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HJ

INTERIM FILES

JUDGES

1040



Trial Courts

State of Alaska

THIRD JUDICIAL DISTRICT
303 K STREET
ANCHORAGE, ALASKA 99501

RALPH E. MOODY
Presiding Judge

March 20, 1979

A. H. Snowden, II
Administrative Director
Alaska Court System
303 K Street
Anchorage, Alaska 99501

Dear Art:

I have read the letter of March 9, 1979, from Judges Miller, Connelly, Clayton and Cline, and to a large extent agree that the facts as stated are substantially correct, but I certainly disagree with their recommendations. In fact, I believe they describe an efficiently run magistrate system.

Some of the minor inaccuracies contained in their letter are:

- (1) The five committing magistrates in Anchorage are all lawyers and possess the same qualifications as district court judges.
- (2) Magistrate Sheldon Sprecker from Glennallen has never been appointed as an acting district court judge. The only magistrates within the Third Judicial District who have ever been appointed as acting district court judges are Roger White from Dillingham and George Peck from Seward, each of whom met the qualifications of a district court judge.
- (3) Magistrate Dorothy Saxton has announced her retirement effective May 1, 1979, and the court administrator has personally discussed the matter with Magistrate Sprecker, and he denies his intentions to resign and cannot imagine how the district court judges came to this conclusion.

A. H. Snowden, II
March 20, 1979

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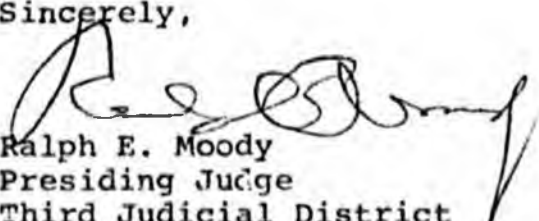
(4) It is quite true that a number of court employees hold appointments as acting magistrates. They function as back-up and replacements for district court judges and magistrates who are unavailable to function for a variety of reasons. They are provided specialized and continuous training by both training conferences and visiting training judges.

I am somewhat surprised that the authors of the above-mentioned letter purport to have the answers to questions and problems we have been aware of for many years. I totally disagree with their conclusions and recommendations. The magistrate system in the Third Judicial District is functioning very effectively and economically as compared to what it would cost if magistrates were replaced with more costly district court judges. I also am of the belief that they are serving a very valuable need of the district and their level of competence is not only acceptable but in most cases commendable.

If the authors of the letter were to restrict their comments to their own judicial district, it may have some credence and validity, but I do not accept their sudden expertise with court management in the Third Judicial District.

Please let me know if I can provide any other information relating to this subject.

Sincerely,


Ralph E. Moody
Presiding Judge
Third Judicial District

REM:dpd

cc: Area Court Administrator

RECEIVED
MARCH 21 1979

Office of Administrative Director
Alaska Court System

WHEREAS, citizens of the State of Alaska are entitled to have their civil and criminal cases decided by qualified judges selected in accord with the statutes and Constitution of this state; and

WHEREAS, use of standing masters, acting District Court judges and urban magistrates for divorce, traffic, and small claims cases deprives the citizenry of this right; and

WHEREAS, in the urban areas of the state the use of standing masters cannot be excused by lack of real judges; and

WHEREAS, there is unwarranted cost to the parties of curing errors made by standing masters due to inexperience or lack of legal education; and

WHEREAS, most contacts of most citizens with the judicial system are in the kinds of cases in which standing masters are being substituted for real judges; and

WHEREAS, use of secretaries, law clerks, and others as standing masters, acting District Court judges, and urban magistrates, evades and subverts the system of judicial council review, bar polls, gubernatorial appointment, retention elections, and judicial qualifications commission jurisdiction, all of which are important mechanisms for assuring competence, honesty, and due respect for the citizenry among judges; therefor,

Be it resolved, that the court system should cease using standing masters, except in rural areas which do not have real judges.

Be it resolved, further, that the Supreme Court be urged to delete provisions in the Rules of Procedure for urban standing masters except in probate matters, and

Be it further resolved, that the legislature be requested to limit the power of the presiding Superior Court judges to appoint magistrates to those appointed for rural areas, and that the statutory power to appoint acting District Court judges be repealed.

TANANA VALLEY BAR ASSOCIATION

By:

Ralph Beistine, President

Memorandum

Alaska Court System

TO: District Court Judges
Fairbanks

DATE : March 23, 1979

FROM: Ethan Windahl
Anchorage

SUBJECT: Magistrate System

Let me address myself only to paragraph No. 2 of your letter to Representative Parr about the increase in the use of magistrates in the Court System.


I hesitate to think that you are all politically naive or arrogant enough to believe that every unsuccessful candidate for judicial office is also unqualified for that office. Doesn't the Judicial Council recommend two or more qualified candidates to the governor? It follows from your premise that some judges currently in office are unqualified to sit on the bench simply because they have been unsuccessful candidates for other judicial positions. Would you recommend that such judges voluntarily resign because of "demonstrated" incompetence, having been "passed over in the judicial selection process"?

I feel that I performed with skill and competence during my five years as District Court Judge for the Second Judicial District and do not recall any complaints about the way I handled matters when covering for District Court Judges in Fairbanks. I feel that I am doing a creditable job as Committing Magistrate in Anchorage.

I was a colleague of yours for five years. I made an unsuccessful attempt to move from Nome to Anchorage as District Court Judge, and now am I unqualified even to act as magistrate? With your broad brush I think you were less than candid with Representative Parr, and I think you owe me an apology, however worded.

Make your arguments as vigorously as you can, but save the inaccuracies and the vitriol for matters of less moment. You demean yourselves and your cause by making allegations which, I submit, are demonstrably false.

With a bit of tongue in cheek
and somewhat less humility, I
remain your not-so-humble servant,



Ethan Windahl

District Court Judges
Fairbanks

March 23, 1979

- 2 -

P.S. I believe that I can fairly submit to you that the consensus of all parties involved is that the new magistrate system in Anchorage is working well. I have heard little complaint from the local judges who are rather quick to express their displeasure if they feel that something is wrong with the system.

E.W.

cc: The Honorable Jay A. Rabinowitz
The Honorable Ralph E. Moody
Mr. James E. Arnold

Memorandum

Alaska Court System

TO: Arthur H. Snowden, II
Administrative Director

DATE : March 23, 1979

FROM: Susan Miller
Magistrate System Coordinator

SUBJECT: ACTING MAGISTRATES

Although no one has told me this, it is my understanding that acting magistrates are appointed in order to provide coverage for courts when the full-time judicial officer (either magistrate or district or superior court judge) assigned to the court location is unavailable (either sick or on vacation or hearing cases at another location or taking a weekend off). Because prisoners must be arraigned within 24 hours of their arrest if they are being held in custody, it is necessary to have a judicial officer available at the higher-volume court locations 7 days a week, 365 days a year.

It is ordinarily not possible to do this where there is only one judicial officer at a location since it is rarely possible to keep the judicial officer from getting sick, taking a vacation, traveling to other locations for court matters, or otherwise leaving town for such things as training conferences, judicial committee meetings, bar conventions, etc. Thus, so-called "acting" magistrates have been appointed at about 17 of the court system's 64 court locations so that arraignments can be held within the time limit prescribed by law and so that other emergency matters such as the issuance of search warrants and arrest warrants and the handling of coroner matters and emergency children's matters can be taken care of.

Frequently these acting magistrates have proved to be very excellent judicial officers and have been called upon to perform even more extensive judicial functions. Even if the acting magistrates are limited to handling emergency matters, however, it is in everyone's interest that they be given the best training for these duties which we can provide.

SM/prs

Susan

RECEIVED
1979

Office of Administrative Director
Alaska Court System

Peg,

My notes are
"hit or miss"; but
the statement by Sylvia
Carlsson might be of
interest to you.

R.

Commission Meeting
June 26 CIPA

Sylvia Carlson - Anch. Native
Caucas

not much attention on
law enforcement & corrections
about racial discrimination
(bias in C.J. system)

Lack of coordination

Anch. Police - Study on Racial
Bias

Div. Corrections is looking at women
in corrections (Helen Prime)

Went study on crim. justice system

Susan Kington - collect info. & studies

(Art) Court - 4000. from Aids
is writing a report about
judicial Conference

study on minutes taking
the California Bar (Patrick Anderson)

questioned Rec. Safety
Recruitment of minorities

H&SS minority hire policy
Beine - few minorities
in Corrections
doing on-sight training
of "awareness" training

Div.
Corrections

Judicial Council - Ruby

Bill Green
Helen ? (H.R.C.)
Bert Campbell
Nancy Stator
Lonzales

Looking at Arch. Superior
Ct. pre-sentencing
reports

Lynn Woods - Com. of F

wants women as victims
looked at - rape
domestic violence

few confessions

wants 2nd study on
victims of sexual crimes

Ruby - possible longer sentence
of female victims

should look at police case reports

unsolved homicides of Alaska
Native Women should
be looked at

Patrick Anderson

Bar looking at
WICHEY \$

Sema ~~Anderson~~
Ms. Lederman

Alaska Family Violence
Program

no convictions of wife
battery in home

wants alternatives to
prison for violence -
not helping (Ct. Dis. Cont.?)
my guess:

ANCHORAGE NATIVE CAUCUS

COMMENTS, SUGGESTIONS, AND QUESTIONS

PRESENTED TO THE GOVERNOR'S COMMISSION ON THE ADMINISTRATION OF JUSTICE

JUNE 26, 1979, ANCHORAGE, ALASKA

CHAIRMAN GROSS, MEMBERS OF THE COMMISSION, DIRECTOR ADAMS AND STAFF, MY NAME IS SYLVIA CARLSSON, OFFICIAL SPOKESPERSON AND PRESIDENT OF THE ANCHORAGE NATIVE CAUCUS. ON BEHALF OF THE ANCHORAGE NATIVE CAUCUS, I WOULD LIKE TO EXPRESS APPRECIATION TO YOUR COMMISSION FOR TAKING THE TIME TO HEAR OUR CONCERNS ONCE AGAIN.

AS YOU WILL RECALL, SIX MONTHS AGO, ON DECEMBER 12, 1978, I BROUGHT BEFORE YOUR COMMISSION THE POSITION, RECOMMENDATIONS, AND REQUEST FOR ACTION OF THE ANCHORAGE NATIVE CAUCUS RELATIVE TO THE IMPROVEMENT OF THE CRIMINAL JUSTICE SYSTEM IN ALASKA. MORE SPECIFICALLY, OUR CONCERNS FOCUSED UPON THE ALASKA JUDICIAL COUNCIL STUDY ENTITLED "JUDICIAL COUNCIL FINDINGS REGARDING POSSIBLE RACIAL IMPACT IN SENTENCING."

MY PURPOSE IN COMING BEFORE YOU TODAY IS TO ONCE AGAIN EMPHASIZE THE OFFICIAL POSITION OF THE ANCHORAGE NATIVE CAUCUS; THAT IS, RACIAL DISCRIMINATION IS INSTITUTIONALIZED IN ALASKA'S CRIMINAL JUSTICE SYSTEM. BY USING THE TERM "SYSTEM," WE ARE INCLUDING LAW ENFORCEMENT AND CORRECTIONS AGENCIES AS WELL AS THE ALASKA COURTS.

DURING THE PAST SIX MONTHS, MUCH PUBLIC ATTENTION HAS BEEN FOCUSED UPON RACIAL BIAS IN ALASKA'S COURTS SYSTEM. WE WOULD LIKE TO USE THIS OPPORTUNITY TO SHIFT THE FOCUS SLIGHTLY TOWARD THE LAW ENFORCEMENT AND CORRECTIONS AGENCIES. WE HOPE COMMISSIONERS

BERINE AND NIX WILL SEE FIT TO RESPOND IN SOME FASHION TO THIS CHANGE IN FOCUS.

AS YOU WILL RECALL, WE STATED BACK IN DECEMBER THAT "THE ALASKA JUDICIAL COUNCIL STUDY INDICATING POSSIBLE RACIAL IMPACT IN SENTENCING IS A SINGULAR MANIFESTATION OF PREVAILING SYSTEMWIDE PRACTICES AND ATTITUDES." FRANKLY, WE ARE A LITTLE DISMAYED THAT ALL PARTS OF THE SYSTEM HAVE NOT COME UNDER PUBLIC SCRUTINY WITH REGARD TO RACIAL BIAS. EQUAL ATTENTION SHOULD HAVE BEEN GIVEN TO CORRECTIONS AND LAW ENFORCEMENT. IF RACIAL BIAS EXISTS IN ALASKA'S COURT SYSTEM--AND WE ARE CONFIDENT THAT IT DOES--IT ALSO EXISTS IN CORRECTIONS AND LAW ENFORCEMENT. PERHAPS COMMISSIONERS BEIRNE AND NIX SHOULD BE FOLLOWING THE PATTERN SET BY THE COURT OFFICIALS IN CONDUCTING SENSITIVITY SESSIONS AND MAKING PUBLIC STATEMENTS.

WE WOULD ALSO LIKE TO DISCUSS WITH YOU, TODAY, YOUR RESPONSE TO OUR DECEMBER 12 RECOMMENDATIONS. WE HOPE YOU WILL BE WILLING TO BRING US UP TO DATE ON THE PROGRESS YOUR SUPPORT AGENCY HAS MADE IN OBTAINING FUNDING FOR AN IN-DEPTH STUDY.

FINALLY, WE WOULD LIKE TO POINT OUT WHAT APPEARS TO US TO BE A DISTINCT LACK OF COORDINATION ON THE PART OF AGENCIES RESPONDING TO THE CHARGE OF RACIAL BIAS IN ALASKA'S CRIMINAL JUSTICE SYSTEM, I. E., MUNICIPALITY OF ANCHORAGE RECENT STUDY ON RACIAL BIAS IN THE ANCHORAGE POLICE DEPARTMENT; RECENT LEGISLATIVE ACTION AND APPROPRIATIONS; ANNUAL JUDICIAL CONFERENCE IN SITKA FOCUSING UPON ETHNIC SENSITIVITY TRAINING FOR COURT OFFICIALS. PERHAPS THE SEEMING LACK OF COORDINATION IS AN UNAVOIDABLE PROBLEM; HOWEVER,

WE FEEL THAT THE DISPERSEMENT OF ENERGY AND HUMAN RESOURCES IS COUNTERPRODUCTIV . WE ARE SUGGESTING THAT ONE AGENCY AND PERHAPS ONE INDIVIDUAL COULD BE IDENTIFIED TO SERVE AS A COORDINATING VEHICLE. WE WOULD APPRECIATE YOUR RESPONSE TO THIS SUGGESTION.

IN CONCLUSION, WE WOULD LIKE AGAIN TO EXPRESS OUR APPRECIATION TO YOUR COMMISSION FOR TAKING THE TIME TO MEET WITH US. YOUR OVERALL RESPONSE TO THE POSITION AND RECOMMENDATIONS MADE BY THE ANCHORAGE NATIVE CAUCUS IS VIEWED AS GENERALLY FAVORABLE. WE WOULD PREFER, HOWEVER, THAT COMMISSIONERS BEIRNE AND NIX BECOME MORE ACTIVE. WE HOPE TO HAVE ANOTHER OPPORTUNITY TO MEET WITH YOU; AT THAT TIME WE MAY BE ABLE TO EVALUATE THE PROGRESS THAT HAS BEEN MADE, IN MORE PRECISE TERMS, TOWARD ERADICATING RACIAL BIAS IN ALASKA'S CRIMINAL JUSTICE SYSTEM.

* * * *

TENTATIVE AGENDA
GOVERNOR'S COMMISSION ON THE ADMINISTRATION OF JUSTICE
ANCHORAGE COURT HOUSE & KOTZEBUE CITY COUNCIL CHAMBERS
JUNE 26, 27 & 28

June 26, 1979 - ANCHORAGE COURT HOUSE - Room #407

- | | |
|--|-----------|
| I. Meeting with Anchorage Minority Caucusses | 2:00 p.m. |
| II. Public Hearing AJIS Regulations | 7:00 p.m. |

June 27, 1979 - KOTZEBUE CITY COUNCIL CHAMBERS

Meeting of the Juvenile Justice Advisory Committee

- | | |
|--|------------|
| I. Call the Meeting to Order | 10:00 a.m. |
| II. Consideration of Juvenile Justice Grants | |
| III. Approval of Juvenile Justice Plan | |
| Lunch | 11:30 a.m. |

GOVERNOR'S COMMISSION ON THE ADMINISTRATION OF JUSTICE

- | | |
|---|-----------|
| IV. Call Meeting to Order | 1:00 p.m. |
| V. Approval of Minutes of Previous Meeting | |
| VI. Report of the Executive Committee | |
| VII. Executive Committee Approval of Remaining 1977 Funds | |
| VIII. Consideration of Grants | 1:45 p.m. |
| IX. Schedule of Meetings | 3:30 p.m. |
| X. Approval of Annual Action Plan | 3:45 p.m. |
| XI. Recess | 4:30 p.m. |

June 28, 1979

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|------------------------------|-----------|
| XII. Report on Rural Justice | 9:00 a.m. |
|------------------------------|-----------|

XIII. Indian Child Welfare Act	10:00 a.m.
XIV. Gun Policy - Division of Corrections	10:30 a.m.
Lunch	11:30 a.m.
XV. Public Comments	1:00 p.m.
XVI. Adjourn	2:30 p.m.

The next Commission meeting will be held September 12 & 13,
1979, Valdez, Alaska.

)

PERSON _____

MOTION: _____

YES	NO	COMMISSION MEMBERS
		RABINOWITZ
		BROWER
		SCHULTZ
		STANTON
		SNOWDEN
		WILLIAMS
		NIX
		ROWLAND
		BEIRNE
		MIDDLETON-COOK
		GROSS
		ANDERSON
		SHORTELL
		DANKWORTH
		ELIASON
JUVENILE JUSTICE ADVISORY COMMITTEE MEMBERS		
		MS. HANNAN
		MS. FERGUSON
		MR. COOK
		MS. BARSDATE
		MS. SASSEVILLE

MOTION # _____