; and
6. All records other than those excepted in this bylaw.

Section 2. Right to Privacy

Materials that, if made public, would violate an individual's right to privacy under Art. I, Section 22 of the Alaska Constitution shall be confidential. Confidential materials are not open for public inspection and include:

1. Solicited communications relating to the qualifications of judicial or public defender vacancy applicants, or judicial officers;
2. Unsolicited communications relating to the qualifications of a judicial or public defender applicant or judicial officer, where the source requests confidentiality;
3. Those portions of the "application for judicial appointment" and "judge questionnaire" that reveal sensitive personal information entitled to protection under law;
4. Investigative research materials and internal communications that reveal sensitive personal information entitled to protection under law; and
5. Contents of Council employees' and members' personnel records, except that dates of employment, position titles, classification and salaries of present and/or past state employment for all employees are public information. In addition, application forms, resumes and other documents submitted to the Judicial Council in support of applications for any position with the Council grade 16 or above are public information.

Section 3. Deliberative Process

Materials that are part of the deliberative process of the Judicial Council, including those prepared by Council employees, are privileged and confidential if their disclosure would cause substantial and adverse effects to the Council that outweigh the need for access. These materials generally include drafts and computations prior to final document approval, internal memoranda conveying personal opinions, and other pre-decisional documents not incorporated into public records under this bylaw.

Section 4. Other Information

Information required or authorized to be kept confidential by law is not a public record.

Section 5. Privileged Communications

Communications that are legally privileged are not public information. These communications include but are not limited to communications between the Council and its attorney made for the purpose of facilitating the rendition of professional legal services to the Council.

Section 6. Release of Information

If a record contains both disclosable and nondisclosable information, the nondisclosable information will be deleted and the disclosable information will be disclosed. Information that otherwise would not be disclosable may be released to the subject of that information or to the public if it is in a form that protects the privacy rights of individuals and does not inhibit candid debate during the decision-making process.

**Article XI
Office of Judicial Council**

The Council shall designate an office of the Council in such location as it deems appropriate. Records and files of the Council's business shall be maintained by the Executive Director at this location.

**Article XII
Appropriations**

The Council will seek such appropriations of funds by the Alaska Legislature and other funding sources as it deems appropriate to carry out its constitutional and statutory functions.

**Article XIII
Bylaw Review and Amendment**

The Council shall review these bylaws at intervals not to exceed six years. These bylaws may be altered or amended by the Judicial Council by concurrence of four or more members, provided reasonable notice of proposed amendments has been provided to all Council members.

These bylaws adopted by the Alaska Judicial Council, this 15th day of February 1966; amended November 10, 1966; June 18, 1970; March 30, 1972; February 15, 1973; May 26, 1983; December 10, 1986; March 19, 1987; January 14, 1989; November 2, 1993; June 26, 1996; December 9, 1996; September 23-24, 1997; July 6-7, 1998; July 15, 2002; September 22, 2005; November 28, 2005; January 31, 2006; October 14, 2006; January 22, 2012; October 9, 2013.

VOTE TALLY SHEET

SUPERIOR COURT, THIRD JUDICIAL DISTRICT

DECEMBER 18, 1984

Anch.

Candidates	Council Members						
	Bradley	Fate	Moss	Murray	Schuhmann	Gilmore	Rabinowitz ²
Edward Burton	Yes	Yes	Yes	Yes	No	Yes	
Gail Fraties	Yes	Yes	No	No	No	Yes	No
William Puld	No	No	No	No	No	Yes	
Peter Michalski	Yes	No	Yes	Yes	Yes	Yes	
Eugene Murphy	No	Yes	Yes	Yes	No	No	Yes
Benjamin Walters	Abstain ⁴	No	Yes	Yes	Yes	Yes	
Thomas Yerbich	No	No	No	No	No	No	

1 Staff was directed to transmit the names of the four nominees for this position to the Governor.

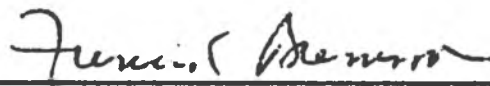
Chief Justice Rabinowitz relinquished the chair to Mr. Moss for the balance of the meeting. The Council then turned to consideration of its business agenda.

-
2. The Chief Justice votes only when to do so could change the result.
 4. Mr. Bradley abstained from voting on the candidacy of Mr. Walters, who is currently a party in litigation involving Mr. Bradley's law firm.
-

VOTE TALLY SHEET
SUPERIOR COURT, FOURTH JUDICIAL DISTRICT (BETHEL)
APRIL 8, 1986

CANDIDATES	COUNCIL MEMBERS						
	Council	Fate	Gilmore	Henrickson	Murray	Schuhmann	Rabinowitz*
Gail Roy Fraties	No	Yes	Yes	Yes	No	Yes	
James D. Ginotti	No	No	No	No	No	No	
L. Ben Hancock	Yes	No	No	Yes	Yes	Yes	
Laurie H. Otto -	Yes	No	Yes	No	No	Yes	No
Bryan E. Schuler	Yes	Yes	No	Yes	Yes	No	
Timothy H. Stearns	Yes	No	Yes	No	Yes	No	No

Staff were directed to transmit the names of the three nominees for this position to the Governor. The meeting was adjourned at 5:20 p.m.



Secretary

* The Chief Justice votes only when to do so could change the result.

VOTE TALLY SHEET
DISTRICT COURT, THIRD JUDICIAL DISTRICT (ANCHORAGE)
JULY 17, 1988

CANDIDATES	COUNCIL MEMBERS						
	Callahan	Council	Gilmore	Henrickson	Matthews*	Murray	Okakok
Louis E. Aqi 5-1	NO	NO	YES	NO		YES	NO
Jacob H. Allmaras U	YES	YES	YES	YES		YES	YES
James A. Crary	NO	NO	NO	YES	NO	YES	YES
Dennis P. Cummings U	NO	NO	NO	NO		NO	NO
John E. Duggan U	NO	NO	NO	NO		NO	NO
Monte Engel U	NO	NO	NO	NO		NO	NO
John T. Maltas U	NO	NO	NO	NO		NO	NO
James Ottinger 5-1	YES	NO	YES	YES		YES	YES
John A. Sukanec U	NO	NO	NO	NO		NO	NO
John W. Sivertsen, Jr. U	NO	NO	NO	NO		NO	NO
Michael L. Wolverton U	YES	YES	YES	YES		YES	YES

11

~~* The Chief Justice votes only when to do so could change the result.~~

Vote Tally Sheet

**Anchorage District Court, Third Judicial District
 May 10-12, 1992**

CANDIDATES	COUNCIL MEMBERS						
	Arnesen	Ashburn	Callahan	Dapceвич	Nave	Okakok	Rabinowitz*
Jacob H. Allmaras	✓ Yes	Yes	Yes	Yes	Yes	Yes	
Lynn H. Christensen	No	No	No	Yes	No	No	
Paul Cosman	Yes	No	No	Yes	No	Yes	Yes
James A. Farr	✓ No	No	No	No	No	No	
Shannon D. Hanley	✓ No	No	No	No	No	No	
Stephanie E. Joannides	Yes	Yes	Yes	Yes	Yes	Yes	
Carolyn E. Jones	No	Yes	Yes	No	No	No	4
Michael J. Lindeman	Yes	No	No	Yes	No	Yes	No
Allison E. Mendel	✓ No	No	No	No	No	No	
Bruce Moore	✓ No	No	No	No	No	No	
Sigurd E. Murphy	Yes	Yes	Yes	Yes	Yes	No	5
Joseph D. O'Connell	✓ No	No	No	No	No	No	
Diane Taylor O'Gorman	✓ No	No	No	No	No	No	
Stephanie Rhoades	Yes	Yes	Yes	No	No	No	Yes
Mitchel J. Schapira	✓ No	No	No	No	No	No	
John A. Scukanec	No	Yes	Yes	Yes	Yes	Yes	
Valerie VanBrocklin	No	No	No	No	Yes	No	
Stephen J. Van Goor	No	Yes	Yes	Yes	Yes	Yes	
James N. Wanamaker	Yes	Yes	Yes	Yes	Yes	Yes	
Daniel Weber	No	No	No	Yes	No	No	1
Roy V. Williams	✓ No	No	No	No	No	No	
Teresa E. Williams	✓ No	No	No	No	No	No	

* The Chief Justice votes only when to do so could change the result.

Vote Tally Sheet
Alaska Supreme Court
January 9-10, 1994

CANDIDATES	COUNCIL MEMBERS						
	Arnesen	Ashburn	Callahan	Dapcevich	Lienhart	Nave	Moore*
James R. Blair	No	No	No	Yes	No	No	
Robert E. Congdon	No	No	No	No	No	No	
Robert L. Eastaugh	Yes	Yes	Yes	Yes	No	Yes	
Cynthia M. Hora	No	No	Yes	No	Yes	No	
Karen L. Hunt	Yes	Yes	Yes	Yes	Yes	Yes	
Thomas M. Jahnke	Yes	Yes	Yes	Yes	Yes	Yes	
William K. Jermain	No	No	No	No	No	No	
Douglas D. Lottridge	No	No	No	No	No	No	
Peter A. Michalski	No	No	No	No	No	No	
Joseph J. Perkins, Jr.	No	No	No	No	Yes	No	
Hugh G. (Jerry) Wade	Yes	No	No	Yes	Yes	No	Yes
Donna C. Willard	Yes	Yes	Yes	No	Yes	Yes	

* The Chief Justice votes only when to do so could change the result.



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046
http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

EXECUTIVE DIRECTOR
Larry Cohn

NON-ATTORNEY MEMBERS
Bill Gordon
Charles M. Kopp
Christena Williams

ATTORNEY MEMBERS
James H. Cannon
Louis James Menendez
Susan Orlansky

CHAIR, EX OFFICIO
Dana Fabe
Chief Justice
Supreme Court

Alaska Judicial Council Vote Tally Sheet Alaska Supreme Court October 10, 2007

Candidates	Council Members						
	Cannon	Gordon	Kopp	Menendez	Orlansky	Williams	Fabe*
Joel H. Bolger	Y	Y	Y	Y	Y	Y	
Susan M. Carney	N	Y	N	N	N	Y	
Morgan Christen	Y	N	N	Y	Y	N	Y
Joanne Grace	N	Y	Y	N	N	N	
Andy Harrington	Y	Y	N	Y	Y	Y	
Peter J. Maassen	N	N	N	N	N	N	
Allison Mendel	N	N	N	N	N	N	
Frank A. Pfiffner	N	N	Y	N	N	N	
Mark Rindner	N	N	N	Y	Y	N	
Wayne Anthony Ross	N	N	Y	N	N	N	
Eric Smith	N	N	N	Y	Y	N	
Daniel E. Winfree	Y	Y	Y	Y	Y	Y	
Mark I. Wood	N	Y	Y	N	N	N	

* The Chief Justice votes only when to do so could change the result.



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046
http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

EXECUTIVE DIRECTOR
Larry Cohn

NON-ATTORNEY MEMBERS
Bill Gordon
Charles M. Kopp
Christene Williams

ATTORNEY MEMBERS
James H. Cannon
Louis James Menendez
Susan Oriansky

CHAIR, EX OFFICIO
Dana Fabe
Chief Justice
Supreme Court

Alaska Judicial Council Vote Tally Sheet Fairbanks Superior Court January 5, 2008

Candidates	Council Members						
	Cannon	Gordon	Kopp	Menendez	Oriansky	Williams	Fabe*
Lori M. Bodwell	N	N	N	N	N	N	
R. Poke Haffner	N	N	N	N	N	N	
Bethany Spalding Harbison	Y	Y	N	Y	Y	Y	
Jane F. Kauvar	Y	Y	Y	Y	Y	Y	
Paul Lyle	N	Y	Y	N	N	Y	Y
Michael P. McConahy	Y	Y	Y	Y	Y	Y	
Zane D. Wilson	N	N	Y	N	N	N	

* The Chief Justice votes only when to do so could change the result.



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969
http://www.ajc.state.ak.us

(907) 279-2526 FAX (907) 276-5046
E-mail: postmaster@ajc.state.ak.us

EXECUTIVE DIRECTOR
Larry Cohn

NON-ATTORNEY MEMBERS
William F. Clarke
Kathleen Tompkins-Miller
Christena Williams

ATTORNEY MEMBERS
James H. Cannon
Kevin Fitzgerald
Julie Willoughby

CHAIR, EX OFFICIO
Walter L. Carpeneti
Chief Justice
Supreme Court

Vote Tally Sheet Kotzebue Superior Court

May 24, 2010

Candidates	Council Members						
	Cannon	Clarke	Fitzgerald	Tompkins-Miller	Williams	Willoughby	Carpeneti*
Bruce L. Brown	N	N	N	N	N	N	
R. Poke Haffner	A	Y	Y	Y	Y	Y	
Robin L. Koutchak	Y	Y	Y	Y	Y	Y	
Paul A. Roetman	N	Y	N	Y	Y	N	Y

* The Chief Justice votes only when to do so could change the result.



481

alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046
http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

Vote Tally Sheet Dillingham Superior Court

November 1, 2011

Candidates	Council Members						
	Cannon	Clarke	Fitzgerald	Kreitzer	Tompkins -Miller	Willoughby	Carpenetti
Pat Douglass	Y	Y	Y	Y	Absent	Y	
Susan Mitchell	N	N	N	N	Absent	N	
Chris Provost	Y	N	Y	N	Absent	Y	Y
Tina Reigh	Y	Y	N	Y	Absent	Y	
Gregory G. Silvey	N	N	N	N	Absent	N	
Matthew Widmer	N	N	N	N	Absent	N	

- *The Chief Justice votes only when to do so could change the result.*



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046
<http://www.ajc.state.ak.us> E-Mail: postmaster@ajc.state.ak.us

Vote Tally Sheet Alaska Supreme Court

June 22, 2012

Candidates	Council Members						
	Clarke	Fitzgerald	Kreitzer	Oravec	Tompkins-Miller	Willoughby	Carpeneti*
✓ Joel H. Bolger	N	N	Y	N	Y	N	
✓ William Grant Callow	N	N	N	N	N	N	
Kevin G. Clarkson	Y	N	N	N	Y	N	
Jeffrey Friedman	N	N	N	N	N	N	
Andy Harrington	Y	Y	N	Y	Y	Y	
Peter J. Maassen	Y	A	Y	Y	Y	Y	
Michael A. MacDonald	Y	N	Y	N	Y	N	N ←
Don McClintock	N	Y	N	N	Y	N	
Frank A. Pfiffner	N	N	N	N	Y	N	
Eric Smith	N	N	N	N	N	N	
Terry L. Thurbon	N	N	N	N	N	N	
✓ Daniel Westerburg	N	N	Y	N	Y	N	

* The Chief Justice votes only when doing so would change the result.



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046
http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

Vote Tally Sheet Anchorage Superior Court

August 10, 2012

Candidates	Council Members						
	Clarke	Fitzgerald	Kretzer	Oravec	Tompkins-Miller	Willoughby	Fabe*
✓ Sidney Kay Billingslea	N	Y	N	Y	Y	Y	
Elizabeth Brennan	Y	Y	Y	Y	Y	Y	
Kevin G. Clarkson	Y	N	Y	N	Y	N	N
Suzanne Cole	N	Y	N	N	Y	N	
Roberta C. Erwin	Y	Y	Y	Y	Y	Y	
Michael Gershel	N	N	N	N	N	N	
Joy Green-Armstrong	Y	A	N	N	N	N	
✓ Erin B. Marston	N	Y	N	Y	Y	Y	
✓ Mark P. Melchert	Y	N	Y	N	N	N	
✓ Robert P. Owens	Y	N	N	N	Y	N	
✓ Gregory G. Silvey	Y	N	N	N	Y	N	
Alex M. Swiderski	Y	N	N	N	N	N	
Jonathan Woodman	Y	Y	Y	Y	Y	Y	

* The Chief Justice votes only when doing so would change the result.



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046
 http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

Vote Tally Sheet Alaska Supreme Court

December 10, 2012

Candidates	Council Members						
	Clarke	Fitzgerald	Kretzer	Oravec	Tompkins -Miller	Willoughby	Fabe*
Joel H. Bolger	N	Y	Y	Y	Y	N	
Susan Cox	Y	Y	Y	Y	Y	Y	
Jeffrey Friedman	N	N	N	N	N	N	
Andrew Guidi	Y	A	Y	N	Y	N	N
Andy Harrington	Y	Y	N	Y	Y	Y	
Michael A. MacDonald	Y	N	Y	N	Y	N	N
Philip Pallenberg	N	N	Y	N	Y	A	
Eric Smith	N	Y	N	N	Y	N	
Trevor N. Stephens	Y	Y	Y	Y	Y	Y	
Terry L. Thurbon	Y	N	N	N	N	N	
Daniel Westerburg	N	N	N	N	Y	N	
Russ Winner	N	N	N	N	N	N	

* The Chief Justice votes only when to do so could change the result.



alaska judicial council

510 L Street, Suite 450, Anchorage, Alaska 99501-1295 (907) 279-2526 FAX (907) 276-5046
http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

Vote Tally Sheet Fairbanks District Court

October 10, 2013

Candidates	Council Members						
	Fitzgerald	Kretzer	Oravec	Parker	Tompkins -Miller	Willoughby	Fabe*
Brent Ellison Bennett	N	N	Absent	N	N	N	
JB Brainerd	N	N	Absent	N	N	N	
David Buettner	N	N	Absent	N	N	N	
James Cannon	Y	Y	Absent	Y	Y	Y	
Matthew Christian	Y	Y	Absent	Y	Y	Y	
Karen L. Jennings	N	N	Absent	N	N	N	
Mama L. Kranenberg	N	N	Absent	N	N	N	
Scott Alan Oravec	N	N	Absent	N	N	N	
Thomas I. Temple	N	Y	Absent	Y	Y	N	N
Nelson Traverso	Y	Y	Absent	Y	Y	Y	
James Bryan Wright	N	N	Absent	N	N	N	

* The Chief Justice votes only when to do so could change the result.

Election

Partisan

- Alabama
- Illinois
- Louisiana
- New Mexico
- Pennsylvania
- Texas
- West Virginia

Nonpartisan

- Arkansas
- Georgia
- Idaho
- Kentucky
- Michigan
- Minnesota
- Mississippi
- Montana
- Nevada
- North Carolina
- North Dakota
- Ohio
- Oregon
- Washington
- Wisconsin

Democratic Appointment

Gubernatorial

- California
- Maine
- New Jersey

Legislative

- South Carolina
- Virginia

Judicial Selection in State High Courts

The Federalist Society
for Law and Public Policy Studies

Hybrid

- Connecticut
- Delaware
- Hawaii
- Maryland
- Massachusetts
- New Hampshire
- New York
- Rhode Island
- Utah
- Vermont

Missouri Plan

Role for Bar

- Alaska
- Arizona
- Florida
- Indiana
- Iowa
- Kansas
- Missouri
- Nebraska
- Oklahoma
- South Dakota
- Wyoming

No Role for Bar

- Colorado
- Tennessee



Democratic Appointment

Judges are appointed directly by a democratic body, or appointed by the governor with the advice and consent of some democratic body.

Hybrid

Judges are appointed by the governor after nomination by a commission and confirmation by a democratic body.

Missouri Plan

Judges are appointed by the governor after nomination by a commission.

Historical Roster of Alaska Judicial Council Members			
	Residence	Appointment Effective	Expiration of Term
Chairperson¹			
Chief Justice Buell A. Nesbett		11/29/59	06/18/70
Chief Justice George F. Boney		06/18/70	11/16/72
Chief Justice Jay A. Rabinowitz		11/16/72	11/16/75
Chief Justice Robert Boochever		11/16/75	11/16/78
Chief Justice Jay A. Rabinowitz		11/16/78	11/16/81
Chief Justice Edmond W. Burke		11/16/81	09/30/84
Chief Justice Jay A. Rabinowitz		10/01/84	09/30/87
Chief Justice Warren W. Matthews		10/01/87	09/30/90
Chief Justice Jay A. Rabinowitz ³		10/01/90	09/30/92
Chief Justice Daniel A. Moore, Jr.		10/01/92	09/30/95
Chief Justice Allen T. Compton ³		10/01/95	07/01/97
Chief Justice Warren W. Matthews		07/02/97	06/30/00
Chief Justice Dana Fabe		07/01/00	06/30/03
Chief Justice Alexander O. Bryner		07/01/03	06/30/06
Chief Justice Dana Fabe		07/01/06	06/30/09
Chief Justice Walter L. Carpeneti		07/01/09	06/30/12
Chief Justice Dana Fabe		07/01/12	06/30/15
Attorney Members			
E.E. Bailey ²	Ketchikan	02/24/59	02/24/62
E.E. Bailey	Ketchikan	02/24/62	02/24/68
Frank M. Doogan ³	Juneau	10/15/68	04/73
Michael L. Holmes ⁴	Juneau	05/73	02/24/74
Michael L. Holmes	Juneau	02/24/74	02/24/80
Walter L. Carpeneti ⁵	Juneau	02/24/80	02/81
James B. Bradley ⁴	Juneau	04/81	02/24/86
William T. Council	Juneau	02/24/86	02/24/92
Thomas G. Nave	Juneau	02/24/92	02/23/98
Geoffrey G. Currall	Ketchikan	02/24/98	02/23/04
Douglas Baily	Juneau	04/27/04	07/18/07
Louis James Menendez ⁴	Juneau	07/19/07	02/23/10
Julie Willoughby	Juneau	04/27/10	02/23/16
Robert A. Parrish ²	Fairbanks	02/24/59	02/24/64
William V. Boggess ⁵	Fairbanks	02/24/64	04/64
Michael Stepovich ⁴	Fairbanks	05/64	02/24/70
Michael Stepovich	Fairbanks	02/24/70	02/24/76
Michael Stepovich ³	Fairbanks	02/24/76	08/78
Marcus R. Clapp ⁴	Fairbanks	08/78	02/24/82
Mary E. Greene ³	Fairbanks	02/24/82	04/82
Barbara L. Schuhmann ⁴	Fairbanks	07/82	02/24/88
Daniel L. Callahan	Fairbanks	02/24/88	02/24/94
Christopher E. Zimmerman ⁵	Fairbanks	04/14/94	07/17/97
Paul J. Ewers	Fairbanks	07/18/97	02/23/00
Robert B. Groseclose	Fairbanks	04/05/00	02/23/06
James H. Cannon	Fairbanks	02/24/06	02/23/12
Aimee Oravec	Fairbanks	04/10/12	02/23/18

**Historical Roster of
Alaska Judicial Council Members**

	Residence	Appointment Effective	Expiration of Term
Attorney Members (Continued)			
Raymond E. Plummer ^{2, 3}	Anchorage	02/24/59	09/26/61
Harold Butcher ⁴	Anchorage	11/61	02/24/66
George F. Boney ⁵	Anchorage	02/24/66	09/68
Lester W. Miller, Jr. ⁴	Anchorage	10/15/68	02/24/72
Eugene F. Wiles ³	Anchorage	02/24/72	03/75
Joseph L. Young ⁴	Anchorage	04/75	02/24/78
Joseph L. Young	Anchorage	02/24/78	02/24/84
James D. Gilmore	Anchorage	02/24/84	02/24/90
Mark E. Ashburn	Anchorage	03/23/90	02/23/96
Robert H. Wagstaff	Anchorage	03/22/96	02/23/02
Susan Orliansky	Anchorage	03/14/02	02/27/08
Kevin Fitzgerald	Anchorage	04/28/08	02/23/14
Non-Attorney Members			
Elmo LeRoy "Roy" J. Walker ²	Fairbanks	05/18/59	05/18/61
John Cross	Kotzebue	05/18/61	05/18/67
Thomas K. Downes ³	Fairbanks	05/18/67	Mid-1968
V. Paul Gavora ⁴	Fairbanks	10/15/68	05/18/73
Thomas J. Miklautsch ³	Fairbanks	05/28/73	12/10/74
Robert H. Moss ⁴	Homer	12/10/74	05/18/79
Robert H. Moss	Homer	05/18/79	05/18/85
Dr. Hilbert J. Henrickson	Ketchikan	08/13/85	05/18/91
David A. Dapceovich	Sitka	05/19/91	05/18/97
Mary Matthews ³	Fairbanks	05/19/97	08/23/98
Sandra Stringer ⁴	Fairbanks	08/24/98	07/12/99
Katie Hurley	Wasilla	07/13/99	05/18/03
Bill Gordon	Fairbanks	05/19/03	03/01/09
Kathleen Tompkins-Miller	Fairbanks	03/01/09	03/01/16
Jack E. Werner ²	Seward	05/18/59	05/18/63
Jack E. Werner	Seward	05/18/63	05/18/69
Ken Brady	Anchorage	06/28/69	05/18/75
Ken Brady	Anchorage	05/18/75	05/18/81
Mary Jane Fate	Fairbanks	05/18/81	05/18/87
Leona Okakok	Barrow	07/31/87	05/18/93
Janice Lienhart	Anchorage	05/19/93	05/18/99
Gigi Pilcher	Ketchikan	03/21/00	05/18/05
Christena Williams	Ketchikan	05/19/05	03/01/11
Donald J. Haase ³	Valdez	03/01/11	04/07/11
Ken Kreitzer	Juneau	07/29/11	03/01/17

Historical Roster of Alaska Judicial Council Members			
	Residence	Appointment Effective	Expiration of Term
Non-Attorney Members (continued)			
Dr. William M. Whitehead ^{2,3}	Juneau	05/18/59	12/06/62
Charles W. Kidd ^{4,3}	Juneau	04/63	01/64
H. Douglas Gray ⁴	Juneau	04/64	05/18/65
H.O. Smith ⁶	Ketchikan	05/18/65	06/65
Pete Meland ⁴	Sitka	01/66	05/18/71
Oral Freeman ³	Ketchikan	11/22/71	01/73
Lew M. Williams, Jr. ⁴	Ketchikan	04/73	05/18/77
John Longworth	Petersburg	05/18/77	05/18/83
Renee Murray	Anchorage	08/08/83	05/18/89
Janis Roller ³	Anchorage	09/01/89	02/14/91
Dr. Paul Dittrich, M.D. ^{4,3}	Anchorage	04/06/91	10/03/91
Jim A. Arnesen ⁴	Anchorage	10/04/91	05/18/95
Vicki A. Otte ³	Juneau	05/31/95	11/21/00
Eleanor Andrews ⁴	Anchorage	11/15/00	05/18/01
Eleanor Andrews	Anchorage	05/18/01	03/01/07
Charles M. Kopp ³	Kenai	03/02/07	07/13/08
William F. Clarke ⁴	Anchorage	10/16/08	03/01/13
Dave Parker	Wasilla	03/01/13	03/01/19

¹ The Judicial Council initially submitted nominations for the position of Chief Justice; the Constitution did not limit the Chief Justice's term. Chief Justice Nesbett and Chief Justice Boney were nominated and appointed in this manner. Voters amended the Constitution on August 25, 1970 to provide for the election of the Chief Justice by the justices of the Supreme Court for a three-year term; the amendment further provided that a Chief Justice may not be re-elected to consecutive terms.

² Appointed to initial staggered term.

³ Resigned during term.

⁴ Appointed to complete unexpired term.

⁵ Resigned during term to apply for judicial office.

⁶ Denied legislative confirmation.

the names of Judge Bosshard and Mr. Tans to the Governor in nomination for the Third Judicial District (Valdez) vacancy, and the names of Mr. Asper, Ms. Berck, Mr. Walker and Mr. Yospin for the First Judicial District (Juneau) vacancy. The vote on all candidates was as follows:

SUPERIOR COURT, THIRD JUDICIAL DISTRICT (VALDEZ)

<u>CANDIDATES</u>	<u>COUNCIL MEMBERS</u>						
	<u>Bradley</u>	<u>Fate</u>	<u>Gilmore</u>	<u>Moss</u>	<u>Murray</u>	<u>Schuhmann</u>	<u>Burke</u>
<u>Bosshard</u>	Yes	No	Yes	Yes	Yes	Yes	
<u>Tans</u>	Yes	Yes	Yes	Yes	Yes	Yes	

DISTRICT COURT, FIRST JUDICIAL DISTRICT (JUNEAU)

<u>CANDIDATES</u>	<u>COUNCIL MEMBERS</u>						
	<u>Bradley</u>	<u>Fate</u>	<u>Gilmore</u>	<u>Moss</u>	<u>Murray</u>	<u>Schuhmann</u>	<u>Burke</u>
<u>Asper</u>	Yes	Yes	Yes	Yes	Yes	Yes	
<u>Berck</u>	Yes	No	Yes	Yes	No	No	Yes
<u>Brice</u>	No	No	No	No	No	No	
<u>Corso</u>	No	No	No	No	No	No	
<u>Craddick</u>	No	No	No	No	No	No	
<u>Walker</u>	Yes	No	Yes	Yes	Yes	Yes	
<u>Yospin</u>	Yes	Yes	Yes	Yes	Yes	Yes	

Ms. Schuhmann moved that the meeting be adjourned; seconded by Gilmore and passed unanimously. The meeting was adjourned at 5:15 p.m.

May 17, 1984

The meeting was called to order at 8:35 a.m. by Vice-Chairman Bob Moss. Present were members Bradley, Fate, Moss, Murray and Schuhmann. Mr. Gilmore was excused due to a prior commitment. Chief Justice Burke excused himself from participation in discussions of legal issues scheduled on the agenda. Staff present were Teri Carns and Fran Bremson. Also present was Ms. Maria Lisowski, a legal intern on the staff of the Attorney General.

VOTE TALLY SHEET
SUPERIOR COURT VACANCIES (2 POSITIONS)

Candidates	Council Members						
	Bradley	Fate	Moss*	Murray	Schuhmann	Gilmore	Burke**
BROWN	NO	NO		NO	NO	NO	
BURTON	YES	YES		YES	NO	YES	
ERWIN	NO	NO		YES	NO	YES	
FRATIES	YES	YES		YES	NO	YES	
FULD	NO	NO		NO	NO	YES	
GONZALEZ	YES	NO		YES	YES	YES	
GOULD	NO	YES		YES	NO	YES	YES
KATZ	YES	YES		YES	YES	NO	
MICHALSKI	YES	NO		YES	YES	YES	
STEPHENS	NO	NO		NO	NO	NO	

* Mr. Moss did not attend the September 25th Meeting.
**The Chief Justice votes only when to do so could change the result.

Ms. Fate moved that the names of the six Superior Court and five District Court nominees be transmitted to the Governor; seconded by Schuhmann and passed unanimously. Ms. Schuhmann then moved that the meeting be adjourned; seconded by Fate and passed unanimously. The meeting was adjourned at 6:10 p.m.

September 26, 1984

The meeting was called to order at 8:45 a.m. by Chief Justice Burke. Present were members Bradley, Fate, Gilmore, Moss, Murray and Schuhmann. Staff present were Fran Bremson and Sharilyn Mumaw.

The Council returned to public session at 6:00 p.m. to vote on the judicial applicants for the two Superior Court and the four District Court vacancies in the Third Judicial District. The Council voted to submit the names of Mr. Burton, Mr. Fraties, Mr. Gonzalez, Mr. Gould, Ms. Katz and Mr. Michalski to the Governor in nomination for the two Superior Court vacancies; and the names of Ms. Beckwith, Mr. Hemenway, Mr. Stemp, Mr. Stewart and Mr. White for the four District Court vacancies. The vote on all candidates was as follows:

VOTE TALLY SHEET

4. DISTRICT COURT VACANCIES (4 POSITIONS)

Council Members

Candidates	Bradley	Fate	Moss*	Murray	Schuhmann	Gilmore	Burke**
BECKWITH	YES	YES		YES	YES	YES	
CUMMINGS	NO	NO		NO	NO	NO	
EBERHART	NO	NO		NO	NO	NO	
FOLEY	NO	NO		NO	NO	NO	
GORMAN	NO	NO		NO	NO	NO	
HEMENWAY	YES	YES		YES	NO	YES	
LEWIS	NO	NO		NO	NO	YES	
STEMP	YES	YES		NO	YES	NO	YES
STEPHENS	NO	NO		NO	NO	NO	
STEWART	NO	YES		YES	YES	YES	
WHITE	YES	YES		YES	YES	YES	

* Mr. Moss did not attend the September 25th Meeting.

**The Chief Justice votes only when to do so could change the result.

Rabinowitz
10/84 - 9/87

Page Two
Alaska Judicial Council
Dec. 17-18, 1984 Meeting Minutes

The Council returned to public session at 2:00 p.m. to vote on judicial applicants for the District Court vacancy in the Fourth Judicial District. The Council voted to submit the names of Mr. McConahy, ... Olsen, Mr. Wood and Mr. Zimmerman to the Governor in nomination for this vacancy. The vote on all candidates was as follows:

VOTE TALLY SHEET

Fairbanks DISTRICT COURT, FOURTH JUDICIAL DISTRICT

DECEMBER 17, 1984

Candidates	Council Members						
	Bradley	Fate	Moss	Murray	Schumann	Gilmore	Rabinowitz ²
Teresa Foster	No	No	No	No	No	No	
Michael McConahy	Yes	Yes	Yes	Yes	Yes	Yes	
Thomas Miller	No	No	No	Yes	No	No	
Randy Olsen	No	Yes	No	Yes	Yes	No	Yes ¹
Daniel Saluri	No	No	No	No	No	No	
Mark Wood	Yes	Yes	Yes	No	Yes	Yes	
Chris Zimmerman	Yes	Yes	Yes	No	Yes	Yes	

Staff was directed to transmit the names of the four District Court nominees to the Governor. Upon the motion of the Chairman, without objection, the Council then returned to executive session to interview judicial applicants for the Superior Court vacancy in the Fourth Judicial District. Judicial applicant interviews were held as follows:

The Chief Justice votes only when to do so could change the result.

SUPERIOR COURT, FOURTH JUDICIAL DISTRICT

2:15 p.m. Dick L. Madson
2:30 p.m. Jane Kauvar
2:55 p.m. James P. Doogan
3:25 p.m. Richard D. Savell
3:50 p.m. Mary E. "Meg" Greene
4:20 p.m. Billie D. Murphree
4:55 p.m. Rita T. Allee
5:20 p.m. D. Rebecca Snow
5:50 p.m. Larry D. Wood

The Council returned to public session at 6:50 p.m. to vote on the judicial applicants for the Superior Court vacancy in the Fourth Judicial District. The Council voted to submit the names of Mr. Madson and Ms. Greene to the Governor in nomination for this vacancy. The vote on all candidates was as follows:

VOTE TALLY SHEET

Fruitbanks SUPERIOR COURT, FOURTH JUDICIAL DISTRICT

DECEMBER 17, 1984

Candidates	Council Members						
	Bradley	Fate	Moss	Murray	Schuhmann	Gilmore ³	Rabinowitz ²
Rita Allee	No	No	No	No	No		
James Doogan	No	No	No	No	No		
Mary "Meg" Greene	Yes	Yes	Yes	Yes	Yes		
Judge Jane Kauvar	No	No	No	No	No		
Dick Madson	Yes	Yes	Yes	Yes	Yes		
Billie Murphree	No	No	No	No	No		
Richard Savell	No	Yes	No	No	Yes		
D. Rebecca Snow	No	No	No	No	No		
Larry Wood	No	No	No	No	No		
Chris Zimmerman	No	No	No	No	No		

(10)

2. The Chief Justice votes only when to do so could change the result.
3. Mr. Gilmore was excused from the Council meeting at 3:25 p.m. and did not participate in the vote on candidates for this vacancy.

Page Five

Alaska Judicial Council
Dec. 17-18, 1984 Meeting Minutes

VOTE TALLY SHEET
SUPERIOR COURT, THIRD JUDICIAL DISTRICT
DECEMBER 18, 1984

Arch.

Candidates	Council Members						
	Bradley	Fate	Moss	Murray	Schuhmann	Gilmore	Rabinowitz ²
Edward Burton	Yes	Yes	Yes	Yes	No	Yes	
Gail Fraties	Yes	Yes	No	No	No	Yes	No
William Fuld	No	No	No	No	No	Yes	
Peter Michalski	Yes	No	Yes	Yes	Yes	Yes	
Eugene Murphy	No	Yes	Yes	Yes	No	No	Yes
Benjamin Walters	Abstain ⁴	No	Yes	Yes	Yes	Yes	
Thomas Yerbich	No	No	No	No	No	No	

1

Staff was directed to transmit the names of the four nominees for this position to the Governor.

Chief Justice Rabinowitz relinquished the chair to Mr. Moss for the balance of the meeting. The Council then turned to consideration of its business agenda.

-
2. The Chief Justice votes only when to do so could change the result.
 4. Mr. Bradley abstained from voting on the candidacy of Mr. Walters, who is currently a party in litigation involving Mr. Bradley's law firm.

VOTE TALLY SHEET
SUPERIOR COURT, FIRST JUDICIAL DISTRICT (WRANGELL/PETERSBURG)
MARCH 28, 1985

Candidates	Council Members						
	Bradley	Fate ¹	Moss	Murray	Schuhmann	Gilmore	Rabinowitz ²
James Bruce	No	--	No	No	No	No	
Thomas Jahnke	Yes	--	Yes	Yes	Yes	No	
Dennis McCarty	Yes	--	Yes	Yes	Yes	Yes	
T. W. Patch	No	--	No	No	No	Yes	
Drew Peterson	No	--	No	Yes	No	No	
David Walker	Yes	--	Yes	No	No	Yes	Yes

Staff was directed to transmit the names of the three nominees for this position to the Governor. The meeting was adjourned at 1:30 p.m.

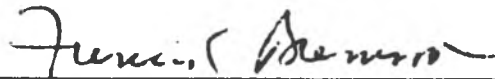

Secretary

-
1. Ms. Fate did not participate in the interviews or the vote on candidates for this vacancy.
 2. The Chief Justice votes only when to do so could change the result.

VOTE TALLY SHEET
SUPERIOR COURT, FOURTH JUDICIAL DISTRICT (BETHEL)
APRIL 8, 1986

CANDIDATES	COUNCIL MEMBERS						
	Council	Fate	Gilmore	Henrickson	Murray	Schuhmann	Rabinowitz*
Gail Roy Fratley	No	Yes	Yes	Yes	No	Yes	
James D. Ginotti	No	No	No	No	No	No	
L. Ben Hancock	Yes	No	No	Yes	Yes	Yes	
Laurie H. Otto	Yes	No	Yes	No	No	Yes	No
Bryan E. Schuler	Yes	Yes	No	Yes	Yes	No	
Timothy H. Stearns	Yes	No	Yes	No	Yes	No	No

Staff were directed to transmit the names of the three nominees for this position to the Governor. The meeting was adjourned at 5:20 p.m.



Secretary

* The Chief Justice votes only when to do so could change the result.

The Council reconvened at 1:10 p.m. and Mary Jane Fate joined the meeting.

Ms. Schuhmann moved to go into executive session to interview the remaining applicants for the Fairbanks judgeship. The motion was seconded by Ms. Fate and passed unanimously. Judge Christopher Zimmerman was interviewed at 1:10 p.m., followed by Gary Foster at 1:40 p.m. and Patrick Travers at 2:20 p.m. Deliberations began at 3:15 p.m. At 4:20 p.m. Ms. Schuhmann moved to return to public session. The motion was seconded by Ms. Fate and passed unanimously. Voting was as follows:

VOTE TALLY SHEET
SUPERIOR COURT, FOURTH JUDICIAL DISTRICT (FAIRBANKS)
MARCH 20, 1987

CANDIDATES	COUNCIL MEMBERS						
	Council	Fate	Gilmore	Henrickson	Murray	Schuhmann	Rabinowitz*
Gary Foster	NO	NO	NO	NO	-	YES	
Richard D. Savell	NO	NO	YES	YES	-	YES	YES
D. Rebecca Snow	YES	YES	YES	YES	-	YES	
Niesle J. Steinkruger	NO	YES	NO	NO	-	YES	
Patrick J. Travers	NO	NO	NO	NO	-	NO	
Larry C. Zervos	NO	NO	NO	NO	-	YES	
Christopher E. Zimmerman	YES	YES	YES	YES	-	YES	

* The Chief Justice votes only when to do so could change the result.

The Council interviewed the following candidates for the Palmer District Court judgeship: Dennis P. Cummings, Peter Ashman, John T. Maltas and Daniel Weber.

The Council broke for lunch at noon, and met with the Mat-Su Valley Bar Association at the Mat-Su Resort. The meeting was reconvened at 2:00 p.m. At that time, Mark Wood was interviewed for the Palmer District Court judgeship. The Council returned to public session at 3:25 p.m. to vote on its nominations. The vote was:

Palmer Dist. Court

CANDIDATES	COUNCIL MEMBERS					
	Council	Gilmore	Henrickson	Murray	Schuhmann*	Rabinowitz**
Peter G. Ashman	YES	YES	YES	YES	---	
Dennis P. Cummings	NO	YES	NO	NO	---	
John Thomas Maltas	NO	NO	NO	NO	---	
Daniel Weber	NO	NO	YES	YES	---	
Mark I. Wood	YES	YES	YES	NO	---	YES

* Excused

** The Chief Justice votes only when to do so would change the result.

Peter Ashman and Mark Wood were the nominees for the Palmer District Court. The Council agreed that the names should go in a single letter to the governor with a copy of the votes on those nominees. Mr. Council suggested that the staff may want to add a statement to the present form letter that names are not submitted in any preferential order.

The Council next reviewed the Meeting Minutes of April 10, 1987. Ms. Murray moved that the minutes be approved; the motion was seconded by Mr. Council and passed unanimously. Mr. Brown then briefly discussed the purpose of out-of-state travel to the American Bar Association meeting in San Francisco. He mentioned that the current budget allows for the travel for Ms. Greenstein and himself. Mr. Gilmore moved that the out-of-state travel be approved; Ms. Murray seconded the motion and it passed unanimously.

Mr. Brown began his director's report with a statement concerning the FY'88 budget. He informed the Council that \$9,000 had been cut from our requested budget and that nothing occurring at the special legislative session should affect that number.

Ms. Greenstein reported on the progress of the "Cameras in the Courts" project. She noted that all the data indicate increased coverage of the courts by the media (both TV and print) since the new Supreme Court Rule went into effect. In addition, more TV air time is given to the story where there is available in-court footage. Newspapers, too, give more space to court stories where they have pictures

VOTE TALLY SHEET
DISTRICT COURT, FOURTH JUDICIAL DISTRICT (FAIRBANKS)
JULY 14, 1988

CANDIDATES	COUNCIL MEMBERS						
	Callahan	Council	Gilmore	Henrickson	Matthews*	Murray	Okakok
S. Joshua Berger	NO	NO	NO	NO		NO	NO
James H. Cannon	YES	YES	YES	YES		NO	YES
Patrick B. Cole	NO	NO	NO	NO		YES	NO
Monte Engel	NO	NO	NO	NO		NO	NO
J. John Franich	NO	NO	NO	NO		NO	NO
Raymond Funk	YES	YES	YES	YES		YES	YES
James M. Mullen	NO	NO	NO	NO		NO	NO
Charles R. Pengilly	NO	YES	YES	YES	YES	NO	NO
Kenneth P. Ringstad, Jr.	NO	NO	NO	NO		NO	NO
Fleur L. Roberts	NO	YES	NO	NO		YES	NO
Larry C. Zervos	YES	YES	YES	YES		YES	YES

* The Chief Justice votes only when to do so could change the result.

VOTE TALLY SHEET
SUPERIOR COURT, THIRD JUDICIAL DISTRICT (ANCHORAGE)
JULY 16, 1988

CANDIDATES	COUNCIL MEMBERS						
	Callahan	Council	Gilmora	Henrickson	Matthews*	Murray	Okakok
Louis E. Agi	NO	NO	NO	NO		NO	NO
Joseph N. Barcott	NO	NO	NO	NO		NO	NO
Harry Branson	NO	NO	YES	NO		NO	NO
Dan E. Dennis	NO	NO	YES	NO		YES	NO
LeRoy E. DeVeaux	NO	NO	NO	NO		NO	NO
R. Stanley Ditus	NO	NO	YES	NO		NO	NO
Dana A. Fabe	YES	YES	YES	YES		YES	YES
William H. Fuld	YES	NO	YES	NO	YES	YES	NO
Nelson G. Page	YES	YES	YES	YES		YES	YES
Shannon D. Turner	NO	NO	NO	NO		NO	NO
Vincent P. Vitale	NO	NO	ABSTAIN	NO		NO	NO

* The Chief Justice votes only when to do so could change the result.

VOTE TALLY SHEET
DISTRICT COURT, THIRD JUDICIAL DISTRICT (ANCHORAGE)
JULY 17, 1988

CANDIDATES	COUNCIL MEMBERS						
	Callahan	Council	Gilmore	Henrickson	Matthews*	Murray	Okakok
Louis E. Aqi	NO	NO	YES	NO		YES	NO
Jacob H. Allmaras	YES	YES	YES	YES		YES	YES
James A. Crary	NO	NO	NO	YES	NO	YES	YES
Dennis P. Cummings	NO	NO	NO	NO		NO	NO
John E. Duggan	NO	NO	NO	NO		NO	NO
Monte Engel	NO	NO	NO	NO		NO	NO
John T. Maltas	NO	NO	NO	NO		NO	NO
James Ottinger	YES	NO	YES	YES		YES	YES
John A. Scukanec	NO	NO	NO	NO		NO	NO
John W. Sivertsen, Jr.	NO	NO	NO	NO		NO	NO
Michael L. Wolverton	YES	YES	YES	YES		YES	YES

* The Chief Justice votes only when to do so could change the result.

VOTE TALLY SHEET
SUPERIOR COURT, THIRD JUDICIAL DISTRICT (ANCHORAGE)
MAY 8, 1989

CANDIDATES	COUNCIL MEMBERS						
	Callahan	Council	Gilmore	Henrickson	Matthews*	Murray	Okakok
Terry C. Aglietti	NO	NO	ABSENT	NO		NO	NO
Jacob H. Allmaras	NO	NO	ABSENT	NO		NO	NO
Glen C. Anderson	YES	YES	ABSENT	YES		YES	YES
Don C. Bauermeister	NO	NO	ABSENT	NO		NO	NO
Dan E. Dennis	NO	NO	ABSENT	NO		NO	NO
William J. Donohue	NO	NO	ABSENT	NO		NO	YES
Phillip J. Eide	NO	NO	ABSENT	NO		YES	NO
William H. Fuld	YES	NO	ABSENT	NO		NO	NO
David Mannheimer	YES	YES	ABSENT	YES		YES	YES
Nelson G. Page	YES	YES	ABSENT	YES		YES	YES
John E. Reese	ABSTAIN	YES	ABSENT	YES	YES	NO	YES
David C. Stewart	YES	YES	ABSENT	YES		YES	YES
Benjamin O. Walters, Jr.	NO	NO	ABSENT	NO		NO	NO
Larry D. Wood	NO	NO	ABSENT	NO		YES	NO

* The Chief Justice votes only when to do so could change the result.

VOICE TALLY SHEET
BETHEL SUPERIOR COURT, FOURTH JUDICIAL DISTRICT
NOVEMBER 20, 1989

CANDIDATES	COUNCIL MEMBERS						
	Callahan	Council	Gilmore	Henrickson	Matthews*	Okakok	Roller
Dale O. Curda	YES	YES	ABSENT	YES		YES	YES
Lawrence C. Delay	NO	NO	ABSENT	NO		NO	NO
Jonathan H. Link	YES	NO	ABSENT	NO	YES	YES	YES
Allison E. Mendel	NO	YES	ABSENT	YES	YES	YES	NO
Joseph S. Slusser	NO	NO	ABSENT	NO		NO	NO
Richard Whittaker	NO	NO	ABSENT	NO		NO	NO

* The Chief Justice votes only when to do so could change the result.

VOTE TALLY SHEET
JUNEAU SUPERIOR COURT, FIRST JUDICIAL DISTRICT
JUNE 25, 1990

CANDIDATES	COUNCIL MEMBERS						
	Ashburn	Callahan	Council	Henrickson	Matthews*	Okakok	Roller
Thomas M. Jahnke	Yes	Yes	Yes	ABSENT		ABSENT	Yes
Margot O. Knuth	Yes	Yes	Yes	↓	Yes	↓	No
Ronald W. Lorensen	Yes	Yes	Yes	↓	Yes	↓	No
Richard A. Svobodny	No	No	No	↓		↓	No
David T. Walker	No	No	No	↓		↓	No
Larry R. Weeks	Yes	Yes	Yes	↓		↓	Yes

* The Chief Justice votes only when to do so could change the result.

VOTE TALLY SHEET

SITKA SUPERIOR COURT, FIRST JUDICIAL DISTRICT

AUGUST 6, 1990

CANDIDATES	COUNCIL MEMBERS						
	Ashburn	Callahan	Council	Henrickson	Okakok	Roller	Matthews*
Theron J. Cole	Yes	Yes	No	No	Absent	Yes	No
Dennis L. McCarty	No	No	No	No		No	
William E. Olmstead	No	No	No	No		No	
J. Michael Robbins	No	No	No	No		No	
Elizabeth L. Shaw	Yes	Yes	Yes	No		No	Yes
Edward A. Stahla	No	No	No	No		Yes	
Larry C. Zervos	Yes	Yes	Yes	Yes		Yes	

* The Chief Justice votes only when to do so could change the result.

VOTE TALLY SHEET

HOMER DISTRICT COURT, THIRD JUDICIAL DISTRICT

November 19, 1990

CANDIDATES	COUNCIL MEMBERS						
	Ashburn	Callahan	Council	Henrickson	Okakok	Roller	Rabinowitz*
Lynn H. Christensen	Absent	YES	YES	YEA	YES	YES	
Thomas H. Dahl		NO	NO	NO	YES	YES	
Ronald W. Drathman		NO	NO	NO	NO	YES	
Virginia M. Espenshade		NO	NO	NO	NO	NO	
James A. Farr		NO	NO	YES	NO	NO	
Donald D. Hopwood		YES	YES	YES	YES	YES	
Carolyn E. Jones		NO	YES	YES	YES	NO	YES
M. Francis Neville		YES	YES	NO	YES	NO	YES
Daniel W. Westerburg		YES	YES	YES	YES	NO	

* The Chief Justice votes only when to do so could change the result.

VOTE TALLY SHEET

ANCHORAGE DISTRICT COURT. THIRD JUDICIAL DISTRICT

June 9, 1991

CANDIDATES	COUNCIL MEMBERS						
	Ashburn	Callahan	Council	Dapcovich	Dittrich	Okakok	Rabinowitz*
Louis E. Agi	No	No	No	No	No	Absent	
Lynn H. Christensen	Yes	Yes	Yes	Yes	Yes	↓	
Carolyn E. Jones	Yes	Yes	Yes	Yes	Yes	↓	
Richard D. Kibby	No	No	No	No	No	↓	
Michael J. Lindeman	Yes	Yes	Yes	Yes	Yes	↓	
Kevin F. McCoy	Yes	Yes	Yes	Yes	Yes	↓	
Gregory J. Motyka	No	Yes	No	Yes	Yes	↓	Yes
J. Frank Prewitt, Jr.	No	No	No	No	No	↓	
Rhonda Butterfield Roberson	No	No	No	No	No	↓	
John A. Scukanec	No	Yes	No	Yes	No	↓	
William Jay Soule	No	No	No	No	No	↓	
Susan M. Williams	No	No	No	No	No	↓	

* The Chief Justice votes only when to do so could change the result.

Vote Tally Sheet

**Anchorage District Court, Third Judicial District
 May 10-12, 1992**

CANDIDATES	COUNCIL MEMBERS						
	Arnesen	Ashburn	Callahan	Dapceovich	Nave	Okakok	Rabinowitz*
Jacob H. Allmaras	✓ Yes	Yes	Yes	Yes	Yes	Yes	
Lynn H. Christensen	No	No	No	Yes	No	No	
Paul Cossman	Yes	No	No	Yes	No	Yes	Yes
James A. Farr	✓ No	No	No	No	No	No	
Shannon D. Hanley	✓ No	No	No	No	No	No	
Stephanie E. Joannides	Yes	Yes	Yes	Yes	Yes	Yes	
Carolyn E. Jones	No	Yes	Yes	No	No	No	
Michael J. Lindeman	Yes	No	No	Yes	No	Yes	No
Allison E. Mendel	✓ No	No	No	No	No	No	
Bruce Moore	✓ No	No	No	No	No	No	
Sigurd E. Murphy	Yes	Yes	Yes	Yes	Yes	No	
Joseph D. O'Connell	✓ No	No	No	No	No	No	
Diane Taylor O'Gorman	✓ No	No	No	No	No	No	
Stephanie Rhoades	Yes	Yes	Yes	No	No	No	Yes
Michel J. Schapira	✓ No	No	No	No	No	No	
John A. Scukanec	No	Yes	Yes	Yes	Yes	Yes	
Valerie VanBrocklin	No	No	No	No	Yes	No	
Stephen J. Van Goor	No	Yes	Yes	Yes	Yes	Yes	
James N. Wanamaker	Yes	Yes	Yes	Yes	Yes	Yes	
Daniel Weber	No	No	No	Yes	No	No	
Toy V. Williams	✓ No	No	No	No	No	No	
Teressa E. Williams	✓ No	No	No	No	No	No	

* The Chief Justice votes only when to do so could change the result.

Vote Tally Sheet
Fairbanks Superior Court, Fourth Judicial District
September 25, 1992

CANDIDATES	COUNCIL MEMBERS						
	Arnesen	Ashburn	Callahan	Dapevich	Nave	Okakok	Rabinowitz*
Ralph R. Beistline	Yes	Yes	Yes	Yes	Absent	Yes	
Daniel R. Cooper, Jr.	No	No	No	No	‡	No	
J. John Franich	No	No	No	No	‡	No	
Jane F. Kauvar	No	Yes	Yes	No	‡	Yes	Yes
Charles R. Pengilly	Yes	Yes	Yes	Yes	‡	Yes	

* The Chief Justice votes only when to do so could change the result.

Vote Tally Sheet
Anchorage Superior Court, Third Judicial District
June 27-29, 1993

CANDIDATES	COUNCIL MEMBERS						
	Arnesen	Ashburn	Callahan	Dapceвич	Nava	Lienhart	Moore*
Peter G. Ashman	Yes	Yes	Yes	Yes	Yes	Yes	
Allen M. Bailey	No	No	No	No	No	No	
Stephen E. Branchflower	No	No	No	Yes	No	Yes	
Larry D. Card	Yes	No	Yes	Yes	No	No	Yes
Waltr H. Garretson	No	No	No	No	No	No	
Cheri Christine Moore Jacobus	No	No	No	No	No	Yes	
Michael Jungreis	No	No	No	No	No	No	
Marilyn Jane Kamm	No	No	No	No	No	No	
J.L. McCarrey, III	No	No	No	No	No	No	
Brant McGee	Yes	Yes	Yes	Yes	Yes	Yes	
James N. Wanamaker	No	No	No	No	No	No	
Michael L. Wolverton	Yes	Yes	Yes	Yes	Yes	Yes	

* The Chief Justice votes only when to do so could change the result.

Vote Tally Sheet
Alaska Supreme Court
January 9-10, 1994

CANDIDATES	COUNCIL MEMBERS						
	Arnesen	Ashburn	Callahan	Dapcevich	Lienhart	Nave	Moore*
James R. Blair	No	No	No	Yes	No	No	
Robert E. Congdon	No	No	No	No	No	No	
Robert L. Eastaugh	Yes	Yes	Yes	Yes	No	Yes	
Cynthia M. Hora	No	No	Yes	No	Yes	No	
Karen L. Hunt	Yes	Yes	Yes	Yes	Yes	Yes	
Thomas M. Jahnke	Yes	Yes	Yes	Yes	Yes	Yes	
William K. Jermain	No	No	No	No	No	No	
Douglas D. Lottridge	No	No	No	No	No	No	
Peter A. Michalski	No	No	No	No	No	No	
Joseph J. Perkins, Jr.	No	No	No	No	Yes	No	
Hugh G. (Jerry) Wade	Yes	No	No	Yes	Yes	No	Yes
Donna C. Willard	Yes	Yes	Yes	No	Yes	Yes	

* The Chief Justice votes only when to do so could change the result.

Vote Tally Sheet
Anchorage District Court, Third Judicial District
September 25-26, 1994

CANDIDATES	COUNCIL MEMBERS						
	Arnesen	Ashburn	Dapceвич	Lienhart	Nave	Zimmerman	Moore*
Jacob H. Allmaras	No	No	Yes	No	No	Yes	
Ella Anagick	No	No	No	No	No	No	
Peter G. Ashman	Yes	Yes	Yes	Yes	Yes	Yes	
Julie E. Bryant	No	No	Yes	No	No	Yes	
Carmen E. Clarkweeks	No	No	No	Yes	No	Yes	
Walter H. Garretson	No	No	No	Yes	No	No	
Gary M. Guarino	No	Yes	No	No	No	Yes	
Thom F. Janidlo	No	No	No	No	No	No	
Stephanie E. Joannides	Yes	Yes	Yes	Yes	Yes	Yes	
Stephen F. McKee	No	No	No	No	No	No	
Lisa B. Nelson	No	No	No	No	No	Yes	
John A. Scukanec	No	No	Yes	Yes	No	Yes	Yes
Stephen J. Van Goor	No	Yes	Yes	No	Yes	Yes	

* The Chief Justice votes only when to do so could change the result.

Vote Tally Sheet
Alaska Supreme Court
January 7, 1996

CANDIDATES	COUNCIL MEMBERS						
	Ashburn	Dapcevich	Lienhart	Nave	Otto	Zimmerman	Compton*
Alexander O. Bryner	Yes	Yes	Yes	Yes	Yes	Yes	
Beverly W. Cutler	Yes	No	Yes	Yes	Yes	Yes	
Dana Fabe	Yes	Yes	Yes	Yes	Yes	Yes	
Karen L. Hunt	Yes	No	Yes	Yes	Yes	Yes	
Donna C. Willard	No	No	Yes	No	Yes	Yes	yes

* The Chief Justice votes only when to do so could change the result.

Vote Tally Sheet
Kenai Superior Court, Third Judicial District
March 3, 1996

CANDIDATES	COUNCIL MEMBERS						
	Ashburn	Dapcevich	Lienhart	Nave	Otte	Zimmerman	Compton*
Harold M. Brown	Yes	Yes	Yes	Yes	Yes	Yes	
Daniel R. Cooper, Jr.	No	No	No	No	No	No	
Gordon G. Goodman	No	Yes	Yes	No	No	Yes	No
Sharon A.S. Illsley	No	No	No	No	No	Yes	
Ronald K. Melvin	No	No	No	No	No	No	
Paul E. Olson	Yes	Yes	Yes	Yes	Yes	Yes	

* The Chief Justice votes only when to do so could change the result.

Vote Tally Sheet

Anchorage Superior Court, Third Judicial District

June 24-26, 1996

CANDIDATES	COUNCIL MEMBERS						
	Dapcevich	Lienhart	Nave	Otte	Wagstaff	Zimmerman	Compton*
Peter G. Ashman	Yes	Yes	Yes	Yes	Yes	Yes	
Kari L. Bazy Garber	No	No	No	No	No	No	
Marshall K. Coryell	No	No	No	No	No	No	
John E. (Jack) Duggan	Yes	No	No	No	No	Yes	
Sharon L. Gleason	Yes	Yes	Yes	Yes	Yes	Yes	
Mary Anne Henry	No	Yes	No	No	No	No	
Dan A. Hensley	Yes	Yes	Yes	Yes	Yes	Yes	
Elizabeth "Pat" Kennedy	Yes	Yes	No	No	No	Yes	No
Brant McGee	Yes	Yes	Yes	Yes	Yes	Yes	
Sigurd E. Murphy	No	Yes	No	No	No	No	
Nelson G. Page	Yes	Yes	Yes	Yes	Yes	Yes	
Eric Sanders	Yes	Yes	Yes	Yes	Yes	Yes	
Michael L. Wolverton	Yes	Yes	Yes	Yes	Yes	Yes	

* The Chief Justice votes only when to do so could change the result.

Vote Tally
Anchorage Superior Court, Third Judicial District
October 17, 1996

CANDIDATES	COUNCIL MEMBERS						
	Dapcevich	Lienhart	Nave	Otte	Wagstaff	Zimmerman	Compton*
Peter G. Ashman	Yes	Yes	Yes	Yes	Yes	Yes	
William J. Bonner	No	No	No	No	No	No	
Bruce A. Bookman	Yes	Yes	Yes	Yes	Yes	Yes	
Grant Callow	Yes	Yes	Yes	Yes	Yes	Yes	
Marshall K. Coryell	No	No	No	No	No	No	
D. Scott Dattan	No	No	No	No	No	No	
LeRoy E. DeVeaux	Yes	Yes	No	No	No	Yes	No
Roger W. DuBrock	Yes	No	No	No	No	Yes	
John E. (Jack) Duggan	Yes	Yes	No	No	No	Yes	No
John Eberhart	No	No	No	No	No	No	
Mark Figura	No	No	No	No	No	No	
Sharon L. Gleason	Yes	Yes	Yes	Yes	Yes	Yes	
Dan A Hensley	Yes	Yes	Yes	Yes	Yes	Yes	
Karla F. Huntington	No	No	No	No	No	No	
Stephanie E. Joannides	Yes	Yes	Yes	Yes	No	Yes	
Robert M. (Rob) Johnson	Yes	No	No	No	No	Yes	
Elizabeth "Pat" Kennedy	Yes	Yes	No	No	No	Yes	No
Leonard M. (Bob) Linton,	Yes	Yes	Yes	Yes	Yes	Yes	
Brant McGee	Yes	Yes	Yes	Yes	Yes	Yes	
Allison E. Mendel	No	No	No	No	No	No	
Sigurd E. Murphy	No	Yes	No	No	No	No	
William B. Oberly	No	No	No	No	No	No	
Nelson G. Page	Yes	Yes	Yes	Yes	Yes	Yes	
Ray Plummer, Jr.	No	No	No	No	No	No	
Melvin M. Stephens, II	No	No	No	No	No	No	
Sen K. Tan	Yes	Yes	Yes	Yes	Yes	Yes	
Kirsten Tinglum	Yes	Yes	Yes	Yes	Yes	Yes	
Venable Vermont, Jr.	Yes	No	No	No	No	Yes	
Philip R. Volland	Yes	Yes	Yes	Yes	Yes	Yes	
Kathleen A. Weeks	No	No	No	No	No	No	
Michael L. Wolverton	Yes	Yes	Yes	Yes	Yes	Yes	
Thomas J. Yerbich	No	No	No	No	No	No	

* The Chief Justice votes only when to do so could change the result.

Vote Tally Sheet
Palmer District Court, Third Judicial District
May 20-21, 1997

CANDIDATES	COUNCIL MEMBERS						
	Lienhart	Matthews	Nave	Otte	Wagstaff	Zimmerman	Compton*
Jacob H. Allmaras**	Yes	Yes	Yes	Yes	Yes	Yes	
James J. Benedetto	No	No	No	Yes	No	No	
David G. Berry**	Yes	Yes	Yes	Yes	Yes	Yes	
Joel H. Bolger**	Yes	Yes	Yes	Yes	Yes	Yes	
William L. Estelle	No	No	No	Yes	No	No	
Robert Herz	No	No	No	Yes	No	No	
Donald R. Kitchen	No	No	No	No	No	No	
Suzanne Lombardi**	No	Yes	No	Yes	No	Yes	Yes
Scott A. Sterling	Yes	No	No	Yes	No	No	
Vanessa H. White	No	No	No	No	No	No	
David L. Zwink**	Yes	Yes	Yes	Yes	Yes	Yes	

* The Chief Justice votes only when to do so could change the result.

** Sent to Governor

Vote Tally Sheet

Valdez District Court, Third Judicial District

May 20, 1997

CANDIDATES	COUNCIL MEMBERS						
	Llenhart	Matthews	Nave	Otte	Wagstaff	Zimmerman	Compton*
James J. Benedetto	No	No	No	Yes	No	No	
Joel H. Bolger**	Yes	Yes	Yes	Yes	Yes	Yes	
William J. Bonner**	Yes	No	No	Yes	No	Yes	Yes
Leonard R. Devaney, III	Yes	No	No	Yes	No	No	
Gordon G. Goodman	No	No	No	No	No	Yes	
L. Ben Hancock	Yes	No	No	No	No	No	
Julie A. Smith	No	No	No	No	No	No	
Scott A. Sterling	No	No	No	Yes	No	No	
Mary P. Treiber**	Yes	Yes	Yes	Yes	Yes	Yes	
Jennifer K. Wells**	Yes	Yes	Yes	Yes	No	Yes	

* The Chief Justice votes only when to do so could change the result.

** Sent to Governor

Vote Tally Sheet
Anchorage District Court, Third Judicial District
July 19-20, 1999

CANDIDATES	COUNCIL MEMBERS						
	Currall	Ewers	Lienhart	Otte	Hurley	Wagstaff	Matthews*
Samuel D. Adams	yes	no	yes	yes	no	no	yes
Jacob H. Allmaras	yes	no	yes	yes	yes	yes	
Ronald L. Baird	no	yes	no	no	no	no	
Carmen E. Clarkweeks	no	no	yes	no	no	no	
Steven D. DeVries	no	no	no	no	no	no	
Dwayne W. McConnell	yes	no	no	yes	no	no	
Bruce Moore	no	no	no	no	no	no	
Nancy J. Nolan	yes	yes	yes	yes	yes	yes	
Paul E. Olson	yes	yes	yes	yes	yes	yes	
Stephen J. Van Goor	yes	no	yes	no	no	yes	yes

* The Chief Justice votes only when to do so could change the result.

Vote Tally Sheet

Ketchikan Superior Court, First Judicial District

June 14-15, 2000

CANDIDATES	COUNCIL MEMBERS						
	Currall	Groseclose	Hurley	Otte	Pilcher	Wagstaff	Matthews*
Scott A. Brandt-Erichsen	No	No	No	No	No	No	
Sigurd E. Murphy	Yes	Yes	No	No	Yes	No	Yes
Trevor Stephens	Yes	Yes	Yes	Yes	Yes	Yes	
Stephen R. West	No	No	Yes	Yes	No	No	

* The Chief Justice votes only when to do so could change the result.

Vote Tally Sheet

Anchorage Superior Court, Third Judicial District

September 14, 2000

CANDIDATES	COUNCIL MEMBERS					
	Currall	Groseclose	Hurley	Plicher	Wagstaff	Fabe*
Glenn E. Cravez	No	No	Yes	No	No	
Sharon L. Gleason	Yes	Yes	Yes	Yes	Yes	
Allison Mendel	No	No	No	No	No	
William F. Morse	No	Yes	Yes	Yes	No	Yes
Lisa B. Nelson	No	No	No	No	No	
Susan A. Parkes	No	No	No	No	No	
Mark Rindner	Yes	Yes	Yes	Yes	Yes	

* The Chief Justice votes only when to do so could change the result.

Vote Tally Sheet

Anchorage Superior Court, Third Judicial District

September 29 - October 1, 2002

CANDIDATES	COUNCIL MEMBERS						
	Andrews	Currall	Groseclose	Hurley	Orlansky	Pilcher	Fabe*
Linda R. Beecher	N	N	N	N	Y	Y	
Sidney K. Billingslea	Y	Y	Y	Y	Y	Y	
Frederick H. Boness	N	N	N	N	N	N	
Michaela Kelley Canterbury	N	N	N	N	N	N	
Matthew W. Claman	N	N	N	N	N	N	
Jonathon A. Katcher	Y	Y	Y	Y	Y	Abstain	
John R. Lohff	N	N	N	N	N	N	
Sigurd E. Murphy	N	N	N	N	N	N	
Scott J. Nordstrand	N	N	N	N	N	N	
Paul E. Olson	N	N	Y	N	Y	Y	Y*
Jack W. Smith	Y	N	N	N	N	Y	
Craig F. Stowers	Y	N	Y	N	Y	Y	
John Suddock	Y	Y	Y	Y	Y	Y	
Richard J. Todd	N	N	N	N	N	N	
Diane F. Valentine	N	N	N	N	N	N	
Philip R. Volland	Y	Y	Y	Y	Y	Y	
Stephea B. Wallace	N	N	N	N	N	N	

* The Chief Justice votes only when to do so could change the result.

Vote Tally
Kenai District Court, Third Judicial District
October 7, 2004

Candidates	Council Members						
	Andrews	Baily	Gordon	Groseclose	Orlansky	Pilcher	Bryner*
Vince Curry	N	N	N	N	N	N	
Vincent Di Napoli	N	N	N	N	N	N	
David S. Landry	Y	Y	Y	Y	Y	Y	
Margaret L. Murphy	Y	Y	Y	Y	Y	Y	
John W. Wolfe	Y	Y	Y	Y	Y	Y	

Vote Tally
Palmer District Court, Third Judicial District
October 8, 2004

Candidates	Council Members						
	Andrews	Baily	Gordon	Groseclose	Orlansky	Pilcher	Bryner*
Jeff Carney	N	N	N	N	N	N	
Vince Curry	N	N	N	N	N	N	
Vincent Di Napoli	N	N	N	N	N	N	
Laurence Keyes	N	N	Y	Y	Y	N	Y
Tara Logsdon	N	N	Y	N	N	Y	
Margaret L. Murphy	Y	Y	Y	Y	Y	Y	
Chris Provost	Y	Y	Y	Y	Y	Y	
John W. Wolfe	Y	Y	Y	Y	Y	Y	

* The Chief Justice votes only when to do so could change the result.



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046
 http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

EXECUTIVE DIRECTOR
 Larry Cohn

NON-ATTORNEY MEMBERS
 Eleanor Andrews
 Bill Gordon
 Gigi Pilcher

ATTORNEY MEMBERS
 Douglas Baily
 Robert B. Groseclose
 Susan Orlansky

CHAIR, EX OFFICIO
 Alexander O. Bryner
 Chief Justice
 Supreme Court

Vote Tally Sheet

Valdez District Court, Third Judicial District

December 7- 8, 2004

Candidates	Council Members						
	Andrews	Baily	Gordon	Groseclose	Orlansky	Pilcher	Bryner*
Tim Oliver Cook	N	N	N	N	N	N	
Vincent Di Napoli	Y	Y	Y	Y	Y	Y	
Tena M. Foster	N	N	N	N	N	N	
Peter C. Gamache	N	N	N	N	N	N	
Andy Hemenway	N	Y	Y	Y	A	N	Y
Margaret L. Murphy	Y	Y	Y	Y	Y	Y	
Paul A. Roetman	N	N	N	N	N	N	
Daniel Schally	N	N	Y	Y	Y	Y	

* The Chief Justice votes only when to do so could change the result.



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046
 http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

EXECUTIVE DIRECTOR
 Larry Cohn

NON-ATTORNEY MEMBERS
 Eleanor Andrews
 Bill Gordon
 Gigi Pilcher

Vote Tally Sheet

Anchorage District Court, Third Judicial District

December 5 - 6, 2004

ATTORNEY MEMBERS
 Douglas Baily
 Robert B. Groseclose
 Susan Orlansky

CHAIR, EX OFFICIO
 Alexander D. Bryner
 Chief Justice
 Supreme Court

Candidates	Council Members						
	Andrews	Baily	Gordon	Groseclose	Orlansky	Pilcher	Bryner*
Eric A. Aarseth	N	N	Y	N	Y	Y	Y
Connie L. Carson	N	N	N	N	Y	N	
Carmen E. Clark	Y	N	Y	Y	Y	Y	
Steven DeVries	N	N	Y	Y	Y	Y	
Tena M. Foster	N	N	N	N	N	N	
Pat Hanley	Y	Y	Y	Y	Y	Y	
Karen L. Hawkins	N	N	N	N	N	N	
Laurence Keyes	N	N	Y	Y	N	N	
Donald R. Kitchen	Y	Y	Y	Y	Y	Y	
Kari Kristiansen	N	Y	Y	Y	Y	Y	
David Pease	N	N	N	N	N	N	
Stephen B. Wallace	N	N	N	N	N	N	

* The Chief Justice votes only when to do so could change the result.

**Alaska Judicial Council
Vote Tally Sheet
Anchorage District Court, Third Judicial District
February 27 - 28, 2005
March 1, 2005**

Candidates	Council Members						
	Andrews	Baily	Gordon	Groseclose	Orlansky	Pilcher	Bryner*
Eric A. Aarseth	N	N	Y	N	Y	Y	Y
Leonard R. Anderson	N	N	N	N	N	N	
Carmen E. Clark	Y	N	N	Y	Y	N	Y
Steven DeVries	N	N	Y	Y	Y	N	Y
Peter C. Gamache	N	N	N	N	N	N	
Karen L. Hawkins	N	N	N	N	N	N	
Laurence Keyes	N	N	Y	Y	N	N	
Donald R. Kitchen	Y	Y	Y	Y	Y	Y	
Kari Kristiansen	N	Y	Y	Y	Y	Y	
David Pease	N	N	N	N	N	N	
Alex M. Swiderski	Y	Y	Y	Y	Y	Y	
Stephen B. Wallace	Y	Y	Y	Y	Y	Y	
Jennifer K. Wells	Y	Y	Y	Y	Y	Y	

* The Chief Justice votes only when to do so could change the result.

Vote Tally Sheet
Alaska Judicial Council
Bethel Superior Court, Fourth Judicial District
October 13, 2005

Candidates	Council Members						
	Andrews	Baily	Gordon	Groseclose	Orlansky	Williams	Bryner*
Bruce L. Brown	Y	N	Y	Y	N	N	N
Bill Cook	N	N	N	N	N	N	
Dennis P. Cummings	N	N	N	N	N	N	
Chris Provost	Y	Y	Y	Y	Y	Y	

* The Chief Justice votes only when to do so could change the result.

Vote Tally Sheet
Alaska Judicial Council
Bethel District Court, Fourth Judicial District
October 13, 2005

Candidates	Council Members						
	Andrews	Baily	Gordon	Groseclose	Orlansky	Williams	Bryner*
Bruce L. Brown	Y	N	Y	Y	Y	N	
Dennis P. Cummings	N	N	Y	Y	N	Y	Y
Craig R. McMahon	Y	Y	Y	Y	Y	Y	

* The Chief Justice votes only when to do so could change the result.



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046
 http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

EXECUTIVE DIRECTOR
 Larry Cohn

NON-ATTORNEY MEMBERS
 Bill Gordon
 Charles M. Kopp
 Christina Williams

ATTORNEY MEMBERS
 Douglas Baily
 James H. Cannon
 Susan Oriansky

CHAIR, EX OFFICIO
 Dana Fabe
 Chief Justice
 Supreme Court

**Alaska Judicial Council
 Vote Tally Sheet
 Anchorage District Court, Third Judicial District
 April 29, 2007**

Candidates	Council Members						
	Baily	Cannon	Gordon	Kopp	Oriansky	Williams	Fabe*
Nathaniel "Nick" Atwood	N	Y	N	N	Y	N	
Christopher C. Canterbury	N	N	N	N	N	N	
Suzanne R. Cole	Y	Y	Y	Y	Y	Y	
John M. Darnall	Y	N	Y	Y	N	N	Y
Catherine M. Easter	Y	Y	Y	Y	Y	Y	
Rachel K. Gernat	N	N	Y	N	A	N	
Patrick S. Hammers	N	N	N	N	N	N	
Dennis Patrick (Pat) James	N	N	N	N	N	N	
Richard W. Postma, Jr.	Y	Y	Y	Y	Y	Y	
Verne Edwin Rupright	N	N	N	N	N	N	

* The Chief Justice votes only when to do so could change the result.



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046
http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

EXECUTIVE DIRECTOR
Larry Cohn

NON-ATTORNEY MEMBERS
Bill Gordon
Charles M. Kopp
Christena Williams

ATTORNEY MEMBERS
Douglas Baily
James H. Cannon
Susan Orlansky

Alaska Judicial Council Vote Tally Sheet Kenai Superior Court, Third Judicial District June 17 - 18, 2007

CHAIR, EX OFFICIO
Dana Fabe
Chief Justice
Supreme Court

Candidates	Council Members						
	Baily	Cannon	Gordon	Kopp	Orlansky	Williams	Fabe*
Carl Bauman	Y	N	Y	N	N	Y	Y
R. Poke Haffner	N	Y	N	N	N	N	
Scot H. Leaders	N	N	N	Y	N	N	
Peter F. Mysing	Y	Y	Y	Y	Y	Y	
Robert P. Owens	Y	Y	Y	Y	N	Y	
Chris Provost	Y	Y	Y	Y	Y	Y	
Terry L. Thurbon	N	N	N	N	N	N	

* The Chief Justice votes only when to do so could change the result.



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046
 http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

EXECUTIVE DIRECTOR
 Larry Cohn

NON-ATTORNEY MEMBERS
 Bill Gordon
 Charles M. Kopp
 Christina Williams

ATTORNEY MEMBERS
 James H. Cannon
 Louis James Menendez
 Susan Orfansky

CHAIR, EX OFFICIO
 Dana Fabe
 Chief Justice
 Supreme Court

Alaska Judicial Council Vote Tally Sheet Alaska Supreme Court October 10, 2007

Candidates	Council Members						
	Cannon	Gordon	Kopp	Menendez	Orfansky	Williams	Fabe*
Joel H. Bolger	Y	Y	Y	Y	Y	Y	
Susan M. Carney	N	Y	N	N	N	Y	
Morgan Christen	Y	N	N	Y	Y	N	Y
Joanne Grace	N	Y	Y	N	N	N	
Andy Harrington	Y	Y	N	Y	Y	Y	
Peter J. Maassen	N	N	N	N	N	N	
Allison Mendel	N	N	N	N	N	N	
Frank A. Pfiffner	N	N	Y	N	N	N	
Mark Rindner	N	N	N	Y	Y	N	
Wayne Anthony Ross	N	N	Y	N	N	N	
Eric Smith	N	N	N	Y	Y	N	
Daniel E. Winfree	Y	Y	Y	Y	Y	Y	
Mark I. Wood	N	Y	Y	N	N	N	

* The Chief Justice votes only when to do so could change the result.



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046
http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

EXECUTIVE DIRECTOR
LARRY COHN

NON-ATTORNEY MEMBERS
Bill Gordon
Charles M. Kopp
Christena Williams

ATTORNEY MEMBERS
James H. Cannon
Louis James Menendez
Susan Orlansky

CHAIR, EX OFFICIO
Dana Fabe
Chief Justice
Supreme Court

Alaska Judicial Council Vote Tally Sheet Fairbanks Superior Court January 5, 2008

Candidates	Council Members						
	Cannon	Gordon	Kopp	Menendez	Orlansky	Williams	Fabe*
Lori M. Bodwell	N	N	N	N	N	N	
R. Poke Haffner	N	N	N	N	N	N	
Bethany Spalding Harbison	Y	Y	N	Y	Y	Y	
Jane F. Kauvar	Y	Y	Y	Y	Y	Y	
Paul Lyle	N	Y	Y	N	N	Y	Y
Michael P. McConahy	Y	Y	Y	Y	Y	Y	
Zane D. Wilson	N	N	Y	N	N	N	

* The Chief Justice votes only when to do so could change the result.



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046
http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

Vote Tally Sheet Fairbanks Superior Court

June 15, 2009

Candidates	Council Members						
	Cannon	Clarke	Fitzgerald	Menendez	Tompkins-Miller	Williams	Fabe*
J. Michael Gray	Y	Y	N	N	Y	N	Y
Gene L. Gustafson	N	Y	N	N	N	N	
Bethany Spalding Harbison	Y	N	Y	Y	Y	Y	
Jane F. Kauvar	Y	Y	Y	Y	Y	Y	
Scott L. Mattem	N	Y	N	N	N	N	
Michael P. McConahy	Y	Y	Y	Y	Y	Y	
Nelson Traverso	N	Y	N	Y	Y	N	Y

* *The Chief Justice votes only when to do so could change the result.*



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046
http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

Vote Tally Sheet Palmer Superior Court

June 17, 2009

Candidates	Council Members						
	Cannon	Clarke	Fitzgerald	Menendez	Tompkins-Miller	Williams	Fabe*
Richard Kenneth Allen	N	Y	N	N	N	N	
Christopher C. Canterbury	N	N	N	N	N	N	
Michael Gershel	Y	Y	Y	Y	Y	Y	
Windy East Hannaman	N	Y	N	N	N	N	
Gregory Louis Heath	Y	Y	Y	Y	Y	Y	
J. Michael Robbins	N	Y	N	N	N	N	
Nicholas Spiropoulos	N	Y	N	Y	N	Y	Y

* *The Chief Justice votes only when to do so could change the result.*



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969
http://www.ajc.state.ak.us

(907) 279-2526 FAX (907) 276-5046
E-mail: postmaster@ajc.state.ak.us

EXECUTIVE DIRECTOR
Larry Cohn

NON-ATTORNEY MEMBERS
William F. Clarke
Kathleen Tompkins-Miller
Christena Williams

ATTORNEY MEMBERS
James H. Cannon
Kevin Fitzgerald
Julie Willoughby

CHAIR, EX OFFICIO
Walter L. Carpenelli
Chief Justice
Supreme Court

Vote Tally Sheet Kotzebue Superior Court

May 24, 2010

Candidates	Council Members						
	Cannon	Clarke	Fitzgerald	Tompkins-Miller	Williams	Willoughby	Carpenelli*
Bruce L. Brown	N	N	N	N	N	N	
R. Poke Haffner	A	Y	Y	Y	Y	Y	
Robin L. Koutchak	Y	Y	Y	Y	Y	Y	
Paul A. Roetman	N	Y	N	Y	Y	N	Y

* The Chief Justice votes only when to do so could change the result.



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969
<http://www.ajc.state.ak.us>

(907) 279-2528 FAX (907) 276-5046
 E-mail: postmaster@ajc.state.ak.us

EXECUTIVE DIRECTOR
 Larry Cohn

NON-ATTORNEY MEMBERS
 William F. Clarke
 Kathleen Tompkins-Miller
 Christena Williams

ATTORNEY MEMBERS
 James H. Cannon
 Kevin Fitzgerald
 Julie Willoughby

CHAIR, EX OFFICIO
 Walter L. Carpeneti
 Chief Justice
 Supreme Court

Vote Tally Sheet Anchorage Superior Court

May 23, 2010

Candidates	Council Members						
	Cannon	Clarke	Fitzgerald	Tompkins-Miller	Williams	Willoughby	Carpeneti*
Dani Crosby	Y	Y	Y	Y	N	Y	
John W. Erickson	N	Y	N	N	N	N	
Andrew Guidl	Y	Y	Y	Y	Y	Y	
Barat M. LaPorte	N	Y	Y	N	N	N	
Gregory Miller	Y	Y	Y	Y	Y	Y	
Kevin M. Saxby	Y	Y	N	Y	N	N	Y
Alma M. Upicksoun	N	Y	N	N	N	N	
Erin White	N	N	N	N	N	N	
Joan M. Wilson	N	Y	N	N	N	N	

* The Chief Justice votes only when to do so could change the result.



7 2 1

alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046
http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

Vote Tally Sheet Dillingham Superior Court

November 1, 2011

Candidates	Council Members						
	Cannon	Clarke	Fitzgerald	Kreitzer	Tompkins -Miller	Willoughby	Carpeneti*
Pat Douglass	Y	Y	Y	Y	Absent	Y	
Susan Mitchell	N	N	N	N	Absent	N	
Chris Provost	Y	N	Y	N	Absent	Y	Y
Tina Reigh	Y	Y	N	Y	Absent	Y	
Gregory G. Silvey	N	N	N	N	Absent	N	
Matthew Widmer	N	N	N	N	Absent	N	

* The Chief Justice votes only when to do so could change the result.



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046
http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

Vote Tally Sheet Alaska Supreme Court

June 22, 2012

Candidates	Council Members						
	Clarke	Fitzgerald	Kretzer	Oravec	Tompkins-Miller	Willoughby	Carpeneti*
Joel H. Bolger	N	N	Y	N	Y	N	
William Grant Callow	N	N	N	N	N	N	
Kevin G. Clarkson	Y	N	N	N	Y	N	
Jeffrey Friedman	N	N	N	N	N	N	
Andy Harrington	Y	Y	N	Y	Y	Y	
Peter J. Maassen	Y	A	Y	Y	Y	Y	
Michael A. MacDonald	Y	N	Y	N	Y	N	N
Don McClintock	N	Y	N	N	Y	N	
Frank A. Piffner	N	N	N	N	Y	N	
Eric Smith	N	N	N	N	N	N	
Terry L. Thurbon	N	N	N	N	N	N	
Daniel Westerburg	N	N	Y	N	Y	N	

* The Chief Justice votes only when doing so would change the result.



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046
http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

Vote Tally Sheet Bethel Superior Court

June 28, 2012

Candidates	Council Members						
	Clarke	Fitzgerald	Kreitzer	Oravec	Tompkins -Miller	Willoughby	Carpenetl*
Sean E. Brown	N	Y	N	Y	Y	N	Y
Dwayne W. McConnell	N	Y	Y	Y	Y	Y	
David Lev Roghair	N	N	N	N	N	N	

* The Chief Justice votes only when to do so could change the result.



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046
 http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

Vote Tally Sheet Anchorage Superior Court

August 10, 2012

Candidates	Council Members						
	Clarke	Fitzgerald	Kretzler	Oravec	Tompkins-Miller	Willoughby	Fabe*
Sidney Kay Billingslea	N	Y	N	Y	Y	Y	
Elizabeth Brennan	Y	Y	Y	Y	Y	Y	
Kevin G. Clarkson	Y	N	Y	N	Y	N	N
Suzanne Cole	N	Y	N	N	Y	N	
Roberta C. Erwin	Y	Y	Y	Y	Y	Y	
Michael Gershel	N	N	N	N	N	N	
Joy Green-Armstrong	Y	A	N	N	N	N	
Erin B. Marston	N	Y	N	Y	Y	Y	
Mark P. Meichert	Y	N	Y	N	N	N	
Robert P. Owens	Y	N	N	N	Y	N	
Gregory G. Silvey	Y	N	N	N	Y	N	
Alex M. Swiderski	Y	N	N	N	N	N	
Jonathan Woodman	Y	Y	Y	Y	Y	Y	

* The Chief Justice votes only when doing so would change the result.



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046
http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

Vote Tally Sheet Alaska Supreme Court

December 10, 2012

Candidates	Council Members						
	Clarke	Fitzgerald	Kreitzer	Oravec	Tompkins -Miller	Willoughby	Fabe*
Joel H. Bolger	N	Y	Y	Y	Y	N	
Susan Cox	Y	Y	Y	Y	Y	Y	
Jeffrey Friedman	N	N	N	N	N	N	
Andrew Guidi	Y	A	Y	N	Y	N	N
Andy Harrington	Y	Y	N	Y	Y	Y	
Michael A. MacDonald	Y	N	Y	N	Y	N	N
Phillip Pallenberg	N	N	Y	N	Y	A	
Eric Smith	N	Y	N	N	Y	N	
Trevor N. Stephens	Y	Y	Y	Y	Y	Y	
Terry L. Thurbon	Y	N	N	N	N	N	
Daniel Westerburg	N	N	N	N	Y	N	
Russ Winner	N	N	N	N	N	N	

* *The Chief Justice votes only when to do so could change the result.*



alaska judicial council

510 L Street, Suite 450, Anchorage, Alaska 99501-1295 (907) 279-2526 FAX (907) 276-5046
http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

Vote Tally Sheet Fairbanks District Court

October 10, 2013

Candidates	Council Members						
	Fitzgerald	Kreitzer	Oravec	Parker	Tompkins -Miller	Willoughby	Fabe*
Brent Ellison Bennett	N	N	Absent	N	N	N	
JB Brainerd	N	N	Absent	N	N	N	
David Buettner	N	N	Absent	N	N	N	
James Cannon	Y	Y	Absent	Y	Y	Y	
Matthew Christian	Y	Y	Absent	Y	Y	Y	
Karen L. Jennings	N	N	Absent	N	N	N	
Mama L. Kranenberg	N	N	Absent	N	N	N	
Scott Alan Oravec	N	N	Absent	N	N	N	
Thomas I. Temple	N	Y	Absent	Y	Y	N	N
Nelson Traverso	Y	Y	Absent	Y	Y	Y	
James Bryan Wright	N	N	Absent	N	N	N	

* *The Chief Justice votes only when to do so could change the result.*

Judicial Merit Selection: Current Status



© The American Judicature Society, 2011
AJS Stock Number 294

American Judicature Society
at Drake University
2700 University Avenue
Des Moines, Iowa 50311
(515) 271-2281

Table 1: Characteristics of merit selection plans: Scope of the plans

State/Jurisdiction	Year established	Level of court	Legal basis of plan	Type of vacancy	Number of commissions	Number of commissioners
Alabama						
Baldwin County	1999	Circuit Court District Court	CA	Interim	1	5: 1L; 3N; 1J
Jefferson County ¹	1950	Circuit Court	CA	Interim	1	5: 2L; 2N; 1J
Lauderdale County	2008	Circuit Court District Court	CA	Interim	1	5: 2L; 3E
Madison County	1974, revised 1996	Circuit Court District Court	CA	Interim	1	9: 2L; 6N; 1J
Mobile County	1982	Circuit Court District Court	CA	Interim	1	5: 2L; 2N; 1J
Shelby County	2008	Circuit Court District Court	CA	Interim	1	5: 2L; 2N; 1J
Talladega County	1996	Circuit Court District Court	CA	Interim	1	5: 1L; 3N; 1J
Tuscaloosa County	1990, revised 2002	Circuit Court District Court	CA	Interim	1	9: 5L; 3NL; 1J
Alaska						
	1959	Supreme Court	C	Initial and Interim	1	7: 3L; 3N; 1J
	1959	Superior Court	C	Initial and Interim		
	1980, amended 1985	Court of Appeals	S	Initial and Interim		
	1959	District Courts and Magistrates	S	Initial and Interim		
Arizona						
	1974, amended 1992	Supreme Court Court of Appeals	C	Initial and Interim	1	16: 5L, 10NL, 1J
		Maricopa County Superior Court	C	Initial and Interim	1	
		Pima County Superior Court	C	Initial and Interim	1	
Colorado						
	1967	Supreme Court Court of Appeals District Court	C	Initial and Interim	1	14: 6L, 7NL, 1J
		County Court Denver Juvenile Court Denver Probate Court	C	Initial and Interim	22	8: 1J; at least 4NL; no more than 3L ²
			S	Initial and Interim		
Connecticut						
	1986	Supreme Court Appellate Court Superior Court	C	Initial and Interim	1	12: 6L, 6NL, 0J
Delaware						
	1977; revised 1978 , 1985, 2001, 2009	All Courts, including Magistrates	EO	Initial and Interim	1	11: 5L, 4NL, 2E
D.C.						
	1973, amended 1977, 1984, 1986, 1996	Court of Appeals Superior Court	HR	Initial and Interim	1	7: 2NL, 2L, 2E, 1J
Florida						
	1972; amended 1976, 1984, 1996, 1998	Supreme Court District Court of Appeal Circuit Court County Court	C C C	Initial and Interim Initial and Interim Interim	1 5 20	9: 6L, 3E, 0J
Georgia						
	1972 to present	Supreme Court Court of Appeals Superior Court State Court	EO	Interim	1	18

Table 1: Characteristics of merit selection plans: Scope of the plans

State/Jurisdiction	Year established	Level of court	Legal basis of plan	Type of vacancy	Number of commissions	Number of commissioners
<i>Hawaii</i>	1959, amended 1978, 1994	Supreme Court Intermediate Court of Appeals Circuit Court District Court ³	C	Initial, Interim, and Retention	1	9: 4L, 5NL, 0J
<i>Idaho</i>	1967; amended 1985, 1990	Supreme Court Court of Appeals District Court	S	Interim Interim Interim	1	7:2L, 3NL, 2J
<i>Indiana</i>	1970	Supreme Court Court of Appeals	C	Initial and Interim	1	7: 1J, 3L, 3NL
Allen County	1985	Tax Court	S	Initial and Interim	1	7: 3L, 3NL, 1J
Lake County	1983	Superior Court	S	Interim	1	9: 4L, 4NL, 1J ⁴
St. Joseph County	1973	Superior Court	S	Initial and Interim	1	7: 3L, 3NL, 1J
<i>Iowa</i>	1962, 1963; amended 1976, 1983	Supreme Court	C	Initial and Interim	1	15: 7L, 7E, 1J ⁵
	1962, 1963; amended 1976, 1983	Court of Appeals	S	Initial and Interim		
	1962, 1963; amended 1976, 1983	District Court	C	Initial and Interim	14	11: 5L, 5E, 1J ⁵
	1983, amended 1986	District Associate Judges ⁵	S	Initial and Interim	99	6: 2L, 3E, 1J
	1983; amended 1989, 1990, 1998	Magistrate Judges ⁶	S	Initial and Interim		
<i>Kansas</i>	1958 1975 1972	Supreme Court Court of Appeals District Court (optional)	C S C	Initial and Interim Initial and Interim Initial and Interim	1 17	9: 5L, 4NL, 0J # of L's / NL's varies according to judicial district; ⁷ 1J
<i>Kentucky</i>	1976	Supreme Court Court of Appeals Circuit Court District Court	C C	Interim Interim	1 56	7: 2L, 4NL, 1J
<i>Maine⁸</i>	2003	Supreme Judicial Court Superior Court		Initial and Interim	1	14L
<i>Maryland</i>	1970, revised 1974, 1979, 1982, 1987, 1988, 1991, 1995, 1999, 2003, 2007	Court of Appeals Court of Special Appeals District Court Circuit Court	EO EO	Initial and Interim Initial and Interim	1 16	17 9
<i>Massachusetts</i>	1970 to present	Appeals Court Trial Court	EO	Initial and Interim	1	21
<i>Minnesota</i>	1983, revised 1990, 1992	District Court Workers' Compensation Court of Appeals	S	Interim	1	13: up to 8L, at least 5NL, 0J ⁹

Table 1: Characteristics of merit selection plans: Scope of the plans

State/Jurisdiction	Year established	Level of court	Legal basis of plan	Type of vacancy	Number of commissions	Number of commissioners
Missouri	1940, revised 1976	Supreme Court Court of Appeals	C	Initial and Interim	1	7: 3L, 3NL, 1J
City of St. Louis	1940, revised 1976	Circuit Judge Associate Circuit Judge	C	Initial and Interim	1	5: 2L, 2NL, 1J
Greene County	2008	Circuit Judge Associate Circuit Judge	C	Initial and Interim	1	
Jackson County	1940, revised 1976	Circuit Judge Associate Circuit Judge	C	Initial and Interim	1	
St. Louis County	1976	Circuit Judge Associate Circuit Judge	C	Initial and Interim	1	
Clay & Platte Counties	1976	Circuit Judge Associate Circuit Judge	C	Initial and Interim	2	
Montana	1973, amended 1977, 1979, 1987, 1991, 1992, 1991	Supreme Court District Court Worker's Compensation Judge	C S	Interim Initial and Interim	1	7: 2L, 4NL, 1J
	1987	Chief Water Judge	S	Initial and Interim		
Nebraska	1962, amended 1972	Supreme Court Court of Appeals District Court County Court Juvenile Court Worker's Compensation Court	C S C S S S	Initial and Interim Initial and Interim Initial and Interim Initial and Interim Initial and Interim Initial and Interim	7 6 12 4 ¹⁰ 3 1	9: 4L, 4NL, 1J
Nevada	1976	Supreme Court District Court	C	Interim	1 1 ¹¹	7:3L, 3NL, 1J 9:4L, 4NL, 1J
New Hampshire	2000, 2005	Supreme Court Superior Court District Court Probate Court	EO	Initial and Interim	1	11: 6L, 5NL
New Jersey	2006, amended 2010	Supreme Court	EO	Initial and Interim	1	7 ¹²
New Mexico	1988	Supreme Court Court of Appeals	C	Initial and Interim	1	14: 8L, 3NL, 3J ¹³
	1988	District Court Metropolitan Court (Bernalillo County)	C C	Initial and Interim Initial and Interim	13 1	14: 8L, 3NL, 3J ¹³ 14: 8L, 3NL, 3J ¹³
New York	1977	Court of Appeals	C	Initial and Interim	1	12: 4L, 4NL, 4E, 0J
	1975 to present	Appellate Div. of the Supreme Court Supreme Court Court of Claims County Court Surrogate's Court	EO EO EO EO	Initial and Interim Interim Initial and Interim Interim	4 1 4	13 13 14
New York City	1978 to present	Family Court Criminal Court Family Court Civil Court	EO	Initial and Interim Interim	1	19
North Dakota	1976; amended 1998	Supreme Court District Court	C	Interim	1 1	6: 3L/J, 3NL 9: 3L/J, 3NL, 3E ¹⁴

Table 1: Characteristics of merit selection plans: Scope of the plans

State/Jurisdiction	Year established	Level of court	Legal basis of plan	Type of vacancy	Number of commissions	Number of commissioners
<i>Ohio</i> ¹⁵	2007	Supreme Court Court of Appeals Court of Common Pleas		Interim	1	11
<i>Oklahoma</i>	1967 1987, amended 1996 1980, amended 2001 1977	Supreme Court Court of Criminal Appeals Court of Civil Appeals District Court Workers' Compensation Court	C S S S	Initial and Interim Initial and Interim Interim Initial and Interim	1	15: 6L, 9NL, 0J
<i>Rhode Island</i>	1994	Supreme Court Superior Court Family Court District Court Worker's Compensation Court Administrative Adjudication Court	C	Initial and Interim	1	9: 4L, 4NL, 1E 0J
<i>South Dakota</i>	1980	Supreme Court Circuit Court	C	Initial and Interim Interim	1	7: 3L, 2NL, 2J
<i>Tennessee</i>	1971; amended 1974, 1986, 1994, 1999, 2001 1994	Supreme Court Court of Criminal Appeals Court of Appeals Trial Courts	S S	Initial and Interim Interim	1	17: At least 10L; at least 1N
<i>Utah</i>	1967, amended 1985, 1992, 1994, 2010	Supreme Court Court of Appeals District Court Juvenile Court	C C	Initial and Interim Initial and Interim	1 8	7: 2L, 2NL, 2E, 1J 7: 2L, 2NL, 2E, 1J
<i>Vermont</i>	1967; amended 1969, 1971, 1975, 1979, 1985	Supreme Court Superior Court District Court	C	Initial and Interim	1	11: 3L, 6NL, 2E
<i>West Virginia</i>	2010	Supreme Court of Appeals Circuit Court Family Court	S	Interim	1	11: 6L, 4NL, 1E ¹⁵
<i>Wisconsin</i> ¹⁷	2003	Supreme Court Court of Appeals Circuit Court	EO	Interim	1	9L
<i>Wyoming</i>	1973	Supreme Court District Court Circuit Court	C	Initial and Interim	1	7: 3L, 3NL, 1J ¹⁵

C = Constitutional
S = Statutory
EO = Executive Order
HR = Home Rule
L = Lawyer
NL = Non-lawyer
E = Either Lawyer or Non-lawyer
J = Judge

Table 1: Characteristics of merit selection plans: Scope of the plans

1. **Alabama (Jefferson County).** The Jefferson County Commission nominates candidates for vacancies in the Birmingham Division only.
2. **Colorado.** In judicial districts with populations greater than 35,000, there must be three lawyer and four non-lawyer members. In judicial districts with populations of 35,000 or less, there must be at least four non-lawyer members; a majority vote of the governor, the attorney general, and the chief justice determines how many of the remaining three members must be lawyers.
3. **Hawaii.** The chief justice makes appointments to the district courts.
4. **Indiana (Lake County).** Two lawyer and two non-lawyer members must be men; two lawyer and two non-lawyer members must be women; at least one lawyer and one non-lawyer member must be a minority.
5. **Iowa.** The mandatory ratio of lawyers to non-lawyers is not specified; traditionally, the governor appoints only non-lawyers and the bar elects only lawyers. No more than a simple majority of members appointed by the governor may be of the same gender, and the bar must alternate between electing male and female members.
6. **Iowa.** District judges appoint district associate judges from lists of nominees recommended by the county magistrate appointing commission. The county magistrate appointing commission appoints magistrates.
7. **Kansas.** The number of commission members varies with the number of counties in each judicial district; however, there must be an equal number of lawyers and non-lawyers on each commission.
8. **Maine.** Governor Baldacci established the Judicial Selection Committee to "advise [him] about matters related to judicial appointments and recommend candidates to fill vacancies." Members include a representative from the attorney general's office and practicing attorneys.
9. **Minnesota.** There are nine commission members who serve "at-large" to fill any district court or workers' compensation court of appeals vacancies. In addition, there are four commission members—two lawyers and two non-lawyers—appointed from the district in which the vacancy exists.
10. **Nebraska.** The district court judicial nominating commissions also nominate county court judges, except in Districts 1, 3, 4, and 10, in which there are separate county and district judicial nominating commissions.
11. **Nevada.** Nominations for district court vacancies are made by temporary commissions that are assembled as each vacancy occurs and exist only until nominations have been submitted to the governor. These temporary commissions consist of members of the permanent commission and one lawyer and one non-lawyer resident of the judicial district in which the vacancy occurs.
12. **New Jersey.** Governor Christie's Judicial Advisory Panel consists of up to seven members, including five or more retired judges and up to two public members who are either non-lawyers or non-practicing lawyers.
13. **New Mexico.** The president of the state bar and the judges on the commission are authorized to make the minimum number of additional appointments of members of the state bar as is necessary for equal representation on the commission of the two largest political parties.
14. **North Dakota.** When a vacancy occurs on the district court, the governor, chief judge, and president of the state bar each appoint an additional temporary member, who may or may not be a lawyer, from the judicial district in which the vacancy occurs; these members serve until the vacancy is filled.
15. **Ohio.** Governor Strickland's Judicial Appointments Recommendation Panel evaluates the qualifications of applicants for judicial vacancies and makes non-binding recommendations for appointment.
16. **West Virginia:** The governor (or the governor's designee), the President of the West Virginia State Bar, and the Dean of the West Virginia University College of Law serve *ex officio*.
17. **Wisconsin.** Governor Walker's Advisory Council on Judicial Selection screens applicants for interim judicial vacancies and recommends qualified candidates. The governor is not bound by the council's recommendations.
18. **Wyoming.** When a vacancy occurs on a district or circuit court, and that district or county is not represented on the commission, one lawyer and one non-lawyer from that district or county are appointed as temporary, nonvoting advisors to the commission.

Table 2: Composition of nominating commission

State/Court	Term of service	Chair appointed/elected by	Lawyers appointed/elected by	Non-lawyers appointed/elected by	Judges appointed/elected by
Alabama					
Baldwin County	6 years	Judge serves ex officio	Baldwin County Bar Association	Baldwin County Commission/ Baldwin County Mayor's Association/Baldwin County legislative delegation	Presiding circuit judge serves
Jefferson County	6 years	No regular chair	Birmingham Bar Association	Jefferson County legislative delegation	Birmingham circuit court judges
Lauderdale County	6 years	Chief justice	Lauderdale County Bar Association	Lauderdale County Commission	N/A
Madison County	6 years	Judge serves ex officio	Madison County Bar Association	Madison County legislative delegation	Madison County circuit court judges
Mobile County	6 years	N/I	Mobile County Bar Association	Mobile County legislative delegation	Mobile County circuit court judges
Shelby County	6 years	Judge serves ex officio	Shelby County Bar Association	Shelby County legislators	Presiding circuit judge serves ex officio
Talladega County	4 years	Judge serves ex officio	Not appointed or elected	Talladega County legislative delegation	Presiding circuit judge serves ex officio
Tuscaloosa County	6 years	Commission members	Tuscaloosa County Bar Association	Tuscaloosa County legislative delegation	Presiding circuit judge serves ex officio
Alaska					
Supreme Court	6 years	Chief justice serves ex officio	State bar association	Governor/ State legislature	Chief justice serves ex officio
Arizona					
Supreme Court and Court of Appeals	4 years	Chief justice serves ex officio	State bar association/ Governor/ Senate	Governor/ Senate	Chief justice serves ex officio
Maricopa County Superior Court and Pima County Superior Court	4 years	Chief justice serves ex officio	State bar association/ Governor/ Senate	Nominating commission/ Governor/Senate ¹	Chief justice serves ex officio
Colorado					
Supreme Court and Court of Appeals	6 years	Chief justice serves ex officio	Governor/ Attorney general/ Chief justice	Governor	Chief justice serves ex officio
District Court, County Court, Juvenile Court of Denver and Probate Court of Denver County	6 years	Supreme court justice serves ex officio	Governor/ Attorney general/ Chief justice	Governor	Supreme court justice serves ex officio
Connecticut					
Supreme Court, Appellate Court and Superior Court	3 years	Commission members ²	Governor	Legislative leaders	N/A
Delaware					
All Courts, including Magistrates	3 years	Governor	Governor/ State bar president	Governor	N/A
D.C.					
All Courts	6 years ³	Commission members	President/ Mayor/ Board of governors of DC bar	President/ Mayor/ DC city council	Chief judge of the US District Court for DC
Florida					
Supreme Court, District Court of Appeal, Circuit Court, County Court	4 years	Commission members	Board of governors of Florida bar/ Governor ⁴	Governor	N/A

Table 2: Composition of nominating commission

State/Court	Term of service	Chair appointed/elected by	Lawyers appointed/elected by	Non-lawyers appointed/elected by	Judges appointed/elected by
Georgia					
Supreme Court, Court of Appeals, Superior Court, and State Court	At Governor's discretion	Governor	Governor	Governor	N/A
Hawaii					
Supreme Court, Intermediate Court of Appeals, Circuit Court and District Court	6 years	Commission members	State bar association/ Senate president/ of the house/ Chief justice	Governor/ Chief justice/ Senate president/ Speaker of the house	N/A
Idaho					
Supreme Court, Court of Appeals and District Court	6 years	Chief justice serves	Board of commissioners of the state bar with senate consent	Governor with senate consent	State bar with senate consent/ Chief justice serves
Indiana					
Supreme Court, Court of Appeals and Tax Court	3 years	Chief justice serves ex officio	State bar members in each district	Governor	Chief justice serves ex officio
Allen County Superior Court	4 years	Chief justice serves ex officio (or designee on the court of appeals or supreme court)	Lawyers residing in Allen County	Governor	Chief justice serves ex officio (or designee on the court of appeals or supreme court)
Lake County Superior Court and County Court	4 years	Chief justice serves ex officio (or designee on the court of appeals or supreme court)	Lawyers residing in Lake County	County board of commissioners	Chief justice serves ex officio (or designee on the court of appeals or supreme court)
St Joseph County Superior Court	4 years	Chief justice serves ex officio	Lawyers residing or practicing law in St. Joseph County	Selection committee ⁵	Chief justice serves ex officio
Iowa					
Supreme Court and Court of Appeals	6 years	Senior supreme court justice serves ex officio	Resident members of the bar from each congressional district	Governor with senate consent	Senior supreme court justice serves ex officio
District Court	6 years	Senior district court judge serves ex officio	Resident members of the bar of each judicial election district	Governor with senate consent	Senior district court judge serves ex officio
District Associate Judges and Magistrate Judges	6 years	N/I	Attorneys in the county	County board of supervisors	Chief judge of the judicial district serves ex officio
Kansas					
Supreme Court and Court of Appeals	4 years	Lawyers residing in and licensed in Kansas	Lawyers of each congressional district	Governor	N/A
District Court	4 years	Supreme court justice serves ex officio	Lawyers of the judicial district	Board of county commissioners	Supreme court justice serves ex officio
Kentucky					
Supreme Court and Court of Appeals	4 years	Chief justice serves ex officio	State bar	Governor	Chief justice serves ex officio
Circuit Court and District Court	4 years	Chief justice serves ex officio	Local members of the state bar	Governor	Chief justice serves ex officio

Table 2: Composition of nominating commission

State/Court	Term of service	Chair appointed/elected by	Lawyers appointed/elected by	Non-lawyers appointed/elected by	Judges appointed/elected by
Maryland					
Court of Appeals and Court of Special Appeals	Coextensive with governor	Governor	State bar association/ Governor	Governor	N/A
District Court and Circuit Court	Coextensive with governor	Governor	State bar association/ Governor	Governor	N/A
Massachusetts					
Appeals Court and Trial Court	At governor's discretion	Governor	Governor	Governor	N/A
Minnesota					
District Court and Workers' Compensation Court of Appeals	At governor's discretion/ 4 years	Governor	Governor/ Supreme court justices	Governor/ Supreme court justices	Governor/ Supreme court justices
Missouri					
Supreme Court and Court of Appeals	6 years	Commission members	Lawyers residing in each court of appeals district	Governor	Supreme court justice serves ex officio
Circuit Courts	6 years	Commission members	Lawyers residing in the judicial circuit	Governor	Chief judge of court of appeals serves ex officio
Montana					
Supreme Court, District Court, Worker's Compensation Judge and Chief Water Judge	4 years	Commission members	Supreme court	Governor	District court judges
Nebraska					
Supreme Court, Court of Appeals, District Court, County Court, Juvenile Court, Worker's Compensation Court	4 years	Supreme court justice serves ex officio	Lawyers residing in judicial election districts	Governor	Supreme court justice serves ex officio
Nevada					
Supreme Court	4 years	Commission members	State bar	Governor	Chief justice serves ex officio
District Court	Until nominations given to governor	Commission members	State bar	Governor	Chief justice serves ex officio
New Hampshire					
Supreme Court, Superior Court, District Court, Probate Court	Up to 3 years	Governor	Governor	Governor	N/A

Table 2: Composition of nominating commission

State/Court	Term of service	Chair appointed/elected by	Lawyers appointed/elected by	Non-lawyers appointed/elected by	Judges appointed/elected by
New Mexico					
Supreme Court & Court of Appeals	N/I	Dean of the University of New Mexico School of Law serves ex officio	Judges on committee and state bar president/ Governor/ Speaker of the house/ Senate president	Governor/ Speaker of the house/ Senate president	Chief justice of the supreme court/ Chief judge of the court of appeals
District Court	N/I	Dean of the University of New Mexico School of Law serves ex officio	Judges on committee and state bar president/ Governor/ Speaker of the house/ Senate president	Governor/ Speaker of the house/ Senate president	Chief justice of the supreme court/ Chief judge of the court of appeals/ Chief judge of the district court
Metropolitan Court	N/I	Dean of the University of New Mexico School of Law serves ex officio	Judges on committee and state bar president/ Governor/ Speaker of the house/ Senate president	Governor/ Speaker of the house/ Senate president	Chief justice of the supreme court/ Chief judge of the court of appeals/Chief judge of the metropolitan court
New York					
Court of Appeals	4 years	Commission members	Governor/ Chief judge of court of appeals/ Legislative leaders	Governor/ Chief judge of court of appeals/ Legislative leaders	N/A
Appellate Division of the Supreme Court, Supreme Court	3 years	Governor	Governor/ Judicial and legislative leaders/ Attorney general/ State bar association	Governor/ Judicial and legislative leaders/ Attorney general/ State bar association	N/A
Court of Claims	3 years	Governor	Governor/ Chairs of departmental committees serve ex officio ⁵	Governor/ Chairs of departmental committees serve ex officio ⁵	N/A
County Court, Surrogate's Court, and Family Court (outside of NYC)	3 years	Chair of departmental screening committee serves ex officio ⁶	County executive	County executive	N/A
New York City Criminal Court, Family Court, and Civil Court	2 years	Mayor	Mayor/ Presiding judges/ Law school deans	Mayor/ Presiding judges/ Law school deans	N/A
North Dakota					
Supreme Court and District Court	3 years	Governor	Governor/ Chief judge/ State bar president	Governor/ Chief judge/ State bar president	Governor/ Chief judge/ State bar president
Oklahoma					
Supreme Court, Court of Criminal Appeals, Court of Civil Appeals, District Court, Workers' Compensation Court	6 years ⁷	Commission members	Lawyers from each congressional district	Governor/ Commission members/Legislative leaders	N/A
Rhode Island					
Supreme Court, Superior Court, Family Court, District Court, Worker's Compensation Court, Administrative Adjudication Court	4 years	Governor	Governor/ Legislative leadership ⁷	Governor/ Legislative leadership ⁷	N/A

Table 2: Composition of nominating commission

State/Court	Term of service	Chair appointed/elected by	Lawyers appointed/elected by	Non-lawyers appointed/elected by	Judges appointed/elected by
South Dakota Supreme Court and Circuit Court	4 years	Commission members	State bar president	Governor	Judicial conference
Tennessee Supreme Court, Court of Criminal Appeals, Court of Appeals, Trial Courts	6 years	Commission members	Speaker of the house/ Speaker of the senate	Speaker of the house/ Speaker of the senate	N/A
Utah Supreme Court and Court of Appeals District Court and Juvenile Court	4 years 4 years	Governor Governor	State bar association/Governor State bar association/Governor	Governor Governor	Supreme court chief justice ^a Supreme court chief justice ^a
Vermont Supreme Court, Superior Court and District Court	2 years	Commission members	Vermont lawyers/ Legislature	Governor/ Legislature	N/A
West Virginia Supreme Court, Circuit Court and Family Court	6 years	Commission members	Board of governors of West Virginia Bar/Governor	Governor	N/A
Wyoming Supreme Court, District Court and Circuit Court	4 years	Chief justice serves ex-officio	State bar	Governor	N/A

1. **Arizona.** Maricopa and Pima Counties are each divided into five supervisory districts. Each district has a seven member nominating committee for the purpose of recommending prospective non-lawyer members of the superior court nominating commission to the senate.

2. **Connecticut.** The commission members elect the chair from among the six lawyer members appointed by the governor.

3. **D.C.** All members serve six year terms, except the member appointed by the president, who serves a five year term.

4. **Florida.** The board of governors of the Florida bar submits three recommended nominees for each position. The governor may reject all of the nominees and request a new list of nominees.

5. **Indiana (St. Joseph County).** The non-lawyer members are appointed by a selection committee consisting of the judges of the St. Joseph circuit court, the president of the board of St. Joseph County commissioners, and the mayors in each of the two most populous cities in St. Joseph County.

6. **New York.** The departmental screening committees identify nominees for the supreme court.

7. **Oklahoma.** The three members-at-large serve two-year terms.

8. **Rhode Island.** The governor appoints three lawyers and one non-lawyer of his or her choice. The governor also appoints five additional commission members, one from each of the following lists: a list of at least three lawyers submitted by the speaker of the house; a list of at least three lawyers and/or non-lawyers submitted by the senate majority leader; a list of four non-lawyers submitted jointly by the speaker and the senate majority leader; a list of at least three non-lawyers submitted by the minority leader of the house; and a list of at least three non-lawyers submitted by the minority leader of the senate.

9. **Utah.** The chief justice of the supreme court appoints another member of the Judicial Council to serve as an ex officio, nonvoting member of each commission.

Table 3: Rules governing submission of list of nominees

State/Court	Days allowed to submit list	Number of names submitted	Order names are submitted	Add'l info. sent to appointing authority	Governor bound by recommendation	Legislative confirmation required	Nominees names made public
Alabama							
Baldwin County	30	3	Alpha	No	Yes	No	Yes
Jefferson County	N/I	3	Alpha	No	Yes	No	Yes
Lauderdale County	30	3	N/I	N/I	Yes	No	Yes
Madison County	N/I	3	N/I	N/I	Yes	No	Yes
Mobile County	N/I	3	N/I	N/I	Yes	No	N/I
Shelby County	N/I	3	N/I	N/I	Yes	No	N/I
Talladega County	N/I	3	N/I	N/I	Yes	No	N/I
Tuscaloosa County	45	3	N/I	No	Yes ¹	No	Yes
Alaska	90 ²	2 or more	Alpha	Applicant questionnaires, Voting record, Bar survey, Letters of recommendation	Yes	No	Yes
Arizona	60	3 or more	Alpha	Commission file	Yes	No	Yes
Colorado							
Appellate Courts	30	3	Alpha	Applicant questionnaire	Yes	No	Yes
Trial Courts	30	2-3	Varies by judicial district ³	Varies by judicial district ³	Yes	No	Yes ⁴
Connecticut	N/I	N/I	N/I	N/I	Yes	Yes ⁵	N/I
Delaware	60	3	Alpha	None	Yes ⁶	Yes	No
D.C.	60	3	N/I	N/I	Yes (President)	Yes	Yes
Florida							
Supreme Court	30	3-6	Alpha	Investigative file	Yes	No	Yes
District Court of Appeal	30	3	Alpha	Investigative file	Yes	No	Yes
Trial Courts	30	3 or more	Alpha	Investigative file	Yes	No	Yes
Georgia	N/I	5 at most	N/I	N/I	No	No	N/I
Hawaii	N/I	4-6	Alpha	Applicant questionnaire	Yes	Yes	No
Idaho	N/I	2-4	N/I	N/I	Yes	No	Yes
Indiana							
Appellate Courts and Tax Court	70	3	N/I	Nominee evaluations	Yes	No	Yes
Allen County	60	3	N/I	Nominee evaluations	Yes	No	Yes
Lake County	60	3	N/I	Nominee evaluations	Yes	No	Yes
St Joseph County	60	5	N/I	Nominee evaluations	Yes	No	Yes
Iowa							
Supreme Court	60	3	Alpha	Applicant questionnaire	Yes	No	Yes
Court of Appeals	60	3	Alpha	Applicant questionnaire	Yes	No	Yes
District Court	60	2	Alpha	N/I	Yes	No	Yes ⁷
District Associate Judges	15-30	3	N/I	N/I	Yes ⁸	No	N/I
Magistrate Judges	15-30	1	N/I	N/I	N/A ⁸	No	N/I

Table 3: Rules governing submission of list of nominees

State/Court	Days allowed to submit list	Number of names submitted	Order names are submitted	Add'l info. sent to appointing authority	Governor bound by recommendation	Legislative confirmation required	Nominees names made public
Kansas							
Appellate Courts	60	3	N/I	N/I	Yes	No	N/I
District Court	30	2-3	N/I	N/I	Yes	No	N/I
Kentucky							
	N/I	3	Alpha	N/I	Yes	No	Yes
Maryland							
Appellate Courts	85	at least 3	Alpha	N/I	Yes ⁹	Yes	Yes
Trial Courts	85	at least 3	Alpha	N/I	Yes ⁹	No	Yes
Massachusetts							
	N/I	3-6	Alpha	N/I	No ¹⁰	No ¹¹	No
Minnesota							
	60	3-5	N/I	N/I	No	No	Yes
Missouri							
	N/I	3	N/I	N/I	Yes	No	Yes
Montana							
	90	3-5	N/I	Entire applicant file, Commission voting record and recommendations	Yes	Yes	Yes
Nebraska							
	90	3 or more	Alpha	Applicant questionnaire, Investigative file	Yes	No	Yes
Nevada							
	N/I	3	Alpha	Entire file	Yes	No	Yes
New Hampshire							
	N/I	N/I	N/I	N/I	Yes ¹²	No ¹³	
New Mexico							
	30	2 or more	Alpha	N/I	Yes ¹⁴	No	Yes
New York							
Court of Appeals	120 ¹⁵	3-7	N/I	Entire file, including: commission recommendations, applicant financial statements	Yes	Yes	Yes
Appellate Division of the Supreme Court and Supreme Court; Trial Courts (outside New York City)	N/I	N/I	N/I	Written evaluation, Entire file	Yes	Yes	No
New York City	90	3	N/I	Information re: qualifications	Yes (Mayor)	No	No
North Dakota							
	60	2-7	Alpha	N/I	No	No	Yes
Oklahoma							
	N/I	3	Random	Applicant questionnaire, Writing sample, Investigative file	Yes	No	Yes
Rhode Island							
	90	3-5	Alpha	Entire file	Yes ¹⁶	Yes	Yes

Table 3: Rules governing submission of list of nominees

State/Court	Days allowed to submit list	Number of names submitted	Order names are submitted	Add'l info. sent to appointing authority	Governor bound by recommendation	Legislative confirmation required	Nominees names made public
<i>South Dakota</i>	N/I	2 or more	Alpha	Investigative file	Yes	No	N/I
<i>Tennessee</i>	60	2-3 ¹⁷	N/I	N/I	Yes ¹⁸	No	Yes
<i>Utah</i>							
Appellate Courts	45	7	Alpha	Investigative file, Applicant questionnaire	Yes	Yes	Yes
Trial Courts	45	5	Alpha	Investigative file, Applicant questionnaire	Yes	Yes	Yes
<i>Vermont</i>	N/I	Open	Alpha	Applicant questionnaire	Yes	Yes	No
<i>West Virginia</i>	90	2-5	Alpha	N/I	No	No	Yes
<i>Wyoming</i>	60	3	Alpha	Entire file	Yes	No	N/I

1. **Alabama (Tuscaloosa County).** If the governor does not select from the list within 60 days, the commission is required to submit a new list.

2. **Alaska.** Time may be extended by the judicial council with the concurrence of the supreme court.

3. **Colorado.** Each of Colorado's twenty-two district judicial nominating commissions has developed its own rules of procedure.

4. **Colorado.** The judicial nominating commissions of two districts do not indicate whether nominees' names are made public.

5. **Connecticut.** The governor selects a nominee from the commission's list, sends the name to the general assembly, and the general assembly makes the appointment.

6. **Delaware.** The governor may refuse to appoint from the first list and may require the commission to submit one supplementary list.

7. **Iowa.** According to Iowa's sample procedures for district judicial nominating commissions, the names of nominees are announced in a press release. However, these sample procedures have not been formally adopted by all of Iowa's 14 judicial districts.

8. **Iowa.** District judges appoint district associate judges from lists of nominees recommended by the county magistrate appointing commission. The county magistrate appointing commission appoints magistrates.

9. **Maryland.** The governor may also fill the vacancy by selecting a person from any list submitted by the appropriate commission for a vacancy on the same court, provided the previous list was submitted within two years of the current vacancy and information on the nominee is updated.

10. **Massachusetts.** The governor may decline to nominate any applicant and seek further recommendations from the commission.

11. **Massachusetts.** Appointment requires advice and consent of the governor's council.

12. **New Hampshire.** The governor may request that the commission engage in a further search for qualified applicants.

13. **New Hampshire.** The governor's nominees must be confirmed by the executive council.

14. **New Mexico.** The governor may make one request to the commission for additional names, and the commission shall comply if a majority of the commission finds that additional persons would be qualified and recommends those persons for appointment.

15. **New York.** For unexpected vacancies, the commission has 120 days to submit a list of nominees. For vacancies that occur through expiration of terms on December 31, the commission has a fixed deadline of December 1, except for terms that expire during non-election years when the deadline is October 15.

16. **Rhode Island.** The governor may also nominate any individual whose name was submitted by the commission within the last five years for a vacancy on the same court.

17. **Tennessee.** For trial courts, if the vacancy exists in one of the five smallest judicial districts, the commission may submit 2 names to the governor.

18. **Tennessee.** For appellate court vacancies, the governor may require the commission to submit a panel of 3 additional nominees.

Table 4: Rules of confidentiality

State/Court	Identity of applicants	Records	Interviews	External communications to commissioners	Deliberations	Voting	Communications with appointing authority
Alabama							
Baldwin County	No	Yes	Yes	Yes	Yes	Yes	Yes
Lauderdale County							
Jefferson County	No	Yes	Yes	Yes	Yes	Yes	Yes
Madison County							
Mobile County							
Shelby County							
Tuscaloosa County	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Alaska							
	No	No	Yes ¹	Yes	Yes	No	Yes
Arizona							
	No	No	No	Yes	No ²	No	
Colorado³							
	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Connecticut							
	Yes	Yes	Yes	Yes	Yes		Yes
Delaware							
	Yes	Yes	Yes	Yes	Yes	Yes	Yes
D.C.							
	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Florida							
	No	No	No	No	Yes	Yes	Yes ⁴
Georgia							
Hawaii							
	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Idaho							
	No	Yes	No	Yes	Yes	Yes	Yes
Indiana							
Appellate Courts and Tax Court	No	No	No	No	Yes		No
Allen County	No						
Lake County	No	No	No	No	No	No	No
St Joseph County	No						No
Iowa							
Supreme Court and Court of Appeals	No	Yes	No	Yes	Yes	Yes	Yes
District Court	Yes	Yes	Yes	Yes	Yes	Yes	Yes
District Associate and Magistrate Judges							
Kansas							
			No				
Kentucky							
	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Maryland							
	No	Yes	Yes		Yes	Yes	
Massachusetts							
	Yes	Yes	Yes		Yes	Yes	Yes
Minnesota							
Missouri							
	Yes ⁵	Yes	No	Yes ⁶	Yes	Yes	No
Montana⁷							
	No	No	No	No	No	Yes	No
Nebraska							
	No	No	Yes	No	Yes		

Yes = Data/procedure confidential
 No = Data/procedure not confidential
 no entry = Not indicated in commission rules

Table 4: Rules of confidentiality

State/Court	Identity of applicants	Records	Interviews	External communications to commissioners	Deliberations	Voting	Communications with appointing authority
<i>Nevada</i>	No	No ⁸	No ⁹	Yes	No ⁹	No ⁹	No
<i>New Hampshire</i>	Yes	Yes			Yes		
<i>New Mexico</i>	No		No	No	Yes	No	
<i>New York</i>							
Court of Appeals	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Appellate Division of the Supreme Court and Supreme Court; Trial Courts (outside New York City)	Yes	Yes	Yes	Yes	Yes	Yes	Yes ¹⁰
New York City	Yes	Yes	Yes	Yes	Yes	Yes	No
<i>North Dakota</i>	No	No			No	No	
<i>Oklahoma</i>	No	Yes	Yes	Yes	Yes	Yes	No
<i>Rhode Island</i>	No		No	No	Yes	No	
<i>South Dakota</i>	No	Yes	Yes	Yes	Yes	Yes	Yes
<i>Tennessee</i>	No	No	No	No ¹¹	No	Yes	Yes
<i>Utah</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>Vermont</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>West Virginia</i>	Yes	Yes					No
<i>Wyoming</i>							

Yes = Data/procedure confidential

No = Data/procedure not confidential

no entry = Not indicated in commission rules

1. **Alaska.** Applicant interviews are conducted in executive session unless the applicant requests an interview in public session.

2. **Arizona.** Deliberations may be held in executive session upon a two-thirds vote of commission members.

3. **Colorado.** The rules for two of Colorado's district judicial nominating commissions do not contain complete information on rules of confidentiality.

4. **Florida.** Communications between the governor and the judicial nominating commission for the district court of appeal are not confidential.

5. **Missouri.** The commission releases the names of the applicants it selects to interview.

6. **Missouri.** All communications between a commission member and a non-commission member must be summarized in writing and provided to all other commission members.

7. **Montana.** All meetings, proceedings of the commission, and documents shall be open to the public except when a majority of the commission votes that the demand of individual privacy exceeds the merits of public disclosure.

8. **Nevada.** Information that is ordinarily sensitive and confidential and that proves to be of little or no relevance to a candidate's qualifications is confidential.

9. **Nevada.** The commission may meet in executive session with the approval of a majority of members if it is deemed necessary or appropriate because of the sensitive nature of the matters or information to be discussed.

10. **New York.** The report relating to the governor's appointee is made publicly available upon announcement of the appointment.

11. **Tennessee.** After one public meeting where any member of the public may suggest possible nominees or express approval or disapproval of proposed nominees, the commission may hold such additional public or private meetings as it deems necessary.

Table 5: Nominating commission procedures

State	Disqualification provision	Ethics provisions	Oath of office	Political activity prohibition	External recruitment provision	Provision for diversity	Rule against discrimination	Judicial performance evaluation available to commission
<i>Alabama</i>				X ¹	X ²			
<i>Alaska</i>	X		X		X			X
<i>Arizona</i>	X				X	Applicants Commissioners		X
<i>Colorado</i>			X ³		X ⁴		X	
<i>Connecticut</i>				X				X
<i>Delaware</i>	X				X		X	
<i>D.C.</i>								X
<i>Florida</i>	X	X			X			
<i>Georgia</i>		X				Commissioners		
<i>Hawaii</i>	X	X		X	X		X	X
<i>Idaho</i>			X					
<i>Indiana</i>	X ⁵			X	X ⁵	Applicants Commissioners ⁶		
<i>Iowa</i>	X ⁷				X ⁸	Applicants ⁸	X ⁹	
<i>Kansas</i>			X	X ¹⁰	X			
<i>Kentucky</i>				X	X			
<i>Maryland</i>	X			X	X	Applicants		
<i>Massachusetts</i>	X	X		X		Commissioners		
<i>Minnesota</i>					X	Applicants		
<i>Missouri</i>	X		X	X	X	Applicants		
<i>Montana</i>								
<i>Nebraska</i>	X		X		X		X	
<i>Nevada</i>	X				X		X	
<i>New Hampshire</i>	X							
<i>New Mexico</i>	X		X		X			
<i>New York</i> New York City				X	X X		X ¹¹	
<i>North Dakota</i>					X			
<i>Oklahoma</i>	X	X	X	X	X		X	

Table 5: Nominating commission procedures

State	Disqualification provision	Ethics provisions	Oath of office	Political activity prohibition	External recruitment provision	Provision for diversity	Rule against discrimination	Judicial performance evaluation available to commission
<i>Rhode Island</i>	X	X	X		X	Applicants Commissioners		
<i>South Dakota</i>	X	X			X			
<i>Tennessee</i>				X		Commissioners		
<i>Utah</i>	X				X	Applicants	X	X
<i>Vermont</i>	X				X		X	
<i>West Virginia</i>		X			X			
<i>Wyoming</i>				X	X			

1. **Alabama.** Lauderdale, Shelby, and Tuscaloosa Counties prohibit commission members from holding elective offices or official positions within political parties.

2. **Alabama.** Unlike other jurisdictions with external recruitment provisions that allow or encourage recruitment, Baldwin, Jefferson, and Tuscaloosa Counties forbid commission members from soliciting applicants.

3. **Colorado.** The rules of the nominating commission for the 11th judicial district require commission members to take an oath of secrecy.

4. **Colorado.** There is no external recruitment provision for the supreme court nominating commission, but a majority of the district nominating commissions have such provisions.

5. **Indiana.** The Indiana judicial nominating commission has a disqualification provision and an external recruitment provision.

6. **Indiana.** The nominating commission for Lake County has diversity provisions regarding both commission members and applicants.

7. **Iowa.** A disqualification provision is included in Iowa's sample procedures for district judicial nominating commissions. Although many judicial districts have not yet formally adopted these procedures, most districts utilize them as general guidelines.

8. **Iowa.** The internal rules of the state judicial nominating commission include an external recruitment provision and a diversity provision, as do the sample procedures for district judicial nominating commissions.

9. **Iowa.** The magistrate appointing commission handbook contains rules against discrimination in the nomination of candidates as district associate and magistrate judges.

10. **Kansas.** The Kansas constitution contains a prohibition on political activity for members of the supreme court nominating commission.

11. **New York.** Rules for the appellate division of the supreme court and the trial courts include a rule against discrimination.

**ALASKA JUDICIAL COUNCIL
VOTING STATISTICS – APPLICATIONS FOR JUDICIAL POSITIONS**

Six Council Members: three appointed by Bar Association Board of Governors, three appointed by the Governor. Chief Justice is ex officio and votes only when the members do not have a four-person consensus. Alaska Const. art. IV sec. 8.

1984 – 2013: past 29 years [all years for which data is available]

Total votes taken on judicial applicants:	1,136
• Number that were unanimous :	704/1,136 (62%)
• Number that were unanimous or “unanimous except for 1” votes:	920/1,136 (81%)
• Number in which the Chief Justice voted, usually because of a 3-3 tie:	68/1,136 (6%)
▪ Number of those in which CJ voted to send the name to the Governor for consideration:	51/68 (75%)
• Number in which the vote was tied, with the attorneys and non-attorneys split:	15/1,136 (1.3%)
▪ Number of those splits in which CJ voted to send the name to the Governor for consideration:	7/15 (46%)
▪ Number of those splits in which the CJ voted with the attorneys, not with the public members:	10/15 (66% of splits); 10/1,136 (.8% of total)
▪ Number of those splits in which the CJ voted with the public members, not with the attorneys:	5/15 (25%)
▪ Number of those split votes in which the CJ voted with the attorneys, such that the name was sent to the Governor for consideration:	2/10 (20%)
• Number in which the vote was tied, with attorneys and non-attorneys split, and the CJ’s vote was with the attorneys not to send the name to the Governor for consideration:	8/1,136 (.7% of total)

2010 – 2013: past four years [subset of above 29-year stats]

Total votes taken on judicial applicants:	201
• Number that were unanimous:	110/201(55%)
• Number that were unanimous or “unanimous except for 1” votes:	151/201 (75%)
• Number in which the Chief Justice voted, usually because of a 3-3 tie:	9/201 (4.5%)
▪ Number of those in which CJ voted to send the name to the Governor for consideration:	4/9 (44%)
• Number in which the vote was tied, with the attorneys and non-attorneys split:	7/201 (3.5%)
▪ Number of those splits in which CJ voted to send the name to the Governor for consideration:	2/7 (28.5%)
▪ Number of those splits in which the CJ voted with the attorneys, not with the public members:	6/7 (86% of splits); 6/201 (3% of total)
▪ Number of those splits in which the CJ voted with the public members, not with the attorneys:	1/7 (14%)
▪ Number of those split votes in which the CJ voted with the attorneys, such that the name was sent to the Governor for consideration:	1/7 (14%)
• Number in which the vote was tied, with attorneys and non-attorneys split, and the CJ’s vote was with the attorneys not to send the name to the Governor :	5/201 (2.4% of total)

2006 – 2009: previous four years [subset of above 29-year stats]

Total votes taken on judicial applicants:	225
• Number in which the Chief Justice voted, usually because of a 3-3 tie:	7/225 (3%)
▪ Number of those in which CJ voted to send the name to the Governor for consideration:	7/7 (100%)
• Number in which the vote was tied, with the attorneys and non-attorneys split:	2/201 (1%)
▪ Number of those splits in which CJ voted to send the name to the Governor for consideration:	1/2 (50%)
▪ Number of those splits in which the CJ voted with the attorneys, not with the public members:	1/2 (50% of splits); 1/201 (1% of total)
▪ Number of those splits in which the CJ voted with the public members, not with the attorneys:	1/2 (50%)
▪ Number of those split votes in which the CJ voted with the attorneys, such that the name was sent to the Governor for consideration:	1/2 (50%)
• Number in which the vote was tied, with attorneys and non-attorneys split, and the CJ’s vote was with the attorneys not to send the name to the Governor:	0/225 (0% of total)

Alaska Judicial Council Constitutional Duties

Alaska Const. Article IV, 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.

Alaska Const. Article IV, Section 5. Nomination and Appointment

The governor shall fill any vacancy in an office of supreme court justice or superior court judge by appointing one of two or more persons nominated by the judicial council.

Excerpts from Constitutional Convention discussion of Article IV:

“What we are trying to prevent are some of the travesties which have existed in some of the states where our judges are picked and plucked directly from the ward political office.”

“The whole theory of the Missouri Plan is that in substance, a select and professional group, licensed by the state, can best determine the qualifications of their brothers.”

“The intent of the Missouri Plan was in substance to give a predominance of the vote to professional men who knew the foibles, the defects and the qualifications of their brothers. It is unquestionably true that in every trade and every profession the men who know their brother careerists the best are the men engaged in the same type of occupation.”

“The theory on the lay members on the confirmation, they represent the public and they represent the predominant political thought. The theory on the lawyer members of the council, they represent the profession,.... they represent a desire to have the best judges on the benches.”

- Delegate McLaughlin

Alaska Const. Article IV, 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.

Selected Alaska Judicial Council Statutory Duties

AS 15.58.050. Information and recommendations on judicial officers

No later than August 7 of the year in which the state general election will be held, the judicial council shall file with the lieutenant governor a statement including information about each supreme court justice, court of appeals judge, superior court judge, and district court judge who will be subject to a retention election. The statement shall reflect the evaluation of each justice or judge conducted by the judicial council according to law and shall contain a brief statement describing each public reprimand, public censure, or suspension received by the judge under AS 22.30.011(d) during the period covered in the evaluation. A statement may not exceed 600 words.

AS 22.05.100. Approval or rejection

Each supreme court justice is subject to approval or rejection as provided in AS 15. The judicial council shall conduct an evaluation of each justice before the retention election and shall provide to the public information about that justice and may provide a recommendation regarding retention or rejection. The information and any recommendation shall be made public at least 60 days before the retention election....

AS 22.07.060. Approval or rejection

Each judge of the court of appeals is subject to approval or rejection as provided in AS 15. The judicial council shall conduct an evaluation of each judge before the retention election and shall provide information to the public about the judge and may provide a recommendation regarding retention or rejection. The information and any recommendation shall be made public at least 60 days before the election....

AS 22.10.150. Approval or rejection

Each superior court judge is subject to approval or rejection as provided in AS 15. The judicial council shall conduct an evaluation of each judge before the retention election and shall provide to the public information about the judge and may provide a recommendation regarding retention or rejection. The information and any recommendation shall be made public at least 60 days before the retention election....

AS 22.15.195. Approval or rejection

Each district court judge is subject to approval or rejection as provided in AS 15. The judicial council shall conduct an evaluation of each judge before the retention election and shall provide to the public information about the judge and may provide a recommendation regarding retention or rejection. The information and the recommendation shall be made public at least 60 days before the election....

Alaska Judicial Council

Members

Ken Kreitzer – Juneau (2011 – 2017)

Mr. Kreitzer has many years of public safety experience, including work as an airport safety officer, a corrections officer, a firefighter, EMT, a police officer and a court security officer. He was appointed by Governor Parnell.

Dave Parker – Wasilla (2013 – 2019)

Mr. Parker has been a law enforcement officer in Alaska since 1995. Prior to that he was a pastor in Alaska, France, Washington State, Ivory Coast, and Oregon. He began his professional career as a teacher in Washington State and Yemen. He was appointed by Governor Parnell.

Kathleen Tompkins-Miller – Fairbanks (2009 – 2015)

Ms. Tompkins-Miller is a schoolteacher. She was appointed by Governor Palin.

Aimee Oravec – Fairbanks (2012 – 2018)

Ms. Oravec has practiced law since 1998, and is a shareholder in Oravec Law Group.

Kevin Fitzgerald – Anchorage (2008 – 2014)

Mr. Fitzgerald is a partner in Ingaldson, Maassen & Fitzgerald and is a second generation Alaskan.

Julie Willoughby – Juneau (2010 0 2016)

Ms. Willoughby is in private practice in Juneau. She has practiced law since 1998 and is a second generation Alaskan.

**Alaska Judicial Council
Details of Judicial Nomination Votes 1984 - 2013
February 20, 2014**

Vacancy Location, Year, and Level of Court	Number of Candidates Voted on (1,136 votes)	Number of Nominees	Appointed	Vote Detail (Given for attorney- nonattorney splits)	CJ Vote Yes/No* (68 votes)
Valdez Superior 5/84	2	2	Bosshard, John III		
Juneau Dist 5/84	7	4	Asper, Linn H.		Yes
Anch Superior 9/84	10	6	Gonzalez, Rene J. Katz, Joan M.		Yes
Anch Dist 9/84	11	5	Stemp, Ralph D. Beckwith, Martha White, Michael N. Stewart, David C.		Yes
Fairbanks Dist 12/84	7	4	Zimmerman, Chris E.		Yes
Fairbanks Superior 12/84	10	2	Greene, Mary E.		
Anch Superior 12/84	7	4	Michalski, Peter A.	Votes were unanimous on 1 applicant 5-1 on 3 applicants 4-1 on 1 applicant (with an abstention), and CJ voted "yes" (with the nonattorneys) on E. Murphy	No, Yes*
Wrangell Superior 3/85	6	3	Jahnke, Thomas M.		Yes
Bethel Superior 4/86	6	3	Fraties, Gail Roy	Votes were unanimous on one applicant 5-1 on 1 applicant 4-2 on 2 applicants, and CJ voted twice: "no" on Otto (with the attorneys), and "no" on Stearns (mixed vote)	No, No*
Fairbanks Superior 3/87	7	4	Savall, Richard D.		Yes
Palmer Dist 6/87	5	2	Ashman, Peter G.		Yes
Fairbanks Dist 7/88	11	4	Zervos, Larry C.		Yes
Fairbanks Superior 7/88	8	2	Steinkruger, Niesje J.		
Anch Superior 7/88	11	3	Fabe, Dana A.		Yes
Anch Dist 7/88	11	3	Wolverton, Michael L.	Votes were unanimous on 8 applicants 5-1 on 2 applicants, and CJ voted "no" on Cray (with the attorneys)	No*
Anch Superior 5/89	14	5	Reese, John		Yes
Juneau Dist Ct 5/89	7	2	Froehlich, Peter		
Bethel Superior 11/89	6	3	Curda, Dale O.		Yes, Yes
Kenai Superior 6/90	5	3	Link, Jonathan		
Juneau Superior 6/90	6	4	Weeks, Larry R.		Yes, Yes
Sitka Superior 8/90	7	2	Zervos, Larry C.		No, Yes
Court of Appeals 8/90	3	3	Mannheimer, David		
Fairbanks Dist 8/90	6	3	Pengilly, Charles R.		
Kodiak Superior 11/90	7	3	Hopwood, Donald D.		
Homer Dist 11/90	9	5	Neville, M. Francis		Yes, Yes

Anch Dist 1/91	11	3	Lohff, John R.	
Anch Superior 1/91	15	4	Andrews, Elaine M.	
Kotzebue Superior 2/91	4	2	Eric, Richard H.	
Anch Dist 6/91	12	5	Motyka, Gregory J.	Yes
Valdez Superior 10/91	4	2	Anderson, Glen C.	
Anch Dist 5/92	22	8	Rhoades, Stephanie Murphy, Sigurd E.	Votes were unanimous on 14 applicants 5-1 on 4 applicants 4-2 on one applicant, and CJ voted three times: "yes" on Cossman (with the nonattorneys), "yes" on Rhoades (mixed vote), and "no" on Lindeman (with the attorneys)
Fairbanks Superior 9/92	5	3	Beistline, Ralph R.	Yes
Fairbanks Dist 12/92	10	3	Wood, Mark I.	
Ketchikan Superior 12/92	7	2	Thompson, Michael A.	
Anch Dist 6/93	10	5	Wanamaker, James N.	
Anch Superior 6/93	12	4	Card, Larry D.	Yes
Supreme Ct 1/94	12	5	Eastough, Robert L.	Votes were unanimous on 6 applicants, 4-2 on one applicant, and CJ voted "yes" on Wade (with the nonattorneys) 5-1 on 4 applicants
Anch Dist 9/94	13	4	Joannides, Stephanie	Yes
Ketchikan Dist 5/95	7	5	Collins, Patricia A.	
Supreme Ct 1/96	5	5	Fabe, Dana	Yes
Nome Superior 1/96	3	2	Esch, Ben	
Kenai Superior 3/96	6	2	Brown, Harold M.	No
Palmer Superior 3/96	11	5	Smith, Eric	
Valdez Dist 1/96	2	0	No nominees	
Anch Superior 6/96	13	7	Sanders, Eric	No
Dillingham Superior 10/96	6	2	Torrisi, Fred	
Anch Superior 10/96	32	13	Wolverton, Michael Tan, Sen K. Hensley, Dan A.	No, No, No
Supreme Ct 12/96	9	2	Bryner, Alex	
Court of Appeals 5/97	4	3	Stewart, David	
Palmer Dist 5/97	11	5	Lombardi, Suzanne	Yes
Valdez Dist 5/97	10	4	Bolger, Joel H.	Yes
Fairbanks Superior 9/97	7	4	Pengilly, Charles	
Fairbanks Dist 3/98	6	2	Funk, Raymond	
Supreme Ct 9/98	4	2	Carpeneti, Walter L.	
Juneau Superior 2/99	4	2	Collins, Patricia A.	
Anch Dist 7/99	10	5	Adams, Sam	Yes, Yes
Ketchikan Dist 7/99	5	2	Miller, Kevin	
Anch Superior 2/00	8	3	Joannides, Stephanie	
Ketchikan Superior 6/00	4	2	Stephens, Trevor N.	Yes
Anch Superior 9/00	7	3	Rindner, Mark	Yes
Anch Dist 9/00	5	1	Only 1 person nominated	
Bethel Dist 9/00	3	1	Only 1 person nominated	
Anch Superior 1/01	8	2	Gleason, Sharon L.	

Anch Dist 1/01	13	2	Nolan, Nancy	
Anch Superior 9/01	6	2	Christen, Morgan	
Anch Superior 1/02	5	3	Morse, William	
Bethel Superior 1/02	4	2	Devaney, Leonard R.	
Fairbanks Superior 7/02	3	2	Wood, Mark	
Anch Superior 9/02	17	6	Suddock, John Volland, Philip	Yes
Anch Dist 12/02	12	5	Clark, Brian K. Smith, Jack	
Fairbanks Dist 3/03	4	2	Burbank, Winston	
Fairbanks Superior 3/03	5	3	Olsen, Randy	
Palmer Dist 5/03	10	3	Estelle, William	
Kodiak Superior 7/03	6	3	Bolger, Joel H.	
Kenai Superior 7/03	4	3	Huguelet, Charles T.	
Palmer Dist 11/03	10	4	Heath, Gregory Louis	
Anch Superior 8/04	9	3	Stowers, Craig F.	
Kenai Dist 10/04	5	3	Landry, David S.	
Palmer Dist 10/04	8	4	Wolfe, John W.	Yes
Valdez Dist 12/04	8	4	Schally, Daniel	Yes
Anch Dist 12/04	12	6	Hanley, Pat	Yes
Juneau Dist 12/04	7	4	Levy, Keith B.	
Homer Dist 2/05	9	5	Murphy, Margaret	
Fairbanks Superior 3/05	5	4	Downes, Robert B.	
Anch Dist 2/05	13	8	Swiderski, Alex	Yes, Yes, Yes
Anch Superior 10/05	14	7	Aarseth, Eric A. McKay, Patrick	
Bethel Superior 10/05	4	1	Only 1 person nominated	No
Bethel Dist 10/05	3	3	Cummings, Dennis P.	Yes
Fairbanks Superior 1/06	5	3	Blankenship, Douglas	
Anch Superior 10/06	18	7	Spaan, Michael Smith, Jack	
Palmer Superior 10/06	20	6	Kristiansen, Kari White, Vanessa	
Kenai Superior 1/07	6	2	Moran, Anna M.	
Bethel Superior 1/07	4	2	Hamilton, Marvin Charles	
Fairbanks Superior 4/07	8	4	MacDonald, Michael A.	
Anch Dist 4/07	10	4	Postma, Richard W. Jr.	Yes
Kenai Dist 4/07	7	3	Illsley, Sharon A.S.	
Kenai Superior 6/07	7	4	Bauman, Carl	Yes
Juneau Superior 6/07	7	5	Pallenberg, Phillip	
Sitka Superior 9/07	7	3	George, David	
Supreme Ct 10/07	13	4	Winfree, Daniel E.	Votes were unanimous on 4 applicants 5-1 on 4 applicants 4-2 on 4 applicants, and CJ voted "yes" on Christen (with the attorneys).
Fairbanks Superior 1/08	7	4	Lyle, Paul	Votes were unanimous on 4 applicants 5-1 on 2 applicants, and CJ voted "yes" on Lyle (with the nonattorneys)
Barrow Superior 4/08	2	2	Jeffery, Michael	
Anch Dist 4/08	10	3	Easter, Catherine	

Court of Appeals 7/08	13	3	Bolger, Joel		
Ketchikan Spr 10/08	4	2	Carey, William		
Anch Dist 11/08	7	4	Wallace, David		
Supreme Ct 2/09	6	2	Christen, Morgan		
Kodiak Superior 2/09	4	2	Cole, Steve		
Fairbanks Dist 8/09	5	3	Hammers, Patrick		
Fairbanks Superior 8/09	7	5	McConahy, Michael		Yes, Yes
Palmer Superior 6/09	7	3	Heath, Gregory		Yes
Anch Superior 9/09	10	5	Pfiffner, Frank A.		
Supreme Ct 10/09	16	7	Stowers, Craig		
Anch Dist 12/09	7	3	Olson, Paul		
Palmer Dist 12/09	8	3	Zwink, David L.		
Kotzebue Superior 5/10	4	3	Roetman, Paul A.	Votes were unanimous on 3 applicants, and the CJ voted "yes" on Roetman (with the nonattorneys).	Yes*
Anch Superior 5/10	9	4	Guidi, Andrew		Yes
Anch Dist 8/10	9	4	Washington, Pamela		
Juneau Dist 8/10	5	3	Nave, Thomas G.		
Anch Superior 11/10	5	2	Miller, Gregory		
Anch Dist 4/11	8	4	Chung, Jo-Ann M.		
Juneau Superior 4/11	3	2	Menendez, Louis James		
Dillingham Superior 11/11	6	3	Douglass, Pat	One non-attorney Council member was absent. Votes were unanimous on 4 candidates, 4-1 on one candidate, and CJ voted "yes" on Provost (with the attorneys).	Yes*
Bethel Superior 11/11	3	1	<i>Only 1 person nominated</i>		
Fairbanks District 12/11	7	4	Seekins, Ben		
Anch Superior 1/12	22	13	Saxby, Kevin M. Olson, Paul E. Easter, Catherine M.		
Bethel Superior 5/12	5	4	Ray, Chuck		
Supreme Ct 6/12	12	2	Maassen, Peter	Votes were unanimous on 4 applicants 5-1 on 3 applicants 4-2 on 4 applicants, and CJ voted no on MacDonald (with the attorneys)	No*
Bethel Dist 5/12	2	0	<i>No nominees</i>		
Fairbanks Superior 8/12	6	2	Harbison, Bethany		
Bethel Superior 6/12	3	2	McConnell, Dwayne		Yes
Anch Superior 8/12	13	5	Marston, Erin	Votes were unanimous on 4 applicants 5-1 on one applicant 4-2 on 6 applicants CJ voted "no" on Clarkson (with the attorneys) for the 13th candidate the vote was 4 "no", one "yes" and one abstention	No*
Anch District 10/12	18	4	Dickson, Leslie Henderson, Jennifer Stuart		

Court of Appeals 10/12	10	6	Allard, Marjorie	
Supreme Ct 12/12	12	4	Bolger, Joel H.	Votes were unanimous on 4 applicants 5-1 on 3 applicants 4-2 on 2 applicants; CJ voted "no" on Guidi (with the attorneys) and MacDonald (with the attorneys), and for the 12th candidate the vote was 3 "no", 2 "yes" and one abstention
Nome Superior 1/13	4	2	Dooley, Tim	
Fairbanks Superior 1/13	10	3	Kauvar, Jane F.	
Court of Appeals 6/13	7	2	Kossler, Doug	
Fairbanks District 10/13	11	3	Christian, Matthew	Votes were unanimous on 10 applicants; CJ Voted "no" on Temple (with the attorneys)
Bethel Dist 10/13	7	2	Peters, Nathaniel	
**Number of candidates voted on			*Indicates attorney-nonattorney split vote (N = 15)	

**ALASKA JUDICIAL COUNCIL
VOTING STATISTICS – APPLICATIONS FOR JUDICIAL POSITIONS**

Six Council Members: three appointed by Bar Association Board of Governors, three appointed by the Governor. Chief Justice is ex officio and votes only when the members do not have a four-person consensus. Alaska Const. art. IV sec. 8.

1984 – 2013: past 29 years [all years for which data is available]

Total votes taken on judicial applicants:	1,136
• Number that were unanimous :	704/1,136 (62%)
• Number that were unanimous or “unanimous except for 1” votes:	920/1,136 (81%)
• Number in which the Chief Justice voted, usually because of a 3-3 tie:	68/1,136 (6%)
▪ Number of those in which CJ voted to send the name to the Governor for consideration:	51/68 (75%)
• Number in which the vote was tied, with the attorneys and non-attorneys split:	15/1,136 (1.3%)
▪ Number of those splits in which CJ voted to send the name to the Governor for consideration:	7/15 (46%)
▪ Number of those splits in which the CJ voted with the attorneys, not with the public members:	10/15 (66% of splits); 10/1,136 (.8% of total)
▪ Number of those splits in which the CJ voted with the public members, not with the attorneys:	5/15 (25%)
▪ Number of those split votes in which the CJ voted with the attorneys, such that the name was sent to the Governor for consideration:	2/10 (20%)
• Number in which the vote was tied, with attorneys and non-attorneys split, and the CJ’s vote was with the attorneys not to send the name to the Governor for consideration:	8/1,136 (.7% of total)

2010 – 2013: past four years [subset of above 29-year stats]

Total votes taken on judicial applicants:	201
• Number that were unanimous:	110/201(55%)
• Number that were unanimous or “unanimous except for 1” votes:	151/201 (75%)
• Number in which the Chief Justice voted, usually because of a 3-3 tie:	9/201 (4.5%)
▪ Number of those in which CJ voted to send the name to the Governor for consideration:	4/9 (44%)
• Number in which the vote was tied, with the attorneys and non-attorneys split:	7/201 (3.5%)
▪ Number of those splits in which CJ voted to send the name to the Governor for consideration:	2/7 (28.5%)
▪ Number of those splits in which the CJ voted with the attorneys, not with the public members:	6/7 (86% of splits); 6/201 (3% of total)
▪ Number of those splits in which the CJ voted with the public members, not with the attorneys:	1/7 (14%)
▪ Number of those split votes in which the CJ voted with the attorneys, such that the name was sent to the Governor for consideration:	1/7 (14%)
• Number in which the vote was tied, with attorneys and non-attorneys split, and the CJ’s vote was with the attorneys not to send the name to the Governor :	5/201 (2.4% of total)

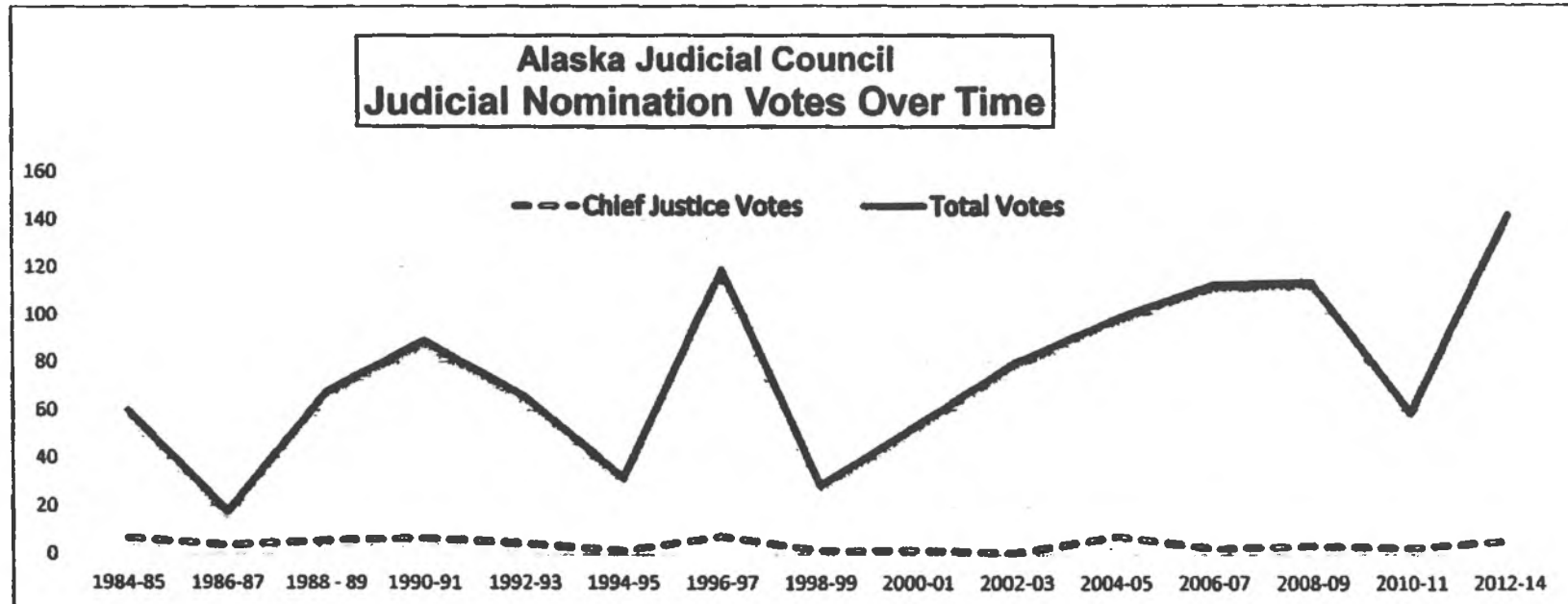
2006 – 2009: previous four years [subset of above 29-year stats]

Total votes taken on judicial applicants:	225
• Number in which the Chief Justice voted, usually because of a 3-3 tie:	7/225 (3%)
▪ Number of those in which CJ voted to send the name to the Governor for consideration:	7/7 (100%)
• Number in which the vote was tied, with the attorneys and non-attorneys split:	2/201 (1%)
▪ Number of those splits in which CJ voted to send the name to the Governor for consideration:	1/2 (50%)
▪ Number of those splits in which the CJ voted with the attorneys, not with the public members:	1/2 (50% of splits); 1/201 (1% of total)
▪ Number of those splits in which the CJ voted with the public members, not with the attorneys:	1/2 (50%)
▪ Number of those split votes in which the CJ voted with the attorneys, such that the name was sent to the Governor for consideration:	1/2 (50%)
• Number in which the vote was tied, with attorneys and non-attorneys split, and the CJ’s vote was with the attorneys not to send the name to the Governor:	0/225 (0% of total)

For Senate Judiciary Committee

SJR21

February 20, 2014



The top line is the number of votes taken by the Council.

The bottom, dashed line is the number of votes taken by the Chief Justice.

The chart shows that the frequency of the Chief Justice voting has remained relatively steady over time, even though the total number of votes take by the Council has fluctuated a lot over time.

Notes

Total Votes During This Period: 1,136
Total Number of Votes by Chief Justice: 68 (6% of all votes)

Alaska Judicial Council
Voting Information
For the Senate Judiciary Committee
Feb. 20, 2014

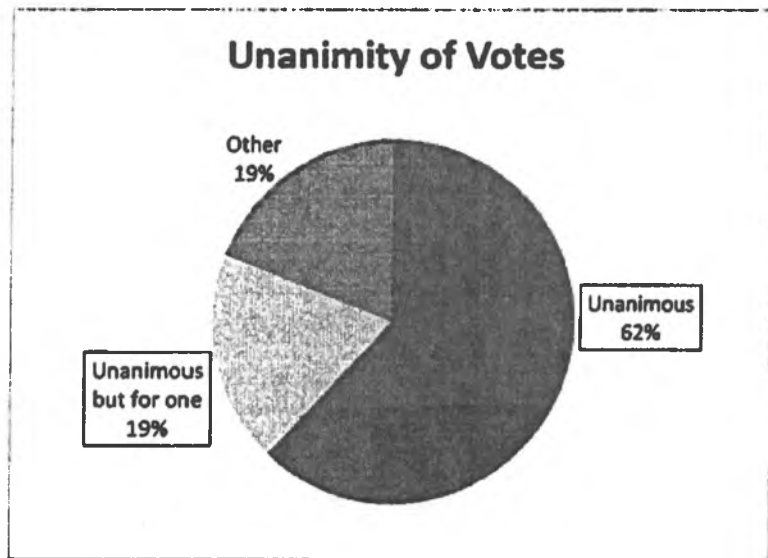
The Council members voted on 1,136 applications between January 1, 1984 and December 31, 2013. This fact sheet shows how some of those votes were taken.

- **Council members have a high rate of agreement about nomination decisions**

Historically, most Council votes have been unanimous (62%).

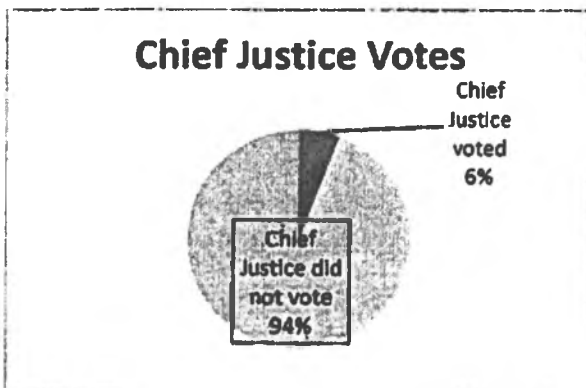
In an additional 19% of all votes, only one person voted differently from the others.

Thus, in 81% of the votes, Council members have been unanimous or nearly so in their assessment of whether an applicant's name should be forwarded to the governor.



- **Attorney/nonattorney vote splits are rare**

Our records show only 15 times (out of 1,136) votes in which disagreements about nomination decisions broke along attorney-nonattorney lines. This situation occurred in less than 2% of all votes.



- **The Chief Justice rarely votes**

The Chief Justice votes only when to do so would change the outcome. Over the past 29 years, chief justices have voted only 68 times. Thus, 94% of the time, the chief justice does not vote.

When called upon to vote, the chief justices usually forward the name in question to the governor.

75% of the time, chief justices voted "yes" to forward the name in question to the governor.

- **The Council usually forwards more than two names to the governor**

In about seventy-three percent (73%) of all judicial selections, the Council members forward more than two names to the governor. Instances in which the Council sends fewer names often occur on vacancies in small rural areas.

TESTIMONY OF DAVID JENSEN on SJR21

My name is David Jensen, I live at 11533 Tanglewood Lakes Circle, Anchorage, AK 99516

I am testifying in regard to SJR21. I have been an executive in Alaska for 40 years, most of that time with private, for-profit corporations.

I am business executive with no connection to the legal system and no involvement with politics. It is from the viewpoint of a business executive that I offer my testimony regarding SJR21.

I think that SJR21 is a bad idea, and will be bad for private business in Alaska, and here is why. As a business executive, I tried to keep the affairs of the companies that I ran out of court. But sometimes there was no alternative, and when that happened, all I expected was a judge who was impartial and professional.

I was not disappointed by the Alaska court system, because every time that I did have to go to court, I got a judge who was impartial and professional, with no private agendas or axes to grind. I did not agree with every decision made by every judge in every case I was involved in, but I always felt that the judge was impartial and professional.

It was always a comfort to me to know that the judges in Alaska get to be judges in part because they are well regarded by their fellow professionals. I would never go to a doctor unless I knew that he was well regarded by his colleagues in the medical profession, and I feel the same way about lawyers and judges.

The practical effect of SJR21 will be to remove professional qualifications from the selection of judges and to substitute political loyalty for it. In making appointments to the Judicial Council, the governor will appoint people who are loyal to him, to his party, and to his way of thinking. Those people will owe their appointment to him, and will repay him by sending him the names of judicial candidates who are loyal to, and allied with, the governor. And he will appoint those people,

based on their political loyalties instead of their professional qualifications.

In a complicated commercial dispute, I could care less about a judge's political leanings: I want a judge who is smart enough, and well regarded enough in the profession, to sort through the complicated commercial tangle and come up with a decision that gives certainty to businessmen who are trying to run a business, plan their investments, and make a profit. What I do not want, is a political hack who has no professional qualifications other than that he is a friend of the governor.

If SJR21 is approved and the constitution amended, the effect will be to centralize power over the judiciary into the governor's office. The checks and balances that the framers built into the constitution will be weakened because the judiciary will no longer be a truly independent branch of government.

Finally, the supporters of SJR21 need to remember that the tides of politics come and go. The pendulum will swing one day, to a different group of political thinkers and leaders. When that happens, if power over the judiciary is centralized in the governor's office, the judiciary will change as well.

The private sector is best off if it has professionalism, neutrality and certainty in the judicial system. A judicial system that changes with the changing winds of political thought is a drag on the economy and destructive of true prosperity. When I was the Vice President at Reeve Aleutian Airways, I had occasion to deal with a political judiciary, because Reeve ran routes to Russia. And I bear the scars to prove that the political nature of the Russian judicial system made for an incredibly difficult business environment. Let's not move in that direction here.

Thank You

Kathleen Tompkins-Miller
POB 83440
Fairbanks, AK 99708

February 20, 2014

Members of the State Legislature:

I am currently the longest serving public member of the Judicial Council for the State of Alaska. I am supportive of a constitutional amendment that would provide the governor with more qualified candidates from whom he can appointment judges. But I do have some concerns about adding too many members to the AJC.

As you know, the AJC is composed of three public members, three attorney members, and the Chief Justice of the Supreme Court. The Chief Justice casts a vote whenever there is a tie vote of the six attorney and public members.

It is routinely claimed, in defense of Chief Justice's and lawyers' roles on the AJC, that the Alaskan judicial system is free of political influence. That has not always been my experience. From the selection of specific judges – sometimes retired – to preside over politically-tinged cases to the judiciary's approach to election-related cases, the politicization of members of the judiciary is transparent. When the Chief Justice sides against the public members on the AJC in limiting the number of candidates for the Supreme Court or other judicial positions, a question of political bias naturally arises.

Additionally, the members of the Alaska bar have tremendous influence over the process. Starting with anonymous bar surveys, in which attorneys routinely disparage potential candidates who may have more traditional views, or toward whom they may otherwise have a personal vendetta, the process is simply slanted. It is shocking to see (sometimes) anonymous, degrading comments and scores come from members of a profession purportedly trained in the "rule of law."

This process also keeps many good attorneys from applying or they withdraw their name because of the poll being made available to the public. The fear of damaged reputations, and perhaps the loss of future income, is simply not worth it to some. Many with low bar scores likely feel they won't have the ability to get through the council. It can also be difficult to get a candidate through the process who would be considered by some to be "conservative" in their judicial philosophy.

Further, there have been occasions where candidates have been criticized for activities or ideas on one side of the philosophical divide, while members on the other side are routinely promoted. Regrettably, a candidate who has been actively involved in traditional "conservative" causes is likely to have what appears to be a more vigorous background investigation, disparaging comments, and poor bar scores.

While I love my service on the AJC and I have always tried to be as fair as possible in my duties, it has saddened me that the AJC has rejected some judicial candidates even though public members have unanimously voted to advance them to the Governor.

It is my position that the Governor should not be prevented from considering certain qualified candidates. Although there is also risk of political bias from members of the public, I'd feel much more secure with a council whose ultimate decision is within the sound discretion of the public.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathleen Tompkus-Miller". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Kathleen Tompkus-Miller



Alaska Federation of Natives
2014 Legislative & Litigation Committee
Resolution 14-1

- TITLE:** Opposition to SJR 21: Constitutional Amendment to Judicial Council Membership
- WHEREAS:** The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska and its membership includes 151 federally-recognized tribes, 134 village corporations, 12 regional corporations, and 12 regional nonprofit and tribal consortiums that contract and compact to run federal and state programs; and
- WHEREAS:** The mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and
- WHEREAS:** The Alaska Judicial Council (Council) is an independent citizens' commission created by the Alaska Constitution to screen applicants for judicial vacancies, nominate the most qualified applicants for appointment to the bench by the governor, evaluate the performance of sitting judges, recommend to voters whether certain judges should be retained for another term, and conduct research to improve the administration of justice in Alaska; and
- WHEREAS:** The Alaska Constitution provides that the Council shall have seven members, including three attorneys appointed by the Alaska Bar Association, three non-attorneys appointed by the governor and confirmed by the legislature, and the chief justice of the supreme court, who serves as the Council's chairperson; and
- WHEREAS:** Alaska's Constitution is widely acknowledged as one of the best state constitutions; and, thus, there should be clearly demonstrated reasons to amend the Constitution before undertaking such a process; and
- WHEREAS:** There is no evidence to suggest that the Council has failed to function effectively or efficiently in performing its duties — in fact, Alaska's judiciary has been free of corruption, scandal, and other ills that have plagued other non-merit based systems; and
- WHEREAS:** SJR 21: Constitutional Amendment to the Judicial Council (SJR 21), seeks to triple the Council's membership to five attorneys, ten non-attorneys, and Alaska's Chief Justice, in an effort to purportedly increase regional representation, and guard against attorney dominance; and

WHEREAS: Nothing in SJR 21 addresses regional representation, let alone Alaska Native representation on the Council, and no evidence exists to support the proposition that attorneys out-will non-attorneys in the selection of Alaska judges; and

WHEREAS: SJR 21 would create numerous problems for the Council, including, without limitation, a politicized non-attorney membership that is philosophically and politically aligned with the governor — which will, in turn, tilt the balance in favor of the non-attorneys appointed by the governor, and likely result in the more conservative judges on Alaska's bench; and

WHEREAS: Historically, conservative judges have been less sympathetic to Alaska Native Tribes, tribal organizations, and individual Alaska Natives subjected to Alaska's criminal or civil judicial system; and

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Alaska Federation of Natives, Inc. that SJR 21 conflicts with our mission to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and

BE IT FURTHER RESOLVED that Alaska Federation of Natives strongly opposes SJR 21.



Julie Kitka
President

TESTIMONY OF DAVID JENSEN on HJR33

My name is David Jensen, I live at 11533 Tanglewood Lakes Circle, Anchorage, AK 99516

I am testifying in regard to SJR21. I have been an executive in Alaska for 40 years, most of that time with private, for-profit corporations.

I am business executive with no connection to the legal system and no involvement with politics. It is from the viewpoint of a business executive that I offer my testimony regarding SJR21.

I think that SJR21 is a bad idea, and will be bad for private business in Alaska, and here is why. As a business executive, I tried to keep the affairs of the companies that I ran out of court. But sometimes there was no alternative, and when that happened, all I expected was a judge who was impartial and professional.

I was not disappointed by the Alaska court system, because every time that I did have to go to court, I got a judge who was impartial and professional, with no private agendas or axes to grind. I did not agree with every decision made by every judge in every case I was involved in, but I always felt that the judge was impartial and professional.

It was always a comfort to me to know that the judges in Alaska get to be judges in part because they are well regarded by their fellow professionals. I would never go to a doctor unless I knew that he was well regarded by his colleagues in the medical profession, and I feel the same way about lawyers and judges.

The practical effect of SJR21 will be to remove professional qualifications from the selection of judges and to substitute political loyalty for it. In making appointments to the Judicial Council, the governor will appoint people who are loyal to him, to his party, and to his way of thinking. Those people will owe their appointment to him, and will repay him by sending him the names of judicial candidates who are loyal to, and allied with, the governor. And he will appoint those people,

based on their political loyalties instead of their professional qualifications.

In a complicated commercial dispute, I could care less about a judge's political leanings: I want a judge who is smart enough, and well regarded enough in the profession, to sort through the complicated commercial tangle and come up with a decision that gives certainty to businessmen who are trying to run a business, plan their investments, and make a profit. What I do not want, is a political hack who has no professional qualifications other than that he is a friend of the governor.

If SJR21 is approved and the constitution amended, the effect will be to centralize power over the judiciary into the governor's office. The checks and balances that the framers built into the constitution will be weakened because the judiciary will no longer be a truly independent branch of government.

Finally, the supporters of SJR21 need to remember that the tides of politics come and go. The pendulum will swing one day, to a different group of political thinkers and leaders. When that happens, if power over the judiciary is centralized in the governor's office, the judiciary will change as well.

The private sector is best off if it has professionalism, neutrality and certainty in the judicial system. A judicial system that changes with the changing winds of political thought is a drag on the economy and destructive of true prosperity. When I was the Vice President at Reeve Aleutian Airways, I had occasion to deal with a political judiciary, because Reeve ran routes to Russia. And I bear the scars to prove that the political nature of the Russian judicial system made for an incredibly difficult business environment. Let's not move in that direction here.

Thank You

Ernest Prax

From: Rep. Wes Keller
Sent: Wednesday, March 05, 2014 7:29 AM
To: Ernest Prax
Subject: FW: Testimony on HJR 33

From: Alison Arians [<mailto:alisonarians@gmail.com>]
Sent: Tuesday, March 04, 2014 11:39 AM
To: Rep. Wes Keller; Rep. Bob Lynn; Rep. Neal Foster; Rep. Gabrielle LeDoux; Rep. Charisse Millett; Rep. Lance Pruitt; Rep. Max Gruenberg
Subject: Testimony on HJR 33

Dear Members of the House Judiciary Committee,

Thank you for taking public testimony on HJR 33. I'm a small business owner in Anchorage. Just for the record, I'm not an attorney, and I'm testifying against HJR 33.

As a small business owner, I appreciate efficiency, a limited bureaucracy, and expert advice. I agree with the way our Judicial Council works now. Adding more people to the group will add significant expense to the travel budgets of this group, especially when they travel to places like Bethel.

I'm comfortable with asking people with law degrees to evaluate their peers. The combination seems efficient the way it is. I respect the Chief Justice's opinion, if necessary for him to vote, to know whether a judge is well qualified for a job. Also, I think the citizen members on the group deserve a little more credit for being able to make good recommendations to their group, and to back up their opinions. It's only been 15 times out of 1,100 votes when the Chief Justice sided with the attorney group against the public members. It seems to me that the group works very well, since 99% of the time, that's not happening!

For several years I volunteered as a Court-Appointed Special Advocate. I acted as a volunteer *guardian ad litem* for children. The only experience I have in front of a judge is acting as a *guardian at litem*. When I vote, I want to be able to know that the judges I vote for are well-qualified, and I believe that the committee as it stands is effective and efficient at doing just that.

Alison Arians

Owner, Rise & Shine Bakery

Anchorage, AK

677-3712

748-3712

Nicoli Bailey

From: Mara Rabinowitz <mrabinowitz@appellate.courts.state.ak.us>
Sent: Thursday, March 06, 2014 3:23 PM
To: Nicoli Bailey
Subject: More Info. that Max wanted!

My research indicates that the following Council members had Alaska Native/American Indian heritage:

Mary Jane Fate – appointed by Gov. Hammond in 1981;

Leona Okakok – appointed by Gov. Cowper in 1987;

Vicki Otte – appointed by Gov. Knowles in 1995;

Gigi Pilcher – appointed by Gov. Knowles in 2000.

[REDACTED]

From: Mara Rabinowitz <mrabinowitz@appellate.courts.state.ak.us>
Sent: Thursday, March 06, 2014 2:25 PM
To: [REDACTED]
Subject: HJR 33 Testimony

[REDACTED] we expect the following people to testify:

- Bill Gordon – former council member from Fairbanks – non-attorney member (he testified before in Senate Judiciary)
- Tifa Williams – former council member from Ketchikan – non-attorney member (she testified before in Senate Judiciary)
- Eleanor Andrews – former council member from Anchorage – non-attorney member
- Kevin Fitzgerald – former council member from Anchorage – attorney member – - former prosecutor - lifelong Alaskan – son of Judge Fitzgerald
- *Lance* John Parrish – from Fairbanks – he is an attorney and the son of Robert Parrish who was on the Council from 1959 – 1984
- Possibly Judge Elaine Andrews – (she testified before in Senate Judiciary).
- Possibly some AFN folks as well.

Thanks

Vic Fischer

Bud Carpeneti

Mara Rabinowitz

Communications Counsel

Alaska Court System

303 K Street, 5th Floor

Anchorage, AK 99501

907-264-0879

77

100

A NEW
CENTURY
OF SERVICE
1912 | 2012



ROBERT C. BUNDY
(907) 257-7853
FAX (907) 276-4152
bundy.robert@dorsey.com

March 6, 2014

VIA EMAIL: Representative.Max.Gruenberg@akleg.gov

Representative Max Gruenberg
Committee Member
House Judiciary Committee

Re: HJR 33 Public Testimony

Dear Rep. Gruenberg:

I write in opposition to proposed House Joint Resolution 33 (HJR 33) which would seek to amend the Alaska Constitution to increase the number of members on the Judicial Council.

My name is Robert Bundy. I am an attorney who has practiced law in Alaska since 1972. I served the Alaska Department of Law as Chief Assistant District Attorney in Anchorage and District Attorney in Nome. I served as United States Attorney for the District of Alaska from 1994 to 2001. I have been in private practice in Anchorage since 1984 representing individuals and companies in complex federal and state civil and criminal litigation.

Over the last 42 years I have tried over 200 cases to juries in Alaska and have appeared in countless hearings, arguments, settlement conferences and other proceedings before Alaska judges in all four judicial districts. I have had a ring-side seat to observe the quality of judges who passed through the Alaska Judicial Council since statehood and who were appointed by all of Alaska's governors. I have to say, with a few notable exceptions, the quality of men and women before whom I have appeared has been extraordinary. Of course, I didn't always agree with the way the judge interpreted the law or the facts in any particular case, but I never had any reason at all to doubt the judge's overall legal acumen, integrity, work ethic and commitment to the rule of law. Over all, it would be hard to imagine how a better group could have been chosen.

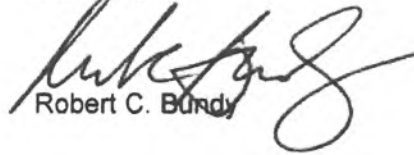
I think the lion's share of credit for the quality of our judiciary can be given to the Alaska Judicial Council and its rigorous screening process. The Council looks not just to the applicant's academic qualifications and breadth of experience, both of which are very important, but also to the other important qualities such as lack of arrogance, judgment, work ethic, life experience in finding not just good candidates, but the best. The result of the Council's rigorous screening is a first rate judicial branch.

It seems to me that the proposal to expand the size of the Council would only serve to politicize and hamper the Council's work. Once politics and ideology enter consideration, the critical focus on the proven characteristics of a good judge become obscured. During my over 15 years as a prosecutor in the courts of Alaska, I was at times unhappy that the Council did not pass to the Governor more people I thought would better understand the prosecutor's

Representative Max Gruenberg
March 6, 2014
Page 2

perspective, but over time I have come to appreciate the wisdom of the Council's approach of sending the names of the most qualified applicants to the Governor. The proof is in the pudding: we in Alaska have an excellent judiciary. We should not change the way we have achieved that goal by short term political thinking.

Sincerely,



Robert C. Bundy

RCB:snu

Ernest Prax

From: Mike Coons <mcoons@mtaonline.net>
Sent: Friday, March 07, 2014 1:12 PM
To: Rep. Gabrielle LeDoux; Rep. Bob Lynn; Rep. Charisse Millett; Rep. Neal Foster; Rep. Lance Pruitt; Rep. Max Gruenberg; Rep. Wes Keller
Subject: HJR 33

My name is Mike Coons from Palmer and speaking for myself.

I fully support HJR 33 and HB 200.

As a voter, there is so little solid information on Judges. Over the years, the information from the Judicial Council has been lean and not helpful in helping me to make an informed decision on voting.

This amendment puts more citizen's than lawyers in the counsel which hopefully will add a better level of evaluation and scrutiny of the Judges, their history of decisions, how they sentence criminals, either lightly or heavily, etc. Criminal behavior and the resulting punishment, must be a deterrent vs the views of many on the left that prison is a place to learn to behave in civil society. I will vote, if I know any Judge who is lenient, the problem is the Counsel is mute on this issue.

Lastly I want to know if a Judge is following the Alaska Constitution and the US Constitution or is legislating from the bench. Those who legislate must be voted out. I do hope that my fellow citizens on the Counsel will let us the voters know whom these judges are.

I'm not asking for a "Hanging Judge" evaluation of the Judges, but I do want some clear history of what these judges are doing and frankly I do not believe a counsel like we have now is doing that with the lawyers making those determinations vs citizens.

Lastly, we must have a counsel that will follow the law itself and not endorse Judges. All I want is the information and I'll decide if Yes or No. Just for clarification, just about all my votes for all Judges because of poor information have been No.

Mike Coons
Palmer AK
745-6779

--

Using Opera's mail client: <http://www.opera.com/mail/>

Testimony Re: HJR 33
House Judiciary Committee
Michael Pauley, Alaska Family Action
March 7, 2014

Thank you, Mr. Chairman, members of the committee, I'm Michael Pauley. I'm representing Alaska Family Action, which is the legislative advocacy arm of the Alaska Family Council.

Our organization supports more public involvement in the process by which we select, evaluate, and retain judges in Alaska. We support the goal of House Joint Resolution 33, which would increase the public's decision-making authority in that process.

No person can serve as a judge or justice in Alaska without first being nominated by the Judicial Council. This concentrates an awesome amount of power in the seven members who serve on this panel. In fact, they have more power than any other single entity to determine who will hold the reins of power in one of our three branches of government.

If we look at other states, there's a wide diversity in the number of people who serve on judicial nominating commissions:

Colorado:	16
Arizona:	16
Florida:	9
Utah:	8
Iowa:	15
Oklahoma:	15
Tennessee	17

So, the proposal in HJR 33 for a 10-member Judicial Council is hardly radical or untried, and it's certainly mainstream as compared to other states. It's also important to note that the population of Alaska has at least tripled since the time of statehood, and the court system has grown along with it. Creating a larger Judicial Council seems appropriate as well, given its expanded workload and responsibilities.

But beyond the issue of the total membership on the Council, there's also a very crucial issue concerning what the proper balance should be on the Council between members who are there representing the interests of the state Bar Association vs. those members who are representing the general public.

Those who defend the Judicial Council's existing structure argue that it's perfectly balanced by having 3 attorneys and 3 public members. We strongly disagree with that view.

The attorneys on the Council are selected by the Board of Governors of the Bar Association – an entity with 4,212 members. They get to choose half the regular voting members of the Council, and they constitute ½ of 1 percent of the population of this state. The three public members are

there to represent non-attorneys – the other 731,000 Alaskans who are served by the Court system. Whatever one might call this system, it's not balanced. It shifts enormous power away from the general public and concentrates it in the hands of those who make a living practicing law in front of judges.

It's also important to remember that the Chief Justice is a dues-paying member of the Bar Association, and so in reality the Bar members have a majority of four of the seven seats on the Council.

Now some former attorney members of the Council have stated that they feel like they were representing all Alaskans, not just the Alaska Bar Association. That is an admirable sentiment – but the fact of the matter is that the Board of Governors of the Alaska Bar Association has exclusive control to determine which members of the Bar serve on the Council. This cannot be emphasized enough: The Bar members of the Council are NOT appointed by the Governor, and they are not required to be confirmed by the Legislature. In contrast, the non-attorney public members must appear before the House and Senate Judiciary committees, where they can be questioned and grilled about their backgrounds, their political beliefs, anything. But meanwhile, the Bar members – most of whom are skilled trial lawyers – get a free ride, and don't have to go through this occasionally tough process.

This is different from how we structure other commissions in government. We of course recognize that we should have physicians on the state Medical Board. But we don't let the Alaska State Medical Association appoint them! The Governor appoints the physician members AND the public members, and they both have to stand for legislative confirmation – doctors and lay people alike, they all get treated equally. The same holds true for the Board of Nursing and the Board of Pharmacy.

One reason we support adding more public members is that it will provide a valuable check on the ability of Bar Association members to vote as a bloc to prevent clearly qualified judicial applicants from being nominated for the Governor's consideration.

There have been five notable examples in just the last two years where all three public members of the Council voted YES to nominate a particular applicant for a judicial vacancy, but all the participating attorney members voted NO. In each of these cases, the Supreme Court Justice sided with the attorneys and voted NO – thus acting to defeat the nomination and shorten the list of nominees that would be sent to the Governor.

What is stunning is that three out of these five votes occurred with respect to vacancies on the Supreme Court. And so we have this unseemly situation where the Chief Justice's NO vote is directly influencing who will be chosen to sit with him or her on the High Court. The potential of the Chief Justice in these situations to alter the future philosophical direction of the Court is undeniable.

I'd like to discuss just one example of these split votes between public members and attorney members, because I think it speaks volumes about what is broken in our current system.

In June of 2012, the Council met to consider the vacancy created when Justice Morgan Christen left the high court. The Council had to vote on a very distinguished group of 12 applicants. The pool of talent included: one judge from the Alaska Court of Appeals; three judges from the Superior Court, one each from Fairbanks, Palmer, and Anchorage; and two administrative law judges, one from Anchorage and one from Juneau. Incredibly, not a single one of the candidates with prior judicial experience was nominated for the Governor's consideration.

Instead, out of this distinguished field of applicants, the Council chose to nominate just two individuals. One was an attorney in private practice who also happened to be a member of the Board of Governors of the Alaska Bar Association – the same group, of course, that selects the attorney members of the Council. The other nominee was the former director of the Alaska Legal Services Corporation.

On June 26, 2012, the *Alaska Dispatch* ran a story about these two applicants that the Council nominated to the Supreme Court.

The reporter, Amanda Coyne, decided to look at the political views of the two nominees. Among other interesting details, she reported that one of the nominees, Mr. Peter Maassen, was a registered Democrat and a contributor to numerous liberal candidates and causes. She also reported that the other nominee, Mr. Andrew Harrington, was registered as non-partisan, but was formerly a member of the ACLU.

Now, as a member of the public, upon reading this, you might naturally conclude that out of a field of 12 applicants, the Council had chosen to nominate two attorneys with left-of-center political views to the Supreme Court. Is this a problem? As a representative of a conservative political organization in Alaska, my answer may surprise you: No, it's not a problem that the Council chose to nominate these gentlemen.

Very few would doubt that both of these gentlemen possessed the qualifications to serve on the Alaska Supreme Court – but surely not to the exclusion of the many other qualified applicants with distinguished careers and prior judicial experience. The scandal here is not about who WAS nominated, it's about who WASN'T nominated. It's not the Judicial Council's job to nominate only liberals or only conservatives, it's the Governor's job – as an elected official – to weigh those subjective factors in a nominee.

Now, some of the more strident critics of HJR 33 have made the rather unflattering charge that the goal of this amendment is to allow the Governor to appoint political hacks to the Council, who will nominate only applicants to his liking, so the Governor can stack the courts as he or she wishes.

My argument would be: if you want to look at how future Gubernatorial appointees might vote, your best yardstick is to look at how the past ones have voted. Let's look at the June 2012 vacancy on the Supreme Court as an example. At that time, on the Council, there were two public members on the Council appointed by Governor Palin, and one appointed by Governor Parnell. So how did these three Republican appointees vote on the two rather liberal nominees to the Supreme Court? Well, the answer is, that in the case of Mr. Maassen, all three Republican

appointees to the Council voted YES to forward his name to the Governor. In the case of Mr. Harrington, two out of the three Republican appointees voted to forward his name to the Governor. So the evidence shows that the public members were being inclusive in who they chose to nominate.

But in stark contrast to this, there were three different cases in 2012 alone, where the public members voted unanimously to nominate certain applicants to the Supreme Court, while the attorney members, including the Chief Justice, voted as a bloc to prevent these applicants from being considered by the Governor. In all three of these cases, the dispute did not concern an applicant who was some “crazy right-wing activist,” instead the applicants were sitting Superior Court judges who had already gone through previous vetting, and approval, by the Judicial Council. These were currently serving judges who were passed over, not crazy activists or sub-standard attorneys.

So in conclusion, I think it is grossly unfair to suggest that all public members, nominated by the Governor, and confirmed by the Legislature, would be political hacks who would threaten the impartiality of our Court system.

Now, the Judicial Council will tell you that the scenario I’ve described in my remarks about split votes between attorney members and public members is exceptionally rare. And that’s true when you factor in the hundreds of votes over the years on District and Superior Court vacancies, which make up the bulk of the Council’s work. But when you apply it to just the State Supreme Court, it’s not all that rare – especially in just the last two years.

As we sit here today, two out of the five seats on Alaska’s Supreme Court were filled by a process where the attorney members and the Chief Justice voted as a bloc to overrule the unanimous choice of the public members, and narrow the Governor’s options for filling these vacancies. And the public has no clue why this is the case, because of course all the deliberations occur in secret, behind closed doors.

One of the reasons that HJR 33 represents good public policy is that it will make such tie votes even more rare, if not impossible. A larger commission with an odd number of regular voting members is much less likely, statistically speaking, to experience tie votes, unlike our current system where six persons are regular voting members.

The method of selecting judges in Alaska is the least democratic and least transparent of all the various processes and mechanisms that help determine the composition of the three different branches of state government. The addition of three more public members to the Council will not, in and of itself, cure all the shortcomings of this process. But it will be a step in the right direction, adding more voices and more votes from ordinary citizens who are not influenced by the insider politics of the Bar Association.

The most important words in the Alaska Constitution are found in Article I, Section 2, which is titled: “Source of Government.” It states –

“All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the people as a whole.”

We believe that HJR 33 is a proposal that is consistent with this constitutional heritage, and we urge your support of this measure.

Thank you very much.

###

From: David Nees <davidneesak@gmail.com>
Date: March 7, 2014 at 15:23:10 AKST
To: <Representative.Max.Gruenberg@akleg.gov>, <Representative.Charisse.Millett@akleg.gov>, Gabrielle LeDoux <Representative.Gabrielle.LeDoux@akleg.gov>, <Representative.Wes.Keller@akleg.gov>
Cc: Alaska Policy Forum <info@alaskapolicyforum.org>
Subject: Testimony HJR33

I was unable to testify today,
so here is my testimony.

Benjamin Franklin noted when you have lawyers nominate judges they tend to nominate successful high earning lawyers, this allows them to takeover the gap in the practice when they moved to Judge.

Judge McLaughlin at the convention noted the Missouri plan, so named for the 1940 change in Judicial council appointment, was adopted by many states, and although Liberal in nature it worked.

This is our system.

He also noted Hawaii chose not to adopt the Missouri plan, they instead opted to use a checks and balance system

2 selected by Bar,

2 selected by House,

2 selected by Senate,

2 selected by governor,

1 selected by Supreme court justice.

no more than 4 members can be bar members

I think this system would serve ALASKA well

David Nees
Non-Lawyer
2542 Curlew Circle
Anchorage Ak99502

Prepared Testimony in Opposition to HJR 33 to House Judiciary Committee from Nancy Meade, General Counsel for the Alaska Court System. [Prepared Notes; not a transcript of remarks actually given to committee]

As this committee knows, the Court System works closely with the legislature on many bills, but we rarely take any position on proposed legislation. We only oppose a bill (or resolution) when it has the potential to affect the administration of justice, and would therefore impact a core aspect of the judicial branch. I am now opposing HJR 33 because, unfortunately, it is one of those bills. The court does not take this step lightly – taking a position in opposition to a bill or resolution is only done at the express direction of the Supreme Court.

BACKGROUND – ROLE OF COURT

First, I'd like to be clear about the Court's role and why I am testifying. The Judicial Branch of government actually is made up of three entities: (1) the Court System, which is, of course, the principal entity, and two very small ones, (2) the Judicial Council and (3) the Commission on Judicial Conduct. "The Court System" is often used interchangeably with "the Judicial Branch," and this is understandable and nearly always perfectly clear in context – after all, the other two entities are small, with defined authority, few employees, and small budgets. The Court System is NOT the Council – the Council has separate offices, separate employees, and separate duties. I've never been in the Judicial Council offices in the ten years I've worked for the court.

Nonetheless, the Court System's functions and mission depend very much on the work that the Council is tasked with performing: the Council screens judicial applicants to ensure they're qualified, and we need highly qualified judges to maintain the public's trust and confidence in our work. We, the Court System, want and need the Council to do a thorough, fair job with screening applicants for judgeships, so that we continue to have a top-notch group of sitting judges. No one wants judges that are not fairly chosen or that are anything short of the best, most ethical, respectable

professionals in the legal field. It is because the Court depends on the Council's work that I am testifying against this resolution.

CONSTITUTIONAL BALANCE

HJR 33 has the potential to significantly change the judicial screening and selection process – even though that process has worked effectively for over 50 years. The current Council selects the *most qualified* applicants based on their *merit*, a merit selection process that is considered the Gold Standard in judicial selection, if what you want is a fair, impartial judge deciding your disputes. Merit selection means judges are screened based on their legal knowledge, skills (like writing and organizing), their ability to create cogent arguments, the ability to identify flaws and nuances in other people's arguments, their judicial temperament (ability to control the courtroom while being polite and firm in challenging situations, many of which are highly emotional for the parties), and experience (such as their past public and private sector jobs). As a result of the Council's focus on merit, the applicants most qualified to be *A JUDGE* are forwarded to the Governor for selection. We, the court system, and all Alaskans, benefit from having a bench made up of those people. As you've heard others testify, we have not experienced problems with judges that are involved in scandals in case decisions, or corruption, or kickbacks, for example. The Council's current makeup works.

But this resolution would unsettle the carefully considered balance between the non-attorney members, who bring the general public's perspective on what to look for in a judicial candidate, and the attorney members, who bring in a lawyer's perspective on what to look for in a judicial candidate. It is this even balance, this *equilibrium*, that makes the Council's system work so well. *Both* groups are crucial for merit-based decisions that the public can trust: the lawyers have direct experience with the applicant as another lawyer – how is the applicant's legal knowledge? Their writing skills? Their integrity during litigation? Do they comport themselves honorably and respectfully? How do they handle difficult or emotional cases? Do they have the respect of their peers? And the public members bring an equally valid perspective – what is the applicant's ability

to connect with people, to relate to non-attorneys in a meaningful way, and to keep the public's respect, as people and as decision-makers.

The current even balance that is set in the Constitution, with 3 attorney members and 3 non-attorney members (and four needed for any action), keeps the discussion and decisions focused on the merits and qualifications of the judicial applicants. Why? Because neither group can ignore the others' views, or prevail on any decision, without buy-in from at least one of the others. *That is KEY!* They have to, and nearly always in fact do, work together, through consensus.

COUNCIL VOTING DATA

I want to just briefly touch on the votes tallies that show, fairly unequivocally, that the Council operates well, and is not a group marked by factions or divisiveness or problems with attorney/non-attorney splits. In your packet is a summary fact sheet that I prepared for your consideration. The first page illustrates the vote tallies over the last 29 years (as far back as the Council has data), and page two pulls out the more recent years for a closer look. As you can see from page one, in over 60% of the 1,136 votes on applicants taken since 1984, the vote was unanimous, and in *over 80% of the cases, the council's vote was either unanimous or off by just 1.* Those are the statistics for the last 30 years! This is an impressive record of an organization that is cohesive and healthy –not one marked by divisiveness or a failure to function. Any group of 6 voting members that can reach unanimity, or near unanimity, over 80% of the time is not a dysfunctional group.

There was testimony last week about the times that the chief justice votes. That happens only when his or her vote is needed to decide whether a name gets forwarded to the governor – that is, when there's a 3-3 tie, or if there aren't 4 votes because someone abstained or was absent. Overall, since 1984, 94% of all applicants were agreed upon without a vote by the chief justice. Of the *6% in which the Chief did have to vote (which was 68 of the 1,136 votes over the last 30 years)*, three-fourths of the time

(51 of the 68), the Chief's vote was to forward the applicant's name to the governor.

Those 68 times the Chief had to vote were mostly because of ties among the members, but that is NOT the number of times the attorneys and non-attorneys tied at 3-3. That's a much lower number – *only 15*. So most of the split votes, 53 of them, have a mix of attorney/non-attorneys on both sides.

Now it is true, that of the 15 votes that were tied at 3 attorneys and 3 non-attorneys on opposite sides (remember, 15 out of 1,136!), the Chief voted with the attorneys more often than with the non-attorneys [10/15] - - but again, the numbers are so small (less than a percent of the over one thousand votes) that it isn't really justifiable to draw definitive conclusions from them. And, in those 15 cases, the Chief's vote ended up sending the applicant's name to the Governor 7 times. The fact is, an implication that the two groups of members are factions or cliques, or even natural divisions with the Chief always on the attorneys' side, just isn't supported by the voting statistics.

And let me mention just one more quick set of numbers. Since 2000, the system has actually worked even a *little bit better* than that. While overall, since 1984 the council has agreed without a tie 94% of the time, since 2000, so just taking the last 13 years rather than a 30-year look, the percentage has *increased* slightly to 96% of the time. Also since 2000, the percentage of the time that the chief justice votes to send the name to the governor has increased slightly from 75% to 77% of the time.

I don't mention this because the changes are monumental, but they are clearly at odds with the view that there is a growing problem. In fact, the change in percentages supports the opposite, and shows the system is more cooperative than ever.

I heard in the supporters' testimony no discussion of these numbers, this evidence, but there has been a suggestion that there is a growing tension between attorneys and non-attorneys, or that things are becoming somehow more lop-sided or skewed in recent years. To help you analyze

that, I have on the second page a breakdown of the most recent four years' worth of votes. You can see that it's still 75% unanimous or unanimous except for 1. You also see a split between attorneys and non-attorneys in 7 votes. Seven out of 201 for that time period, or 3.5%, is hardly evidence of factions or dysfunction. And this does show the statistics that others have mentioned, that the Chief Justice voted more often with the attorneys – in particular, in the most recent 5 split votes, the Chief voted with the attorneys with the result that the applicants' names did not go to the Governor.

But that is not a trend, or a drift, that requires a constitutional amendment. That may be a bump, but the raw number is so small, that one very reasonable *and probable* conclusion is that those 5 individuals were not qualified to sit on the courts that they applied to! Three of those were for seats on the Supreme Court, and two were actually the same individual who applied for two separate openings. This is simply not enough proof to establish that the constitutional balance that's worked fairly and efficiently for 50 years ought to be disrupted.

You can find a lot of information in the data, but the one thing you can't find is evidence of a problem.

PUBLIC INVOLVEMENT

But the supporters' justifications for this resolution have evolved from a focus on the votes and statements about the Council suffering from splits, to a focus on public involvement, and the Council being too small. Again, though, the Council is working as intended, and produces highly-qualified lawyers for the Governor to choose from in his appointments. If you nonetheless reach a policy determination that the Council ought to be bigger, to allow non-attorney participation, you could do that *without upsetting the balance that keeps the focus on merits* of applicants. You could make the Council four Governor appointees, and four attorneys, for example. Or even five of each. And you could insert some geographical diversity requirement – that wouldn't be difficult to draft.

But this version, with the governor's appointees having a majority, has the potential to, as former Chief Justice Carpeneti said, insert politics at a level of the judicial application process that has been, laudably, focused on credentials.

Again, if the balance were upset, as HJR 33 would do by having an unequal number of attorney and non-attorney members, and if the public members were to have a majority, the need for consensus would be diminished. Then if the majority is of a like mind, or unified in their thinking or approach, they need not consider the views of the other members at all. And the attorney members, who are in a very good position to know the professional competence of the applicants and the skills and abilities that make a good judge, could be excluded.

RETENTION AND POTENTIAL FOR CONTROL

Finally, we've focused on screening judicial applicants, but the Council also has a role in the retention of judges. They review, in great detail, a judge's work, they conduct surveys of jurors, law enforcement, court staff, and others, they collect public input, etc., and then the Council makes a recommendation, Yes or No, on a judge who is standing for retention. It's likely that a great many voters rely upon the recommendations, which are included in the official election pamphlet. Well, consider what happens if a judge issues an order in a case that is contrary to the Governor's wishes. This could be in an environmental case, or an oil tax case, or a subsistence or land use case . . . and the Governor appointees are in a position to determine what the Council's recommendation will be, a very important factor in whether that judge keeps his or her job. It's not difficult to see that there is a threat, a real potential, that the *impartiality of the judge would be questioned* – if the judge rules against the government in favor of a citizen, or an oil company, or a group seeking land use rights, that judge faces the real threat of getting a no recommendation, and losing his position. Would any of us trust that our case was being decided by an impartial judge in those circumstances? That's the situation this resolution creates, though, with a majority of Council members being Governor appointees.

I'd like to address one more issue directly. Some testifiers and members of other committees have acknowledged that they believe the current system doesn't work, because certain attorneys are unable to have their names sent to the Governor, and it's been said in particular that "conservatives" cannot be judges. I want to be clear: the Court System has 73 sitting judges that have come through the Judicial Council process, and they have come from *all sorts of backgrounds!*

There are dozens of sitting judges who had been district attorneys, many were public defenders, and they were attorneys who defended oil companies, insurance companies, the state, and children and parents on every side of family law cases. I cannot say who among our judges are "conservative" or "liberal," (because I truly do not know), but I can say that they are from all sorts of backgrounds. They're from public universities, military schools, private law schools, and Christian law schools. Their interests range from flying and fishing and snow machining, to gardening and athletics and Boy Scouts and church activities. A statement that a "conservative" attorney cannot become a judge, *because* that person is a conservative, is simply not supportable, and is contradicted by the facts about who IS a judge.

[More information on judges is available on the Court's web page, under the link: Alaska Judges.]

SUMMARY

The data, then, just doesn't support a conclusion that there is a problem with the decision-making of the Council. The increased public input and diversity that some supporters are seeking can be accommodated by many options for revisions to laws or policies, without upsetting the balance and inserting political considerations into a process that is currently focused on worthy credentials. The Resolution has the strong potential of causing the public to lose confidence in the impartiality of their court system. I suggest there may be other ways to address the *perception* that some people have that a problem exists -- the Council may

need to do more education and outreach for example -- short of this potentially very problematic constitutional amendment.

It is for these reasons that the Court System views HJR33 as having an impact on the administration of justice – a potentially very negative impact – and that the Court opposes the Resolution.

Thank you for hearing my testimony, and I'd be happy to answer any questions.

Susanne DiPietro
Executive Director
Alaska Judicial Council

March 10, 2014

Members of the House Judiciary Committee:

Thank you for the opportunity to testify today on HJR33. Because we were pressed for time, I omitted a few points that I had intended to discuss. I hope you will accept this additional information.

On both Friday and Wednesday, there was testimony about the Bar survey. Although that survey is not directly applicable to our discussion of the issues raised by HJR33, I did feel that I should clear up some misperceptions expressed by the speakers.

Generally

The Bar survey is one tool that the Council uses in its work. When screening applicants for nomination to the governor, the Council invites all active members of the Bar to complete a survey about the applicants' professional competence, temperament, integrity, fairness, suitability of experience for the particular position, and overall rating.

Note that the Council also uses a Bar survey in its evaluation of judges standing for retention. For retention evaluations, the Council also surveys peace and probation officers, jurors, social work professionals, and other groups that regularly appear before sitting judges.

Attorneys Must Certify the Truthfulness of their Ratings

Any attorney who evaluates an applicant must certify that he or she has answered the survey truthfully in accordance with Professional Conduct Rule 8.2, which prohibits an attorney from making a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judicial applicant. Failure to certify causes the survey to be rejected. Failure to comply with Professional Conduct Rule 8.2 exposes an attorney to discipline.

Only Ratings Based on Direct Professional Experience are Included in the Main Analysis

The Bar survey is designed to allow the Council to focus on ratings given by attorneys who have worked directly with the applicant, and to segregate out ratings given by attorneys who haven't had that direct experience. On the survey, the attorney is asked to state the basis of his or her evaluation of the applicant. The choices are "direct professional experience", "professional reputation" or "other personal contacts." Unless the lawyer checks "direct professional experience," that lawyer's ratings are not included in the main numerical analysis. "Direct professional experience" is limited to "direct

contact with the applicant's professional work. This includes working with or against the applicant on a legal matter (i.e., a case, arbitration, negotiation...) or as a judicial officer or other dispute resolution role." In other words, we allow attorneys to share second-hand information about the applicants without diluting the main ratings given by attorneys with direct professional experience.

"Block Voting" is both Unethical and Easily Detected

I also wanted to say a word about allegations of "block voting" on the Bar survey. The Council has ways of detecting "block voting" by certain segments of respondents. The Council accomplishes this by asking respondents to supply demographic information (including type of practice, years of practice, cases handled, and location of practice). Most all respondents do supply this information. The survey results can be and are sorted based on this demographic information. So, for example, the technical analysis of the survey results shows whether prosecutors' ratings of a particular applicant are significantly lower or higher than defense attorneys' ratings. Analysis also would show, for example, how many of the people who rated an applicant practiced in that applicant's judicial district or outside Alaska. All this information is made available to the Council members and the applicants.

Staff carefully scrutinizes scores for every applicant and vacancy to screen for these kinds of patterns. If a pattern is detected, staff may request the contractor to perform additional statistical analysis or review. The results of this analysis are reported to Council members. Council members are attentive to these concerns and use scores as only one tool among many that indicate an applicant's performance and qualifications.

Anonymous Comments Cannot be Held Against an Applicant

Attorneys are offered the opportunity to make comments about the applicants, and their comments can be signed or unsigned. Unsigned or anonymous allegations cannot be held against an applicant unless they are corroborated, independently substantiated, or acknowledged by the applicant.

I hope this information is useful. Please let me know if I can assist in any further way.

Sincerely,



Susanne DiPietro
Executive Director
Alaska Judicial Council

Remove clip.

WRITTEN TESTIMONY - HJR 33

Legislative Briefing

JOHN TODD
ANCHORAGE

3/11/14

3/14/14

2816
1822
09007 min
0907
0943
1005
1110
7

I want to
^ you Mr.

Thank the Chairman of the ~~Judiciary Committee~~ ^{which} to allow me to
present information I believe is pertinent and related to this
legislation.

HJR 33

I fully concur with the legislation you are proposing in this bill.

The bill does not go far enough or address other very serious
issues in the legal system. The information I am presenting
points out some very compelling examples of why this
legislation should be approved and further legislation be
enacted ~~to correct some very serious flaws in our legal system.~~

I have experience with the court violating their own

~~COURT~~
of Rules/Laws as set out in their own manual Alaska Rules of

Court (~~official version 2012-2013 Main Edition~~). ^{specifically}

1
work
Q

✓
Specifically Rule 11 ~~as an example (to suit their own internal mindset~~
~~within the legal profession.)~~ Additionally, in my particular case, the
ethics section in the Alaska Rules of the Court just as well not exist.

I am referring to a case that I, as the plaintiff, filed in June of 2007. The
facts provided by my attorney in this case were ~~100%~~ true and accurate.
The information submitted to the courts by the Defendant's attorney was,
in my opinion, at least 50-80% false.

There were at least 250 written statements and words submitted by
Defendant's Counsel that are totally false. There is written evidence of
this fraudulence in the form of a letter sent to the Kenai Peninsula
Borough in 1975 which defined the scope and purpose of a subdivision
on the Kenai River.

about 30

about 30

and 100-125

1 photographs dating back from 1976 - 2008 and entries from
my own pocket-day-timer-calendars from 1979-1992. (100-125)

The evidence in these records correlate with my testimony in
court. My testimony can be proven to be 99.9% honest and
accurate on all aspects and issues of this case, compared with
the aforementioned ^{OF} over 250 false statements, perjury and
fabricated evidence made by the Defendant's counsel.

Based on the above, it is not understandable how the outcome
could be anything but favorable to me, as the Plaintiff.

However, judgment was made in favor of the Defendant.

The Defendant's counsel submitted a non-trial deposition
testimony from one witness. This witness was a ^{an} ~~reputed~~ drug
^{and as} addict, described by another attorney as having a "cooked
brain". During the deposition, approximately 90% of all 'yes'

or 'no' answers were signaled to the witness by the Defendant's counsel by means of head nodding. (*Many of the other answers to questions by Defendant's counsel were also guided by head nodding.*) This one and only witness was never on camera or in the courtroom before a Judge.

The witness's deposition is literally false throughout and in itself being ~~(practically)~~ false is in specific violation of Rule 11 of the Code ↕

~~This non-trial deposition along with volumes of additional information was submitted to the court in the Summary Judgment phase of the trial and also entered as evidence during the trial itself.~~

Stopped
here &
can submit
in writing

Not
READ

I submitted a Motion to Alter or Amend Judgment and Conditional Request to Reopen Evidence to the Superior Court in April 2012. I also filed a 2nd Appeal to the Supreme Court in June 2012. I filed a Motion to Set Aside Judgment Civil Rule 60b in May 2013 with the Superior Court.

My documents to the court have all been procedurally and legally correct without intentional violations of the law -

~~Alaska Rule of Court.~~

~~(More than I can say for the court).~~

My evidence provided 100% accurate facts on the major issues.

Yet, the findings of fact, conclusion of law and subsequent judgment by the courts favored the fraud, perjury, fabrication of evidence and misrepresentation by Defendant's counsel.

About 80% or most of the Judge's rulings in my case are erroneous or false. There are about 35 errors in the Oral Decision, hearings on one motion, Findings of Fact and Conclusion of Law and the Final Judgment.

Most of this erroneous information above can be found in my Excerpts of Record to the ^S ⁱⁿ ²⁰¹² ~~supreme Court~~ of November ~~2102~~.

My ^v evidence on the major issues is 100% correct.
~~written~~

There is no legal rationale, including ~~grounds~~ or principle^s of res judicata, to support the erroneous rulings by the courts in this case. The courts had at least two opportunities to correct this injustice.

This injustice has personally caused a financial loss of over \$1,000,000 in value of lots that had previously sold at \$45,000 to \$60,000 each and now are difficult to sell at \$15,000. ~~I believe the dollar value of a~~
~~felony has been increase to \$750. This equal to 1,333 \$750 felonies.~~

I have assemble^d approximately 300 or more newspaper articles relating to fraud, perjury, lying, fabrication of evidence, defrauding, embezzlement, misconduct, misrepresentation, ethics, corruption and fraud upon the court. This case would categorically falls n the upper half as to seriousness and criminal misconduct of these articles. I am specifically referring to Case no. 3KN-07-0500 at the superior Court and Case nos. S-13955/S-13965/S-14780 at the Supreme Court. When Judges wield such absolute power,^{How} can there be any recourse for the honest man.

SUMMARY

As Mike Huckabee stated a few months ago the judicial system is immoral and unstoppable; our own Senator Lisa Murkowski has had some rather derogatory comments about the legal system at the national level. A U.S. Supreme Court Justice in 2000 admonished counsel to the affect. " you do not lie to the supreme court".

Yet my entire case was ruled on based on lies by Defendant's Counsel ~~κ~~
and believed by the Judge.

The current process of selecting lawyers to be considered for judge's
positions needs to have less input ~~from~~ ^{from} fellow lawyers who will defend
their own ~~regardless and more input from~~ ^{regardless of the facts.} ~~civilians who have no reason~~
~~to defend unethical lawyers.~~ ^{from} This law will go a ways toward correcting
a very flawed process. I strongly request that it be passed.

I would also respectfully request that I be permitted to brief this
committee on this case, ^{the Judiciary committee of the Senate} or the legislature as a whole or any tribunal ~~so as~~
^{does not} long as it ~~most~~ jeopardize the fairness and integrity of the investigative
process.

Thank you for your time.

March 14, 2014
John Todd
John Todd
13320 Crestview Dr
Anchorage, Alaska 99516
Tel: (907) 345-2257 8

March 31, 2014

The Honorable Senator John Coghill, Chair, Senate Judicial Committee

The Honorable Wes Keller, Chair, House Judicial Committee

Re: Senate Joint Resolution 21 and House Joint Resolution 33 regarding Judicial Councils

Dear Senator Coghill and Representative Keller,

I was sorry to hear that public comments had been cut off regarding the above as I have very strong feelings on this matter and have had personal contact with the Alaska Judicial Council over a number of years.

I enclose my comments if they can be of value for benefit of both houses. Thank you.

Sincerely,



Roy H. Madsen

Cc: The Honorable Senator Gary Stevens, Kodiak, and The Honorable Representative Alan Austerman, Kodiak

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE

MY NAME IS ROY MADSEN FROM KODIAK. MY FATHER WAS A DANISH IMMIGRANT AND MY MOTHER WAS OF RUSSIAN AND SUGPIAQ ALUTIIQ HERITAGE. I WAS BORN IN 1923 IN KANATAK, A VILLAGE THAT NO LONGER EXISTS ON THE ALASKA PENINSULA.

I GRADUATED FROM LAW SCHOOL IN OREGON IN 1953 AND WAS ADMITTED TO PRACTICE THERE 61 YEARS AGO. . IN 1961 I RETURNED TO ALASKA AND WAS ADMITTED TO THE ALASKA BAR IN 1962, OPENING A PRIVATE PRACTICE IN KODIAK.

THIRTEEN YEARS LATER IN 1975 I WAS APPOINTED BY GOVERNOR JAY HAMMOND TO THE ALASKA SUPERIOR COURT BENCH IN KODIAK AND SERVED 15 YEARS BEFORE RETIRING. TO DATE, I AM THE ONLY PERSON OF ALASKA NATIVE HERITAGE TO HAVE SERVED ON OUR STATE'S SUPERIOR COURT BENCH.

OVER TIME UNTIL BEING APPOINTED TO THE KODIAK SUPERIOR COURT SEAT, IN ALL I APPLIED FOR FOUR DIFFERENT ALASKA JUDICIAL POSITIONS, THOSE BEING A SUPERIOR COURT SEAT, THE COURT OF APPEALS, THE SUPREME COURT, AND THE KODIAK COURT POSITION WHEN IT WAS CREATED BY THE LEGISLATURE. FOR ALL THESE I APPEARED BEFORE AND WAS INTERVIEWED BY MEMBERS OF THE ALASKA JUDICIAL COUNCIL. I KNEW NONE OF THEM, NEITHER THE LAWYER NOR CITIZEN MEMBERS OF THE COUNCIL. MY NAME WAS FORWARDED TO THE GOVERNORS EACH OF THESE FOUR TIMES.

AS A CASE IN POINT ON THE ISSUE BEFORE THIS COMMITTEE OF ENSURING A FAIR REPRESENTATION OF ALASKA CITIZENRY ALONG WITH MEMBERS OF THE ALASKA BAR ON THE JUDICIAL COUNCIL, I RELATE AN EXPERIENCE OF MY OWN REGARDING JUDICIAL SELECTIONS.

WHEN I APPLIED FOR THE NEW KODIAK POSITION, MY NAME WAS FORWARDED ALONG WITH OTHERS TO THEN GOVERNOR KEITH MILLER, WHO WAS RUNNING FOR THE GOVERNOR POSITION, AS GOVERNOR WALTER HICKEL HAD RESIGNED TO BECOME UNITED STATES SECRETARY OF THE INTERIOR. GOVERNOR MILLER'S OPPONENT IN RUNNING FOR GOVERNOR WAS WILLIAM EGAN.

ONE DAY A REPRESENTATIVE OF THE GOVERNOR CALLED ME UP AND TOLD ME GOVERNOR MILLER WAS COMING TO KODIAK AND WAS GOING TO ANNOUNCE AT A LUNCHEON THAT HE WAS APPOINTING ME TO THE KODIAK BENCH. THIS PERSON THEN STATED TO ME I SHOULD UNDERSTAND THAT MR. MILLER NEEDED ALL THE HELP HE COULD GET TO BECOME ELECTED. I REPLIED THAT "I'M SORRY I COULD NOT BE OF ANY HELP" TO HIM BUT THAT I WOULD BE WILLING TO SIT AT THE HEAD TABLE WITH HIM WHEN HE MADE THE ANNOUNCEMENT AND THAT'S ALL I WOULD BE ABLE TO DO.

CONSEQUENTLY, I WAS NOT INVITED TO THE LUNCHEON, IF THERE WAS ONE, AND GOVERNOR MILLER ANNOUNCED THE APPOINTMENT OF ONE OF THE OTHER CANDIDATES FOR THE KODIAK POSITION. IT WAS LATER I WAS APPOINTED BY GOVERNOR HAMMOND TO THE KODIAK BENCH.


TO ME, THIS POINTS OUT THAT IF THERE ARE ANY POLITICS INVOLVED IN FILLING SEATS ON THE BENCH, IT COMES FROM A GOVERNOR MAKING THE APPOINTMENT, NOT THE JUDICIAL COUNCIL AS PRESENTLY COMPRISED.

WHEN I RETURNED TO ALASKA IN 1961, I WAS VERY PROUD THAT OURS WAS ONE OF THE FEW STATES THAT HAD A PRIMARILY NON-POLITICAL WAY OF SELECTING JUDGES, AND I STILL AM. THIS IS COMPARED TO STATES LIKE OREGON AND WASHINGTON WHERE JUDGES HAVE TO RUN FOR ELECTION WHICH MEANS THEY HAVE TO HAVE A CAMPAIGN MANAGER AND SOLICIT CAMPAIGN CONTRIBUTIONS FROM MEMBERS OF THE PUBLIC AND THE BAR, WHICH RESULTS IN A CONFLICT OF INTEREST.

I FELT THAT MEMBERS OF THE JUDICIAL COUNCIL TREATED ME FAIRLY AND POLITELY ON ALL FOUR OCCASIONS THAT I CAME BEFORE THEM. NO ONE CAN QUESTION THE DIVERSITY OF OUR ALASKA COURT SYSTEM, WE HAVE HAD MANY WOMEN JUDGES, AN AFRICAN AMERICAN, AN HISPANIC, AN ASIAN, AND MYSELF, OF ALASKA NATIVE HERITAGE.

THE FRAMERS OF OUR STATE CONSTITUTION GAVE US A PROCESS FOR JUDICIAL SELECTIONS WHICH STANDS OUT, IT HAS RESULTED IN DIVERSITY ON OUR COURTS, IT HAS WORKED FOR FIFTY-FIVE YEARS AND I DON'T BELIEVE WE CAN IMPROVE ON IT. WHY CHANGE SOMETHING THAT IS NOT BROKEN?

THANK YOU.


ROY MADSEN

MARCH 31, 2014