

1052

HJ

INTERIM FILES,

PUBLIC HEARINGS

PUBLIC  
HEARING  
NOTES

send draft to all committee members - 10 days to respond -

Work session - Dec. 1, 1979 -

①  
all attachments  
to Leg. C.  
Committee  
attach -  
request  
Leg. Research

report - what committee intended to do - asked each member what they wanted to look at - decided to cover a broad area - CJ system -

include Bar & Judges in Sitka - Seattle state where hearings were held dates/places - not attempt give gen. people who couldn't come to firm a chance to testify - thanks for asking coming

visited jails -  
Pey & Hank research on # topics & questionnaires  
P.V.

mention - attached copies of reports/memos - (R & P's)

general recommendations -  
overall concerns that come up where -  
ever we went - 1) alcohol abuse  
↳ influence on crime

2) drugs

3) widespread misunderstanding distrust ~~of~~ communication gap  
lack of confidence judges/lawyers & gen. public  
mis

↳ of legal system  
lawyers/courts - Judges  
"information gap" -  
wide spread dissatisfaction for  
CJ system - distrust lawyers  
& judges, lesser extent that  
D.A.'s do not do adequate job  
of prosecution

(2)

"information gap"  
buyers & judges assume gen. public  
are more aware than they are -  
a 2-way gap understanding - jud.  $\leftrightarrow$  Gen. public

4) testimony suggested d.v. widespread  
everywhere committee went, someone  
spoke on D.V. - organized lobby  
& individuals mentioned it -  
high rate of volume -  
all over state - scope of problem large -

(insert this ~~to~~ before 1-4)  
jails - one paragraph of what  
we learned -  
statutes - need updating  
supplements & criminal code  
wide range of quality statewide  
facilities ~~of~~ programs for  $\text{\textcircled{f}}$   
~~not~~ not comparable to those for men -  
inadequate visitor facilities & attorney  
conference areas -  
- overcrowded -  
- (women & juveniles - cell while men in dorm)  
inadequate exercise room -  
need prison industry - nothing to do (Activity)  
but sleep, TV, ~~to~~ play cards -



(4)

5 - drunk in public - back on \*  
the books - sentence to an alcohol  
treatment facility - SIS -

talk to Zig.

6) village police -  
2. \* send to P.B. - draft comp. plan  
\* police protection in rural Alaska &  
submit ~~draft~~ to legislature  
(may include village police / AST)

7) judges Qual  
\* consider changing membership  
\* publicize  
our info indicates few people know how/who  
to complain - heavily weighted w/ judges -  
write Thomas @ \$ - FY 79 \$5200.00 expend.  
FY 80 27,600.00  
FY 81 35,000.00

8) use Court system to look into  
2 \* Village Magistrates  
& Civil Kidney judges

9) \* Cant } used for P.D.  
AG } D.A. & facility Kotzebue  
P.D. }

10) letter to Beirne about Nome \*  
Freda Nicde Being Sea Women Sup.  
receiving home \* (don't have mirror)  
rape - Harboring a minor  
legal from Apt. Law - Kidnapping

5

(11) Sunset Review - some preliminary work

(12) <sup>for a</sup> Prison Industry - ~~include of jail~~  
program  
"Prisoner Work Program" \*  
(not work-release)

(13) Drugs - \* statute revision  
will intro bill to <sup>practice</sup> \$ for enforcement

? (14) P.O.'s and criminal code training - are they getting it? If not, why? if so, when? then put it in report

ask Barry Stern

(15) Bill on <sup>(Luce)</sup> post judgment interest  
\* 2 pts above prime rate

incomplete records in Texas?

Rocky

276-1059

House Judiciary Committee  
Anchorage, November 29<sup>th</sup>, 1979  
Pan - Martin - Bushholdt - Barnes - Brown -

Charles Campbell -

Corrections has reduced # of juveniles  
outside Alaska -

Alaska ranked 7<sup>th</sup> in the U.S.A. for  
the use of imprisonment -

putting people in jail, isn't necessarily  
going to decrease the crime rate -

w/ new Crim. Code, large #'s of  
persons on probation will have to  
be incarcerated -

rehabilitation has not really been  
tried, it has received lip-service -

177 outside Alaskan prisoners -

maybe 50% prisoners don't need  
to be there -

out-of-state classification is  
determined by sentence length -

don't offer work opportunities - need to  
develop prison industry program -

Ames Luce -

civil trial lawyer -

calendar problem very bad in Anchorage,  
could be 5-6 yrs. from time of an  
injury to appeal -

no increase since 1974 in Arch. judiciary -

w/ 120-day rule, criminal cases have priority -

the abolishing of ~~the~~ plea bargaining has caused chaos -

want 3 new judges in Anchorage -

8-10,000 backlog, cases -

Pro tem adjudicators = part-time drawn from  
the trial bar - <sup>(Cooc)</sup> 20 lawyers available to  
act as part-time judges, compensated at  
60.00 @ hour, use own staff otherwise,  
court provides courtrooms, stipulate &  
agree to use of a pro tem adjudicator,  
could handle jury trials -

appellate delay due to influx of business -

in a civil case, it's cheaper to appeal than to pay -

post-judgment interest -

judicial pay is a cut from a lucrative private  
practice - no raises since 1975 -

Anch. Superior Ct. judges work 60 hrs. @ week -  
pay/benefits should keep up w/ inflation

Luce - 8% is current post-judgment interest -  
so companies can afford to pay the  
interest and go ahead and appeal -

Bert Campbell -

judges also point to other agencies - D.A.'s  
deciding to prosecute - police & C.O.'s  
become jaded -

Lacking an awareness of biases in Alaska -  
other than Public Safety, no agencies  
have enacted any affirmative action -

poster @ j.c. in every courtroom

# judges 25% judges -

\$

Kit Evans -

HB 392

no current laws protect women in battering situations

further emphasis upon police legally protecting others from harm -

the police don't act, now -

isolation & lack of information a problem

tells the woman she has to take charge  
(action)

must have a lawyer for a TRO  
takes at least one day

police say a TRO is a court (civil) matter  
and won't help, until a violation has  
been reported to lawyer, then to judge who  
can warrant arrest, then police can act. -

critical - getting info from court to police -

3 days jail ~~for~~ <sup>after</sup> 2nd time ~~violating~~ TRO violated

the actual misdemeanor is breaking the TRO  
jail is for the 3rd time

children used as hostages

women will press more charges, when it is safe  
to prosecute - too many aren't  
sure it's not okay - "good beaten aren't beaten"

Ricky Klotnick

November 29, 1979

Tom Buter -

Arch. airport unit - feel most of cocaine  
comes from Calif/Seattle through Anchorage  
by air -

Fed & State law not consistent  
limited resources -

would like to get to people lower on the  
totem pole to eventually aid them in  
getting to the top -

no state charge for conspiracy -

dogs trained to detect pot, heroin & cocaine

some physicians prescribe Dilaudid knowingly  
it's a pain killer, also used by heroin addicts -

not handicapped w/out the use of  
"no-snack"

Fraser  
Fraser & Turner —

started in 1973  
5 positions

pot very frequent —

Fraser has had 2 cases  
not involved in drugs or alcohol  
in a 2-year time period —

5 out of 6 drownings were either  
alcohol and/or drugs —

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— Traffic Court —

Jim Arnold,

4000-5000 citations a month  
500 trials — contest the citation

ACC inconsistent —

weights & measures  
over-parking different in dif. areas

fines less, or the same as 1964

no way to collect unpaid fines —

no prosecutors in traffic court —

and I to Tabu

Ruby

Pam Martin-Buckholz - Malone Brown-Barnes -  
November 30, 1979 - Friday - House Judiciary

Sam Trivette & Bill Lyons

<sup>get</sup> comprehensive report - cont. disp on Monday -  
will be sent to Leg. Library - get  
10 copies for committee -

common problem is Legislators and others  
don't hear the whole story -  
some facts are deleted -

Charlie is concerned about a member of  
the P.B. walking out - from the case  
mentioned at the H.S. hearing -

Sud - says Board not too interested  
in professional testimony -

1978 - March - H. Judiciary told  
Parole Bd. too late -

full-time vs. part-time board -  
3 isn't a good enough cross-  
section of Alaska's population

Chief Anderson -

329 A.P.D. - training for Crim.  
Code began in Sept. --

\$175,000.00 - cost for training

State law trained to enforce -

crimes of violence rising - including rape -

John Arzell -

Rural Alaska terrible!

higher death, rape, fire, alcohol rates -  
problem - most communities ~~are~~ do  
not have the financial resources -  
Constitution says State has a  
responsibility to serve people of un-  
organized boroughs -

need for strong, overall planning -

ATPA receives fed \$ -  
strengthen & provide support ATPA -

divide state into regions -

decentralize - each region should have  
Pub. Safety - Court - Correction

deplorable communications

grants to communities - sep. to  
revenue sharing on top -

CETA funds are unreliable -

homicide usually occurs out of domestic disputes  
so police do have a responsibility

financial resources all will look at  
NSB - almost no state taxpayer there  
because NSB has enough to grow program -

Frank Austin & Sheldon State -

if substantial problem, consider  
attending committee past Sept. 1980 -  
(minority, entering)

support concerns of Rural Alaska Natives -

economics factor of Alaska's minorities -

Rubenstein -

Not a direct. Drug Abuse -

Fed. funding for alcohol/drug abuse  
of Alaska Natives -

talked about Misdemeanor Sentencing Study -

? files in files incomplete?  
from Statewide cases -

76-79 - felony <sup>drug</sup> sentence - report  
to be done by session -

"charge bargaining" memo from Ruby -

→ is there a central file? (AJIS)

Anch → Also Barrow etc.  
(info on past record)

Roger Endell —

Ramona didn't get Ley. Unplication —

40% ~~more~~ people in probation <sup>now</sup> jail  
w/ new crim. code —

building more jails doesn't cut crime —

1975 — 400 Prisoners — in Port Hope  
1979 — 800 " " "

Minnesota good correction system  
Oklahoma —

very arbitrary — the Parole Board —

crime prevention — public education

Steve Cox — village ordinance & their  
effect at Alcatraz

Denna Willard —

Dary Bailey — former chairman of Parol Bd. —

(about  
street)

some escape hatch is necessary  
need some procedure of  
reviewing —

parole time is the extent of a "plan"  
eliminate some good people because  
of valuable time away from work  
(30 business days a year)

criteria (guidelines)  
~~criteria~~ should be part of determination  
but not all —

Ratnick

Call Campbell for  
new summary

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med HB56X

	$\frac{\$}{}$	
SB	104	Ad. Appeals
HB	479	Rugs
HB	252	Judges/juries
HB	392	Domestic Violence

Eagle River 9-13-79

Charlie Parr

Terry Martin

Landy Phillips

Sam Letten

Pat O'Connell

1) m/m ~~Shimatonis~~ Shimatonis Shimatonis

father child of dirt bike across road  
1st offense - bike taken

18 yr. old Native

5 days in jail

\$200.00

Judge Brewer

plead guilty so P.D. said he  
wasn't needed

charge was reckless driving  
says P.D. won't take unless I get  
authority from judge

judge says he didn't know  
he was a Native

2) m/m ~~Laubner~~ ~~Partis~~

HB 392

Oct 1978 - <sup>Rust/</sup> Abraham Liscione  
a program submitted to H&SS  
violence related to alcoholism  
developed a program to treat  
prisoners -

of 8 - 8 admitted alcohol  
no viable treatment of alcohol  
in state

alcohol - genetic  
his program could be correlated w/ 392  
nutrient diet changes from protein to carbs  
problem of alcohol (sugar)  
sugar  
Calum

32 yr. Alaskan  
deal w/ Nutrition  
Education

Dr. James Milam  
"Emergent Concept of Alcoholism"  
28-day program - "Al sinis" - Seattle  
98% alcoholics + test hypoglycemia  
include in 392 - mandatory out-  
patient treatment

Russ Mubins has a copy  
so does Charlie Campbell of his  
proposal

w/in Div. Correction

3 admin. people

5 on board - one recovered alcoholic  
(traveling) psychologist  
businessman

3) Emmet Hydeman

judges should be elected

unequal representation

4) Gail Dial

Drugs -

wants to know what peace officers think of Charlie's wife

Laulaker says pot is bad on the central nervous system

5) Phillip ~~Reece~~ Reece

6) Roger Endell - Criminal Justice Center

Master Plan -

no new beds in Alaska - only replacement  
no facility in rural Alaska Constitutionally acceptable -

double capacity at C.R.

" " Palmer  
add to Juneau & Iktos

questions c. code impact on Corrections

Code no parole for 2<sup>nd</sup> - 3<sup>rd</sup> offenders

need to look at total picture

policy change -

(4) endel

should study scandinavian  
system to handle drunk driving

Corrections is wrong place to put  
people w/ drug/ alcohol problems

would like to see a "class A"  
alcohol/drug treatment facility  
in Alaska -

alcantara - possible facility  
Homer - " "

Colis shap should do more  
than give grants

Mental Health Division

" Project Prosecutor "

17 out-of-state prisoners back in alaska  
problem w/ where to put them

full-scale restitution plan  
for those going to jail  
prison industry  
(not just those on probation)

Failures - one agency -   
Mental Health  
Drugs  
alcohol

Eagle River - 9-13-79

Nagel in ak. before session  
did Master Plan section on  
prison industry -

13<sup>th</sup> in nation - Alaska is  
incarceration oriented - also  
discriminatory w/ minorities

no max security in Alaska  
called Long-term in Master Plan  
(200-400 bed facility)

Edell involved w/ site selection

we should invite him to our  
invitational hearing -

Leg. will asked for more judges,  
prosecutors, etc. - need to  
balance corrections

Charlie Adams - CTPA - developing  
system to determine the balance

Eagle River best place in state  
to do time - place of least problems  
(Back - ask Bill Green what he  
thinks about women at Eagle River)

7) Larry Haden  
LO's  
"Personal Growth" program  
for prison industry  
for violent crimes compensation  
staff at nation's prisons members  
of "racist" groups - KKK etc.

Russ - needs place for kids off street  
so they don't get in trouble  
get in jail and learn  
more ways to be criminals

Endell - inmates could make ice rinks, etc.  
Chickot trail -

"Lackstring Program"

Highway sign staff at Palmer, but  
signs made in Tacoma

Prince Rupert laundry contract

Anchorage - 9-15-79  
Parr, Anderson, O'Connell

- 1) Don ~~the~~ ~~Anderson~~ Philson  
researcher  
will submit written material
- 2) Verta Maria Jones - MA Library  
reports on status exams of  
Anchorage has too many attorneys  
Alaska questions are not as good  
as the California questions  
believes grading of exam a big problem  
very difficult to appeal failing of exam  
doesn't feel Supreme Court does  
anything about Bar -  
Talk to Patrick Anderson  
also - feels Alaska Patents are  
discriminated - not passing exam  
Joe McKinnon's bill -  
says some people on Board of Governors  
are the ones doing the exam
- 3) Karen Hunt - Bid of Governors  
says grading of exam confidential  
Committee to check bias of exam -  
(⊗ this is what he purple ring  
looks like)  
Charlie wants to know about  
validity of exam - follow-up on  
lawyers passing it a few years  
later -

Quincy - 9-15-79

4) Rosemary Spencer  
Involved Parents Association  
concerned w/ drugs  
wants a strong drug law  
479 not strong enough  
wants amounts to go down  
wants punishment to go up  
thinks fear of punishment will  
work as a deterrent -

5) Lema Lederman H13 392

recent problem, but has been happening  
since Cave man

women accept it

low status roles

1978 - 56 deaths Alaska

28% relatives

212 officers assaulted

735% assault while disturbances

Ruby's study - disparity w/  
cop & victims perspective of problem

few arrests - no charges pressed  
pending

sentence length increases if defendant  
divorced - separated - single

\* the married man that is convicted  
of assault & battery has sentence reduced  
charges filed as misdemeanors  
not felonies

(Sema Lederman continued)

392 eliminated probable cause  
for TRO - complaint

TRO not too valuable now

needs contempt of court if TRO violated  
police more interested in drug busts,  
but w/ d.v. reluctant to act  
simplifies TRO process - \$200.00 lawyer's  
fee for invaluable TRO so they  
don't want to make process more simple

→ but misdemeanor is cop's presence  
~~is~~ makes bill worthless

D.A.'s discourages pressing charges  
Charlie wants documentation

wants alternatives to incarceration  
re-education - counseling  
(that it's bad)

massive public education

[Charlie thinks counseling a cop out]

jails make people better (6th ave.)  
come out madder than before

6) Bev Blasongame  
concerned parents  
drugs -

7) another women on drugs

8) William P. Nelson - Delta function  
street New York Drug Law  
didn't do any good  
alcohol - legal drug kills the most  
police - teamsters - mafia  
was charged w/ stat. rape  
his lawyer didn't do much  
- incompetent -

9) Pat Jasper  
professional homemaker  
concerned parents group.  
@ 200 in their group  
wants a tough drug law  
wants doctors treated harshly

10) Mark Betz  
children offenders private  
adults public  
wants legal insurance - by private  
insurance company.  
against the question on job  
applications if they've been in jail  
wants an elected A.G.

11) Silvia Short  
opposed to st. correction system  
"incarceration  
don't rehabilitate  
large number of repeat  
market for products (drugs)  
someone else will fill their  
shoes if they are in jail  
longer, stiffer sentences are  
not the answer - only cause  
bitterness -  
should look at alternatives to jail  
"specialize" lawyers

12) Keith Lauers  
"Youth guidance for teens" program  
prevent juveniles from becoming  
criminals - believe in treatment  
incarceration not the only answer -  
"Volunteers in Corrections" program  
has Alaska looked into this  
one-to-one basis - positive reinforcement  
more time than what a corrections  
officer/counselor spends  
wants a strong drug law -  
says doctor wanted him to use pet  
during kinotherapy -

13) Bert Campbell  
Chairman - Minority sentencing committee

Education \$ at E.P. used for bars & will  
have heard from inmates how hard education  
is to get in jail —

violence in 6<sup>th</sup> & C study  
says none - inmates say there  
is lots of violence

Mr. Paul Tambora did study  
violence of guards & prisoners

see budget for corrections on ed.  
audit to see what went where

6 months - 7-8 complaints  
~~about~~ about judges - one had  
a hearing & found guilty -

wants commission to start  
letting public know commission  
exists -

14) John Angell -

doesn't think parents really want  
their children hauled off to jail

separate unequal criminal justice  
system in Alaska - rural/urban

special attention next session to  
deal w/ rural problems

de centralization public safety  
pwr communication

says decent comm. system exists,  
we need to use them

need records kept w/in P. Safety  
so that rural problems can be  
more carefully analyzed.

"the rest of the state" = 1 category

Booze in Rural Alaska -

Public Safety "official" in rural areas -  
does more than just arrest

is parents' responsibility w/ drugs

15) Marjorie Hall

agrees w/ central "Matt Dillon"  
feels adequate information  
@ mental crime

unhappy w/ A.G.'s interpretation  
of the laws

has a copy of "Alaska Drug Report"

pat bad for national eternal security  
numbs ~~the~~ senses so she  
feels its easy to mold people

16) Jana Varrati

concerned w/ specialization - in legal  
field, a persons education should  
be with a broad base -

attitude change important for  
batterers - not just jail

how does family survive if  
husband in jail for battering

mandatory counseling instead  
of time in jail for D.V.

17) Don Trudeau

says arrest of young people has doubled  
since pot laws changed

says alot of homicides in Alaska  
are drug related

slang terms should not be in the law

wants stronger drug legislation  
with meaning in it -

works w/ pharmacist  
when "street" drug suppliers are few -  
peeps go to the pharmacist

Jones - added that lawyers shouldn't  
investigate lawyers -

Betz - TM for prisoners  
Rhode Island  
Washinton

Rick Barner  
Grant Collier  
Bob Burton

SB 104

most folks appealing a sentence  
are sitting in jail

would court sit in Auck?

judges would sit in Auck, but  
travel, similar to Supreme Court.

Fairbanks - Oct. 19, 1979 House  
Parr, Malone, Brown, Terry M. Judiciary

1) Lee

~~Warham~~ Warham

doesn't think state judicial system  
very responsive to the people -  
operates in a vacuum -  
% ~~not~~ reactivity supersedes  
w/ crimes of violence or aggravated  
assault

\* very interested in Public Ad.  
Data

interested in qualification of judges  
neither judicial Council or  
Comm. on judicial qual. not very  
well publicized  
not easy for public to tell quality  
of judges

2) Mr. Dean Harris

judges should instruct juries of  
their right to decide the law  
doesn't like rule 56  
likes the idea of elected judges -  
thinks "contempt of court" should  
be abolished - wants judges  
liable for what they do.  
increase jury pay and  
should be voluntary

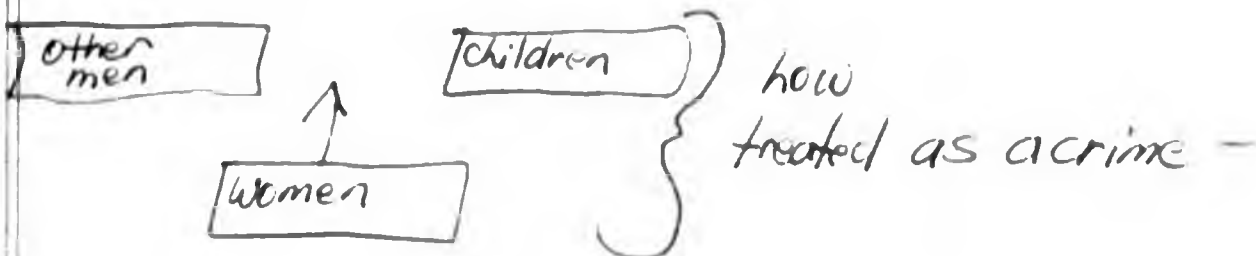
3) Victor Hoolist here since 1939 -  
should review lawyers by  
non-lawyers - not Bar Assoc.

4) Mona Oliver -  
visit<sup>an</sup> inmate<sup>(s)</sup>  
no summer dress allowed  
no contact visit unless sentenced  
form want SS# and inmate  
is supposed to know that SS#  
no tp in all of solitary confinement plus  
tailed would hit T flush -  
problem of contempt of court.

5) Suzanne Minicella  
WIC -

what is ~~the~~ criteria for deciding  
to prosecute? (D.V.)  
frequently told cases aren't strong  
enough to press charges -  
bail - set very minimal

trooper # feds. police very cooperative  
would like their reports on  
assault to note D.V. —  
advocate raise up and bail raised  
to 200,000 —



Suzanne continued -

all state shelters have access to "Male Awareness Project"

getting young men who are being beaten by their fathers -

most women at the shelter have children

- 6) Karla Slaughter  
child stealing not a criminal matter -

HB 392

Child Support Enforcement Agency  
wouldn't take anyone unless  
in welfare -

av. 62 calls a month at Shelter  
@ Rape victims @ month  
majority of cases end in divorce/separation  
few press charges -

- 7) Bonnie McFarland  
Abs. Dug. Tr. Centr - serious drugs

Parole Board -

works of corrections Jan 75 } study  
May 79 }

→ 45% had changed/quit drugs

7 continued -

try to appear at Board hearings  
wants PB members trained

PB. not very cooperative

"slips" can be dealt w/ in a  
treatment setting - a h. addict  
had a small amt. of cocaine  
and parole revoked in jail 3 months  
a doc; health prg - ex inmate should  
be on the Parole Board -

8) Frank Gold -

Drugs vs. alcohol -  
being on drugs against the law, but  
just being drunk isn't

~~Saxton~~ - Gold's submitted  
Drug abuse coordinator

600,000 for "Here's Looking at You"  
90,000 \$ ??

9) Dick Bates - J. C.M.H. Center  
judicial system unwilling to  
pay for M.H. services of  
especially folks in jail -  
Div. of Correc. not paying

Apr. 10-19-79

87  
Fairbanks 10-20-79  
Parr, Malone, Phillips, O'Connell, Brown  
1)

James Canon - atty.  
against elimination of the State Bar  
like warm @ Court of appeals  
thinks a legislative court could be  
repealed in the middle of a case  
HB 392 - likes police requirement  
to remain there - but thinks forms  
should be provided w/ dissolution of  
marriage forms - ~~they~~  
Charlie asked if non-court lawyers  
should be controlled by Supreme  
Court? - (Leg. Affairs, Dept. Law - those  
who do not practice in Ct. Rooms)  
he doesn't know, probably not

2) Hugh Connelly - District Ct. judge  
Leg. vs. Const. Court

concerned w/ qualifications  
of Court of Appeals -

wants this truly a Criminal  
Court of Appeals -

~~but that~~ Wants judicial Councils  
recommendations changed from  
30 to 60 days before an  
election.

1750  
for room  
w/ pg.

call  
Avis.

Fairbanks 10-20-79

page 7, line 17 delete "s" from  
Superior Courts - there is only  
one in the State of Alaska

doesn't want Supreme Ct. to be able  
to make additional qualifications  
for judges - pg. 9, line 14 -

page 15 - sec. 30 - H. Connolly concerned  
w/ judges who could already get retirement  
money that might have to contribute

some ~~judges~~ justices aren't  
getting ~~any~~ pay checks

w/ court. ct. - it might be 2-3  
yrs. down the road -

doesn't like current jury exemptions  
likes "Chicago"  
go to 1 day - 1 case system  
except extreme hardship - no  
exemptions -

And says there's a law  
review on the Chicago System -

3) Eva Hefly

Fairbanks judges discriminate  
against <sup>Natives</sup>

has <sup>16 yr. old</sup> son who got into trouble  
w/ white boys and whites got  
released - her son sent  
to S. Dakota - Judge Blair -  
P.D. walked out - no help from  
Prosecution / Ombudsman / H.R. Com.  
charged w/ burglary -

even tho guilt not proven,  
judge had power to send son  
to S. Dakota -

questioned son w/out parents or  
lawyer present - gave him  
no food -

troopers or  
jail folks

said son was a danger to self or  
others - might get shot trying to  
burglarize again -

H.R. Commission looking into it -

judge said too late for help for her son  
Frank Hefly  
son asked for help -

Frank -> April - Dec. at Dakota

talked to Karen Coy

Charlie wants to get permission  
to get tape from Judge Blair -

4) Clem Stevenson - lawyer -  
tried to disqualify Judge Blair -  
no one saw a "dangerous weapon"

got. had broken into a home of a P.A.  
found pot - P.A. resigned

Blair fined him 300.<sup>00</sup> for  
contempt of court - wanted to  
try a 15yr. old boy for putting a  
rope across an access road -

at bar = low class labor inst.

5) Rick Berrier -

juries - courts trying to change pro-  
cedure  
support the idea of getting everyone  
to be jurors -

master lost easily / quickly outdated

sometimes there's a difference to  
be available to serve for a  
certain amount - (30 days  
a week etc.)

continued -  
Clem Stevenson

at Bar Assoc. <sup>low class.</sup> <sup>trade union</sup>  
did not attend law school  
like Judge Connolly -

Seven Sisters - Oil Monopoly

when he told a Senate Committee in  
1969 that the oil co's should build  
the haul road he had trouble being  
admitted to the Alaska Bar - didn't  
meet "ethical qualifications" -  
Bar wouldn't tell him what their  
reasons were -

→ (cost Alaska 125 million)

finally gained admission, but had to  
take the (multi-state & Alaska section of exam  
for reciprocity, need 10 yrs.  
of law in another state  
and according to Bar, must  
graduate from law school

got a grade of 73 on a question  
where he had written the brief  
(for another lawyer) ~~but~~ for a  
case cited and won in the  
Supreme Court -

wants trial time lessened by  
setting ceilings - flat fees or  
contingent fees -

"Chancellor in Equity"

impose atty. fee to losers of suits -  
charged a fee for going to court  
and not winning

Oklahoma - Court of  
Criminal Appeals -  
3 judges - equal to civil  
appeal ct. -

wants summary judgements  
abolished

likes flat fees or  
contingencies

likes "element of surprise"

average person cannot afford  
a law suit

6) John Hefler

doesn't believe there is any justice  
conflicting testimony during his son's case

right. Straube quit at 4:30 - no time  
for Frank  
had a dinner date

of appeal different  
in juvenile court

believed Alaska Natives are discriminated against

a poor, poor lady was charged  
more for shoplifting than a  
man making 26,000 a year -

judged by social standing  
in the community

Rally

Nome 11-2-79  
Charlie Parr - Remona Barnes - Terry Martin

1) Andy Edge

Law enforcement in Rural Alaska  
not getting assistance from AST  
outside of Nome -

Drugs are being used more often

2) Glen Martin - Juvenile Diversion Program  
(Drugs or alcohol related) for status offenders  
JPA funds

recidivism rate 1979 1%  
lots of Court referrals

wants a policeman to walk around  
front st. when the kids hang out there  
should get more referrals  
seeking funds for mandatory (by court)  
drug & alcohol education for  
family too - no referrals from  
police -

try to keep kids out of criminal  
justice system, maybe not from  
taking drugs or drinking, but at least  
out of trouble -

want referrals from police, as  
well as the court -

10 client now  
22 this year  
32 total

get referrals from hospital,  
high school, social services, be-  
sides the court -

don't get but 1/3 of k.'s seen by  
probation people -

1 probation officer for Nome & Kotzebue

Kids think of Mr. Stuyfhuizen as "hell"

provides role models for kids  
is a caring person

3) Supt. Angleton - AST

time delays due to weather or lack  
of manpower - no one to send

4 troopers for Nome / Kotzebue area  
(1 pilot)

would like:

4 more troopers Nome

3 more troopers Kotzebue

1 more plane

every village has 1 village officer  
trying to train them to be village public  
safety officers - will certify - Police  
Standards Council - will be able to  
handle misdemeanors crimes -  
these <sup>officers</sup> are from the village

"Constable" program - mostly Native

Village Council still active

do hiring & firing of village officer

§ CETA - 8.33@ W. Mateny  
he filled out a questionnaire &  
signed it -

4) George Edwards - D.A.

crime from alcohol abuse  
don't have adequate facilities to  
handle the alcohol problem here -  
treatment and/or education

large % of assaults in families

suggesting police don't take d.v.  
incidents very seriously -

alcohol # 1 crime problem,  
need treatment

1 D.A. for entire area  
since 1900 - same 57 people

5) Judge William Sanders

need judge in Barrow Superior Ct. as  
(ok, Kim will have this)  
at least district ct. judge

need P.D. & D.A. for Kotzebue as well

Judge Sanders (continued)

alcohol abuse large problem  
would like an alcohol treatment facility  
the Minority Sentencing Committee  
was upset because of drunks being  
put in jail - also, they recommend  
an alcohol treatment facility -  
(But C. is gonna have to hear that)  
The judge feels if he had another  
place to "lock people up" other  
than jail, it would be a success -  
wants to see volume limit per  
person for retail liquor stores -  
his magistrates are Alaska Natives

- 6) John Larson - lawyer  
contractor for P.D. in Nome &  
Kotzebue area -  
more judicial officers  
circuit riding  
wants Leg. to better fund village  
police & P.D. & P.A. in Kotz.  
need more parole/probation people  
for appellate ct -  
should schedule real Bush hearings  
contract ending this year  
should be full-time P.P. in Nome & Kotz

7) Paul Bartlett ASST  
need PD & PA Home & Kote  
17 villages → 2 troopers  
Village councils falling apart - not strong  
where strong councils no less problems  
problem of housing for troopers

8) Gene Shaper - probation officer  
sub villages should be more responsible

Kekikau - 11-9-79

1) Nels, Thum, Landry  
Sister Barbara Haas

hospitals over regulated  
HB 412 opposes bill  
poor piece of legislation

2) interested in guardianship  
Paul Winigar

for better control bill

3) Wil Sebo - reporter  
lack of public knowledge of court system

4) Jim Bruce P.D.

mostly Native  
system enforces white middle class  
norms

alarmed w/ Crim. Code

when an Alaska Native writes a  
check for 50.00 for booze, he doesn't  
really want to commit felony, <sup>he doesn't</sup> just  
wants booze - too much  
presumptive sentencing w/ new  
crim. code -

all they want is to get some alcohol  
few felony, business-type cases, frequently  
to by signal

for HB 378 -

~~Do~~ "Draconian" penalties  
supports HB 312 <sup>d.v. common</sup>, everyday occurrence

Richard Yaspke(?) P.D.,  
HB 375

supports the bill  
city charges, <sup>ordinance</sup> then P.D. is  
appointed & municipality  
should pay for prosecution  
of municipal cases  
for Court of Appeals -

trial, 13 months later = decision

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Par. Phillips, Nels, Thelma Saturday, 11-10-79 KTAU

1) Georgian Booth - KTAU Lottery Board - Rep. Clerk

CS HB 245 - ~~FT~~ recalls, initiatives

HB 384 - 7 513, 137

2) Dr. Wilson

HB 412 - revised bill

3) Oscar Ericson  
HB 37

wants state to set up 7 million for  
a research award

against limited entry -

HB 245

SB 2 -

litter bill - good bill  
wants to charge 5¢ a can of beer/booze  
the people who drink it, should pay for the litter

4) Lillian Ruddy

contacted Mr. Campbell  
taken care of juveniles.

probation officer. Collins wrote a  
bad reference to Seward Skill Center -  
turned down the first time - the  
judge said if he went to Seward the record  
would be cleared - Paul is 100% about

and turnover of probation officers  
prejudice

Paul Shangin - 23

Collins won't let Paul see the  
letter he wrote about him

~~Mr~~ Kar House alcohol treatment in KTW  
Mr. Yaman, P.D. trying very hard to  
get Paul into Seward -

money from CETA for Seward Skill Center

Collins acted as though he were a cop  
225-3085

5) Coreen Rader  
Women in Safe Homes

supports HB392

~~02-15-10-15-10~~

for ~~the~~ violation of TRO  
can they arrest w/out warrant -  
filing fees? ~~the~~ criteria?  
up to the court system

Social Services - Child Abuse has  
extensive statutes - Social Workers  
investigate -

no shelter, but a network

95% alcohol related

they have no emergency funds  
to take care of the delay of the  
agencies' response - for food  
stamps, AFDC checks, etc. -

a battered woman is like an  
Alaska Native who has been told  
he's no good, so how strong  
is she going to be to leave

Rep. Phillips wants to ~~hear~~  
from Eagle River -

b) Elaine Barrett

Council on Status of Women  
#1 concern = D.V.

if a person is walking down  
the street & another attacks,  
police prosecutes plus charges,  
while in the home the woman  
has to press charges

av. client 3 kids, married 10 yrs.

16 units for low income people  
in Ketchikan -

the main problem is the  
police won't arrest unless  
they see the violence

TRO's are worthless

- 1) violation
- 2) call police
- 3) call D.A.
- 4) warrant from Judge
- 5) arrest

shortest response  
time = 2 hours

54 D.V. cases since July 1, '79

safe home network

SS monitors  
the grant LEAA

13,400 from the LEAA grant

Richard Yospin —

HB479

eliminate possession w/ intent to sell  
no account for purity of capsule

Fairbanks Public Hearing  
October 19, 1979  
Friday

See Whareham: Borough Assemblyman; very appropriate that (H) Judiciary get out into other communities.

April Act  
July Trial  
Sept. Sent.

Crimes of violence in which weapons used; Judicial system is failing, persons getting too lenient consideration. Judges concerned with No. of A instead of general public. Witness subject of robbery at Alcom, his biz;

Victim high on cocaine, impaired; he was found guilty & sentenced 3 ct. of armed rob. + assault - 10 x 3 = Concurrent + 5 year assault (~~was~~ suspended). Leaving A to serve 3 years. A had already been convicted of 10 years in Texas - end of 4 year (completed).

What do you have to do to lock someone away?

A was Black man. Is this a reaction to sentencing study.

Judges too concerned with track record.

Retention of judges - aware of.

Property crimes - if less than \$5,000 forget it unless a very hot case.

From Jail

Recidivism - 87 to 90% in Alaska.  
60% in Federal System.

Not enough law enforcement personnel.

- ① data - % or rate of recidivism of
- ② Paroles in crimes of violent crimes.  
also ~~wants~~ wants to know judges that are letting people loose.
- ③ crime rate of general population compared to those on parole or probation.

Response:

Sarr

Recidivism on parole & probation  
Rocky's report - Charlie ~~states~~  
desires to send him a copy of report.

Brown

New criminal code - mandatory minimum sentences; repeat felons - presumptive sentence - can vary 50% either way, but judge must make findings.  
Judicial Council - retention election materials;

Brown

Witness desires determinant sentencing.  
This was offered by Administration - but legislature opted for something in between.

difficult for voters to assess judges.  
no one knows about Judicial Council - <sup>nominations</sup> reports statistics  
and "Judicial Qualifications ~~Committee~~ <sup>Commission</sup> on  
Summary of Judges' record.

Commission on Judicial Qualification - receives testimony or complaints.

Witness  
civil cases - no problems; would like to say likes small claim - would favor streamlining this court.

Dean Ferris rt. of jury to decide the law & fact. George <sup>v. Bailestford</sup> 3 Dal 1 (1794) & thinks that jury does the sentencing as well, this is done in Texas. Pt. of appeal is useless. U.S. v. Davenport, 473 F2d 1113, 1116

John Jay decision

Legal profession has a strangle hold on law.

Would like to see 50 abolished summary judgment.

Would like to see writs of error brought back.

[Witness seems to be litigation oriented lay person]

Contempt laws pretty technical. Fines should be abolished.

Judges should be liable for what they do. Can't sue them.

Jury pay should be increased & should be voluntary.

Would like to see state agencies out of court. Only some state should be in court → for criminal activities.

Halmes - common law = case law

Brown: Jury nullification in criminal case.

AK+ } - Const. rt. of trial by jury at common law.  
US. }  
Const. } Judge decides law, jury decides facts.

3rd Witness Mr. Hauselt

Does want to pay to send people to jail; Traced do something to lawyers - get rid of them.

Dick Madson. Gave \$ to two lawyers - never told him of court case.

AK. Bar Assn. does nothing. Get a good ombudsman in this city.

Mon L. Oliver

visits inmates in jail; req. on visit; doesn't see why you can't wear shorts or tank tops; "no contact if unless sentenced" - doesn't think this is fair. Form for contact visits - why need social security #; this is given to inmates - inmates don't know SS #.

Solidary Confinement - shoe straps, belt taken away; no TP in cell. Toilet at time not flushing. Civil offender put in with non-sentenced members - audio is very poor on phones - sometimes have to yell.

Contempt - (Rules of Procedure) - civil contempt is not defined. Would like to see civil contempt defined.

favors electing judges.

Something before judge - 5 days to preempt judge.

Pro se case - not allowed inmate to take materials into court from jail.

Habeas Corpus - district court judge  
on a weekend; shouldn't have  
Civil Rule 4 to wait 2-3  
Dyell, R. 576. → declaratory judgment.  
Can't find any forms.

→ Brown - there is something at issue,  
facts together - court is asked  
to declare the rights of parties.  
Forms in that book not very  
good.

Contempt > Par interested in this.  
Criminal Contemp + Civil, unbridled power.  
Baker v. FBKS - deal with contempt.  
1970

Susan Unacello - ♀ Crisis Counseling -  
♀ domestic Violence.  
Police Procedures + DA Procedures.  
What the criteria is for accepting cases  
for prosecution, whether violence is a  
factor.  
In cases of extreme violence - victim  
has to be grilled again and again;  
seems to be extreme.

Bail is set - up to DA to bring  
out information to est. this.  
Assault - misdemeanor - How  
does domestic violence fit in new  
criminal code.

Law Enforcement - break out this for  
crime statistics.

Bail process - \$20,000 raised to \$200,000

Carla Slaughter - Child stealing > I said it was a criminal matter.  
11 cases

Bench  
(\*)

DA's office - says a non-criminal matter.

Maxey case  
Johnson case 2 + two child stealing cases.

→ look into this.

Police Liability

Sovereign immunity - Fred has problems with.

Child Support Enforcement Agency.  
won't take it ~~that~~ unless on welfare.

Client know whereabouts -

95% of cases → AFDC cases

(\*) exclusive jurisdiction  $\Rightarrow$  Child Support Enforcement. No intervention from others.

24 cases per month, about 6 of those press charges.

Another Witness Parol. - Bro.

FD TC(?) works with methadone clinics; high rate of recidivism; Jan 75 - May 79  $\Rightarrow$  45% graduated - no longer abused drugs; 21% still in problems.

Frank Gold - Fbx. drug treatment center.

Drug use; unfortunately not classified same as A12; addicts - when they get out of jail will go rt. back to drugs.

If new drug law  $\rightarrow$  incorporate

<sup>5</sup>600,000 - State Office of Drug Abuse

"Here's looking At You" drug program in school.

\$510,000 used for program.

where other \$90,000

Came in saying had 9 in fact had 7 and Legislature gave them 9 - "the same they had last year"

Vic. Baker - Com. Mental Health Center -  
judicial - mental health services -  
inmate ordered to receive mental health care; jails don't pay for these services.

4:25  
P.M.  
Flight to  
Anchorage

Mr. Campbell is on the list.

Fairbanks  
Saturday  
9:00 AM.

James Cannon, Atty.

Sunset law - very little said about it  
at local bar. Sunset law's termination  
of ABA won't kill off lawyers

Sunset laws generally renew -  
efficiency of state money

Mostly a self supporting agency.

Money received from court system  $\Rightarrow$   
only for grievance matters.

Lawyer referral system - set up by  
ABA.

No longer has rec fee schedules  
testing competency - open question as  
to exam, but does some good.

Lower cost malpractice ins for members  
fee dispute committee - ABA, has some  
lay members on it.

Advisory opinions as to ethics, free, but  
courts couldn't do it if ABA "sunsetted."

CLE is not mandatory.  
Financial & Community education  
Judicial Poll

Appeals Court - like warn on whether need one; don't trust statistics - particularly court systems' statistics.

Criminal Court of Appeals is better than increasing supreme court, but believes that it should be constitutional.

People should be able to vote on it.

HP 392 Domestic Violence

likes features - police to remain there, get med

Sec 4. & Sec 5 not sure need this. Lot of cases get dropped by complaining witness.

Powers of district court - conditions concerning contact. Services of ASC is available to them.  
Process divorce - TRO

dist. court judges as superior & masters - why not

> temp custody, support, those types of relief available to those seeking dissolution.

Case 77  
105 Inj.] Rules affects.

Separation of powers  
attys that don't go to court -  
why supreme court control?

Execn atty }  
Executive Atty } Supreme Court  
Legislative Atty } Control - why  
should they  
control & regulate  
those attys

Appeals Court - Const. Court -  
no diff. voters

HB 49

Committee has authority to make charges.  
slavery terms - Charles gave rationale;  
definition of manufacturing - take care  
(\*) not to include pot growing.

Jurisd of court determined by legislature -  
Legislature could cut off Sup Ct  
jurisd even tho its a Const Court.

md

Hugh Connelly

Chair Reg. Comm. Taxation  
BANK. ASS. Dist. Ct. Judge

HCS-SB 104 Court of Appeals -

likes most of our charges; pay-play  
betw Court system people - Judges, BANK  
Assn;

479 - Present law needs revision;  
Advisory Committee - Law Enf.  
Phar. — have them come back  
with schedule - power to revise  
they should have.

Drug laws - political judgments - how  
bad something is.

Thinks better than what we have,  
but needs work. Why have  
long terms?

immensely complex.

definition - manufacturing  
packing or repacking -  
may make growing pot.

Questions: TRO - some people won't respect.  
Dist Court is better than Superior Court  
Court system <sup>should</sup> prepare forms for this.

State Auditor - <sup>told him</sup> Leg - have all stuff  
that is not confidential.

There are differences between const. court  
& legislative court.  
Const / Leg Court

- ① Const. no sunset
- ② Can't take jurisd. if defined in Const.
- ③ difficulty in enforcing its powers

Sup. Court has made some very strong  
differences.

Should be on judicial Qualifications (Comm.)  
Committee - This is est. by Const., could it  
be added to by legislation (?).

paraph b)

District Court =

pg. 1  
line  
27

no. of places - rec. of judicial council  
30 days before election - Hugh  
Lonnolly would like to make it  
60 days prior to election.  
maybe get into. before judge has to  
file to run. → info before public  
longer time, give judge chance to  
bow out gracefully.

root of problem - case not made to  
public or public not care about  
criteria used by judicial council.

---

Const. / Leg. Court differences -

Const. Amend ~~HB104~~ would take more  
votes out of legislature than HB104,  
a bill.

Jury service > doesn't believe pres  
system is good in permitting exemptions.  
Likes Chicago system. Off, only if,  
extreme hardship - deactivation of judge  
Fred wants some structure on  
Chicago system.

\*  
Perch

Why should Atty's be treated differently?

BAR ASST + practice of law is unique.  
Sup. Ct's power - Eng. System Solicitor +  
BARRISTER

separate cert. for trial lawyers - Am trial  
lawyers HB10.

Implementation would go up.  
Better off the way we are with ABA.

Code and notice pleading

~~1/1/1~~

2  
37  
2  
14

John L. Heffl. - Justice system is lousy  
discrimination against natives, used  
to be a police officer, judge, almost  
worth a damn; J. Blair commixates  
J. Hodges or J. Van Hanson - all  
Bad.

Reasonable doubt - yet J. Blair put  
child away, because he thought  
it was a crime.

No rt. of Appeal ~~as~~ since juvenile  
court.

Probation officer - J. Blair said child  
couldn't go to youth group.

said son couldn't be released  
on OR.

One plea in trial before Hugh  
Connelly.

Send 392 - domestic violence to Judge  
Connelley - after committee ~~at~~  
mark-up.

Ms. Heffley

Law & judges discriminate against  
natives. Keep Native Child 5 days.  
White boys who did same thing -  
were let ~~lose~~ lose. "Son put in  
South home for boys." incident never  
proven J. Blair - Mr. Braxton -  
P.D. atty left w/o arguing case -  
said couldn't argue was interested  
in L.V.

Probation officer also discriminating.

50% of children - don't go to court

Child was beaten in home in S. Dakota.

Mr. Reese - said would look into it;  
said allegation ~~was~~ true

<sup>1st offense</sup>  
10 yrs. old then Assault w. dangerous weapon - in school  
April til Dec. in S. Dakota

<sup>2nd offense</sup>  
Burglary in dwelling, 5 days prior to  
~~release~~ release [pre-trial detention].

1:30 - 7:00 - kept them and  
questioned son.

Mary Lafalite - didn't meet ethical qualifications - secret + confidential.  
Hearing in Oklahoma - two lawyers testified against - Bd testimony had to go to Sup. Ct.  
Rese proximity - came in under.

Rule of AK Bar - graduate of law school supercedes statutes. Flunked 1st time designated multi state exam as the lawyers exam

entitled to see one sample answer.

Boko suit 11 person - multi-state not graded properly.

Dec '68 State BKR Meeting - oil well, influx of lawyers - try to take big oil/gas lawyers

4/2/11 passed. Feb. 69

doesn't like Rule 82 "Unamerican"

Court Appeals - thinks delays in Ct/A have too Sup Court. Civil + Criminal & also intermediate Civil Court of Appeals.

Charlie wants copy of tape - content + 300 fine between statement

went to court next morning;  
paper work not done - probation  
officer.

\* Berch

Clem Stevenson, Atty.

filed motion to disqualify  
J. Blair - 5 days was filed within 4 hour  
time. J. Blair denied

Held boy w/o release - on  
bond - or on OR.

No one saw the dangerous weapon -  
knife - that he was charged  
with.

Broke into Asst. Dist. Attorney's home.  
Took some pot + cocaine ~~that~~ ~~herl~~  
quite the job

Need  
Spittle  
Clem about

J. Blair fined Atty 300 - contempt of  
court another case - Halloween Night

Juvenile intake officers -

2nd offense Rifle boy

Richard Parrie

Ct. of Appeals concurs with Tanana Valley Bar Assn  
jurors - court working on it

→ Arny Stevenson didn't attend law school,  
\* father's boy father, Atty + other attorney  
his name to be 129 17th Ave. #112  
~~planned~~ planned; he planned 5th,  
came to AK in '69 -

*Court of Appeals Bill  
From H.V's Hearing*

Original sponsors: Ziegler, Bradley,  
Meland, et al

Offered: 5/1/79  
Referred: Finance

1 IN THE SENATE BY THE JUDICIARY COMMITTEE  
2 HOUSE CS FOR SENATE BILL NO. 104  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 ELEVENTH LEGISLATURE - FIRST SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to courts; establishing the court of  
7 appeals; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 22 is amended by adding a new chapter to read:  
10 CHAPTER 07. THE COURT OF APPEALS.

11 Sec. 22.07.010. ESTABLISHMENT. There is established the court of  
12 appeals, consisting of three judges. The court of appeals is a court of  
13 record.

14 Sec. 22.07.020. JURISDICTION. (a) The court of appeals has  
15 appellate jurisdiction in actions and proceedings commenced in the  
16 superior court *district courts* involving:

- 17 (1) criminal prosecution;
- 18 (2) post-conviction relief;
- 19 (3) waiver of children's court jurisdiction over a minor
- 20 under AS 47.10;
- 21 (4) extradition;
- 22 (5) habeas corpus;
- 23 (6) probation and parole; and
- 24 (7) bail.

25 (b) The court of appeals has appellate jurisdiction in all actions  
26 and proceedings commenced in the district court and may, in its discre-  
27 tion, remand a district court matter to the superior court for a trial  
28 de novo in whole or in part. *district court*

29 (c) The court of appeals may issue injunctions, writs and all

*H.C.*

*Chelley  
remore  
civil jurisd*

*should also  
make it  
remandatory  
to district  
court*

*dist. court cases should go to supreme  
court otherwise makes costly*

*two Appeals if had to go to superior court.*

1 other process necessary for the complete exercise of its jurisdiction.

2 (d) The court of appeals has jurisdiction to hear appeals of  
3 sentences of imprisonment imposed by the superior court or the district  
4 court on the grounds that the sentence is excessive or too lenient and,  
5 in the exercise of this jurisdiction, may modify the sentence as pro-  
6 vided by law and the state constitution.

7 (e) An appeal to the court of appeals is a matter of right in all  
8 actions and proceedings within its jurisdiction, except that the state  
9 has no right of appeal in criminal cases except to test the sufficiency  
10 of the indictment or information or to appeal a sentence on the ground  
11 it is too lenient under (d) of this section.

12 (f) A final decision of the court of appeals is binding on the  
13 superior court and on the district court unless superseded by a decision  
14 of the supreme court.

15 Sec. 22.07.030. REVIEW BY SUPREME COURT. A party may apply to the  
16 supreme court for review of a final decision of the court of appeals in  
17 accordance with AS 22.05.010 and rules adopted by the supreme court.  
18 Review is in the discretion of the supreme court as set out in AS 22.05.-  
19 010(c). In this section, "final decision" means a decision or order,  
20 other than a dismissal by consent of all parties, that closes a matter  
21 in the court of appeals.

22 Sec. 22.07.040. QUALIFICATIONS OF JUDGES. A judge of the court of  
23 appeals shall be a citizen of the United States and of the state, a  
24 resident of the state for five years immediately preceding his appoint-  
25 ment, have been engaged for not less than eight years immediately pre-  
26 ceding his appointment in the active practice of law, and at the time of  
27 appointment be licensed to practice law in the state. For purposes of  
28 this section, the active practice of law is the same as defined for the  
29 justices of the supreme court in AS 22.05.070.

1           Sec. 22.07.050. OATH OF OFFICE. Each judge of the court of  
2 appeals, upon entering office, shall take and subscribe to the oath or  
3 affirmation of office required of all officers under the constitution.

4           Sec. 22.07.060. APPROVAL OR REJECTION. Each judge of the court of  
5 appeals is subject to approval or rejection as provided in the Alaska  
6 Election Code (AS 15). The judicial council shall conduct an evaluation  
7 of each judge before his retention election and shall provide informa-  
8 tion to the public about the judge and may provide a recommendation  
9 regarding his retention or rejection. The information and any recommen-  
10 dation shall be made public at least 30 days before the election. The  
11 judicial council shall also provide the information and any recommenda-  
12 tion to the office of the lieutenant governor in time for publication in  
13 the election pamphlet as required by AS 15.57.025. If a majority of  
14 those voting on the question rejects the candidacy of a judge, he may  
15 not for a period of four years thereafter be appointed to fill a vacancy  
16 in the supreme court, the court of appeals, the superior court, or the  
17 district court of the state.

18           Sec. 22.07.070. VACANCIES. (a) The governor shall fill a vacancy  
19 or appoint a successor to fill an impending vacancy in the office of  
20 judge of the court of appeals within 45 days after receiving nominations  
21 from the judicial council, by appointing one of two or more persons  
22 nominated by the council for each actual or impending vacancy. An  
23 appointment to fill an impending vacancy becomes effective upon the  
24 actual occurrence of the vacancy.

25           (b) The office of a judge of the court of appeals becomes vacant  
26 90 days after the election at which he is rejected by a majority of  
27 those voting on the question or for which he fails to file his declara-  
28 tion of candidacy to succeed himself. Upon the occurrence of (1) an  
29 actual vacancy, (2) the certification of rejection following an elec-

1 tion; or (3) the failure of a judge to file a declaration of candidacy  
2 to succeed himself, the judicial council shall meet within 45 days and  
3 submit to the governor the names of two or more persons qualified for  
4 the judicial office; however, the 45-day period may be extended by the  
5 judicial council with the concurrence of the supreme court. In the  
6 event of an impending vacancy other than by reason of rejection or  
7 failure to file a declaration of candidacy, the judicial council may  
8 meet at any time within the 90-day period immediately preceding the  
9 effective date of the vacancy and submit to the governor the names of  
10 two or more persons qualified for the judicial office.

11 Sec. 22.07.080. RESTRICTIONS. A judge of the court of appeals  
12 while holding office may not practice law, or engage in the conduct of  
13 any other profession, vocation or business for profit or compensation,  
14 which conduct would interfere with his performance of his judicial  
15 duties, nor may he hold office in a political party, or hold any other  
16 office or position of profit under the United States, the state or its  
17 political subdivisions. A judge of the court of appeals filing for  
18 another elective public office other than delegate to a constitutional  
19 convention of this state or the United States forfeits his judicial  
20 position.

21 Sec. 22.07.090. COMPENSATION. (a) Each judge of the court of  
22 appeals is entitled to receive annual compensation prescribed in accor-  
23 dance with AS 39.23. The compensation of a judge may not be diminished  
24 during his term of office, unless by general law applying to all  
25 salaried officers of the state.

26 (b) A salary warrant may not be issued to a judge of the court of  
27 appeals until he has filed with the state officer designated to issue  
28 salary warrants an affidavit that no matter referred to the court for  
29 opinion or decision has been incompleated or undecided by the court for r

1 period of more than six months.

2 Sec. 22.07.100. PROCESS. Process of the court of appeals shall be  
3 in the name of the State of Alaska, signed by the clerk of the court or  
4 his deputy, dated when issued, sealed with the seal of court, and made  
5 returnable according to rule prescribed by the supreme court.

6 \* Sec. 2. AS 22.05.010 is repealed and re-enacted to read:

7 Sec. 22.05.010. JURISDICTION. (a) The supreme court has final  
8 appellate jurisdiction in all actions and proceedings. However, a party  
9 has only one appeal as a matter of right from an action or proceeding  
10 commenced in either the district court or the superior court.

11 (b) Appeal to the supreme court is a matter of right only in those  
12 actions and proceedings from which there is no right of appeal to the  
13 court of appeals under AS 22.07.020.

14 (c) A decision of the superior court on an appeal from an adminis-  
15 trative agency decision may be appealed to the supreme court as a matter  
16 of right.

17 (d) The supreme court may in its discretion review a final deci-  
18 sion of the court of appeals on application of a party under AS 22.07.-  
19 030. In this section "final decision" means a decision or order, other  
20 than a dismissal by consent of all parties, that closes a matter in the  
21 court of appeals.

22 (e) The supreme court may issue injunctions, writs and all other  
23 process necessary to the complete exercise of its jurisdiction.

24 \* Sec. 3. AS 22.05 is amended by adding a new section to read:

25 Sec. 22.05.015. TRANSFER OF APPELLATE CASES. (a) The supreme  
26 court may transfer to the court of appeals for decision a case pending  
27 before the supreme court if the case is within the jurisdiction of the  
28 court of appeals.

29 (b) The supreme court may take jurisdiction of a case pending

1 before the court of appeals if the court of appeals certifies to the  
2 supreme court that the case involves a significant question of law under  
3 the Consitution of the United States or under the constitution of the  
4 state or involves an issue of substantial public interest that should be  
5 determined by the supreme court.

6 (c) A case filed in the supreme court or in the court of appeals  
7 may not be dismissed by one court on the ground that it is within the  
8 jurisdiction of the other court. The case shall be transferred to the  
9 proper court.

10 \* Sec. 4. AS 22.05.060 is amended to read:

11 Sec. 22.05.060. SEALS OF COURT. The seal of the supreme court is  
12 a vignette of the official flag of the state with the words "Seal of the  
13 Supreme Court of the State of Alaska" surrounding the vignette. The  
14 supreme court shall prescribe by rule the seals of court for the court  
15 of appeals and for the superior and district courts.

16 \* Sec. 5. AS 22.05.070 is amended to read:

17 Sec. 22.05.070. QUALIFICATIONS OF JUSTICES. A justice of the  
18 supreme court shall be a citizen of the United States and of the state,  
19 a resident of the state for five [THREE] years immediately preceeding his  
20 appointment, have been engaged for not less than eight years immediately  
21 preceding his appointment in the active practice of law, and at the time  
22 of appointment be licensed to practice law in the state. The active  
23 practice of law includes

24 (1) sitting as a judge in a state or territorial court;

25 (2) being actually engaged in advising and representing  
26 clients in matters of law;

27 (3) rendering legal services to an agency, branch, or depart-  
28 ment of a civil government within the United States or a state or terri-  
29 tory of the United States, in an elective, appointive or employed

1 capacity;

2 (4) serving as a professor, associate professor, or assistant  
3 professor in a law school accredited by the American Bar Association.

4 \* Sec. 6. AS 22.05.100 is amended to read:

5 Sec. 22.05.100. APPROVAL OR REJECTION. Each supreme court justice  
6 is subject to approval or rejection as provided in the Alaska Election  
7 Code (AS 15.05 - 15.60). The judicial council shall conduct an evalua-  
8 tion of each justice before his retention election and shall provide to  
9 the public information about that justice and may provide a recommenda-  
10 tion regarding his retention or rejection. Such information and any  
11 recommendation shall be made public at least 30 days before the reten-  
12 tion election. The judicial council shall also provide such information  
13 and any recommendation to the office of the lieutenant governor in time  
14 for publication in the election pamphlet under AS 15.57.025. If a  
15 majority of those voting on the question re~~l~~ects his candidacy, he shall  
16 not be appointed to fill any vacancy in the supreme court, court of  
17 appeals, [OR] superior courts, or district courts of the state for a  
18 period of four years thereafter.

19 \* Sec. 7. AS 22.10.020(a) is amended to read:

20 (a) The superior court is the trial court of general jurisdiction,  
21 with original jurisdiction in all civil and criminal matters, including  
22 but not limited to probate and guardianship of minors and incompetents.  
23 The jurisdiction of the superior court extends over the whole of the  
24 state. The superior court and its judges may issue injunctions, writs  
25 of review, mandamus, prohibition, habeas corpus and all other writs  
26 necessary or proper to the complete exercise of its jurisdiction. A  
27 writ of habeas corpus may be made returnable before any judge of the  
28 superior court. The superior court has jurisdiction in all matters  
29 appealed to it from an [A SUBORDINATE COURT, OR] administrative agency

1 when appeal is provided by law. Appeals are a matter of right [, BUT NO  
2 APPEAL FROM A SUBORDINATE COURT MAY BE TAKEN BY THE DEFENDANT IN A  
3 CRIMINAL CASE AFTER A PLEA OF GUILTY, EXCEPT ON THE GROUND THAT THE  
4 SENTENCE WAS EXCESSIVE, AS FURTHER PROVIDED BY THIS SECTION. NO APPEAL  
5 MAY BE TAKEN BY THE STATE, EXCEPT TO TEST THE SUFFICIENCY OF AN INDICT-  
6 MENT OR INFORMATION. AN APPEAL TO THE SUPERIOR COURT MAY BE TAKEN ON  
7 THE GROUND THAT A SENTENCE OF IMPRISONMENT OF 180 DAYS OR MORE WAS  
8 EXCESSIVE AND THE SUPERIOR COURT IN THE EXERCISE OF THIS JURISDICTION  
9 HAS THE POWER TO MODIFY THE SENTENCE APPEALED FROM UPWARD OR DOWNWARD].  
10 The hearings on appeal from a final order or judgment of an [A SUBOR-  
11 DINATE COURT OR] administrative agency shall be on the record unless the  
12 superior court, in its discretion, grants a trial de novo, in whole or  
13 in part.

14 \* Sec. 8. AS 22.10.090 is amended to read:

15 Sec. 22.10.090. QUALIFICATIONS OF JUDGES. A judge of the superior  
16 court shall be a citizen of the United States and of the state, a  
17 resident of the state for five [THREE] years immediately preceding his  
18 appointment, have been engaged for not less than five years immediately  
19 preceding his appointment in the active practice of law, and at the time  
20 of appointment be licensed to practice law in the state. The active  
21 practice of law shall be as defined for justices of the supreme court  
22 in AS 22.05.070.

23 \* Sec. 9. AS 22.10.150 is amended to read:

24 Sec. 22.10.150. APPROVAL OR REJECTION. Each superior court judge  
25 is subject to approval or rejection as provided in the Alaska Election  
26 Code (AS 15.05 - 15.60). The judicial council shall conduct an evalua-  
27 tion of each judge before his retention election and shall provide to  
28 the public information about the judge and may provide a recommendation  
29 regarding his retention or rejection. Such information and any recom-

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mendation shall be made public at least 30 days before the retention election. The judicial council shall also provide such information and any recommendation to the office of the lieutenant governor in time for publication in the election pamphlet under AS 15.57.025. If a majority of those voting on the question rejects his candidacy, he shall not for a period of four years thereafter be appointed to fill any vacancy in the supreme court, court of appeals, [OR] superior courts, or district courts of the state.

\* Sec. 10. AS 22.15.160(a) is amended to read:

(a) A district judge shall be a citizen of the United States and of the state, at least 21 years of age, a resident of the state for at least five years [ONE YEAR] immediately preceding his appointment, and at the time of his appointment licensed to practice <sup>for three yrs.</sup> law in the State of Alaska. [The supreme court may prescribe additional qualifications.]

*same thing as for at least some figure*

\* Sec. 11. AS 22.15.195 is amended to read:

Sec. 22.15.195. APPROVAL OR REJECTION. Each district court judge is subject to approval or rejection as provided in the Alaska El. tion Code (AS 15.05 - 15.60). The judicial council shall conduct an evaluation of each judge before his retention election and shall provide to the public information about the judge and may provide a recommendation regarding his retention or rejection. Such information and the recommendation shall be made public at least 30 days before the election. The judicial council shall also provide such information and any recommendation to the office of the lieutenant governor in time for publication in the election pamphlet under AS 15.57.025. If a majority of those voting on the question rejects his candidacy, he shall not for a period of four years thereafter be appointed to fill any vacancy in the supreme court, court of appeals, superior courts or district courts of the state.

7 BAE Addo.  
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\* Sec. 12. AS 22.15.240 is amended to read:

Sec. 22.15.240. APPEAL. (a) Either party as a matter of right may appeal a judgment of the district court in a civil action to the ~~court of appeals~~ <sup>Supreme Court</sup> [SUPERIOR COURT WHEN THE SUM IN CONTROVERSY IS NOT LESS THAN \$50, OR FOR THE RECOVERY OF PERSONAL PROPERTY OF THE VALUE OF NOT LESS THAN \$50 EXCLUSIVE OF COSTS IN EITHER CASE, EXCEPT WHEN THE SUM IS GIVEN BY CONFESSION OR FOR WANT OF AN ANSWER].

(b) The defendant may appeal a judgment of conviction given in the district court in a criminal action to the court of appeals [SUPERIOR COURT]. When the judgment is given on a plea of guilty, no appeal may be taken by the defendant except on the ground that a sentence of imprisonment of 180 days or more was excessive [; HOWEVER, THE SUPREME COURT BY RULE MAY FURTHER PROVIDE FOR REVIEW OF A JUDGMENT GIVEN ON A PLEA OF GUILTY]. The state has no right of appeal in criminal actions

for which judgment is given in the district courts, except to test the sufficiency of the information <sup>or to appeal a sentence too lenient do accord AS 22.07. - same as for Superior Court.</sup>

(c) An appeal from the district court shall be taken within 30 days from the date of entry of the judgment. All appeals shall be on the record [UNLESS THE SUPERIOR COURT, IN ITS DISCRETION, GRANTS A TRIAL DE NOVO, IN WHOLE OR IN PART].

(d) The supreme court shall prescribe further rules for the procedure for appeals from district courts.

\* Sec. 13. AS 22.20.010 is amended to read:

Sec. 22.20.010. JUDICIAL OFFICER DEFINED. The term "judicial officer" means a supreme court justice, including the chief justice, a judge of the court of appeals, a judge of the superior court, a district judge and a magistrate.

\* Sec. 14. AS 22.20.110 is amended to read:

Sec. 22.20.110. DUTY OF THE COMMISSIONER IN THE COURT OF APPEALS.

1 THE SUPERIOR COURT AND DISTRICT COURTS. When required by the supreme  
2 court the commissioner shall serve and execute all process issued by  
3 the court of appeals, the superior court and the district courts, attend  
4 to and wait upon grand and petit juries, maintain order, attend the  
5 sessions of the courts, and exercise the power and perform the duties  
6 concerning all matters within the jurisdiction of the courts as may be  
7 assigned to him. The commissioner is the executive officer of the court  
8 of appeals, the superior court and district courts.

9 \* Sec. 15. AS 22.25.010(g) is amended to read:

10 (g) The word "justice" means a supreme court justice, and the word  
11 "judge," unless the context clearly indicates otherwise, means a judge  
12 of the court of appeals, a superior court judge or district court judge.

13 \* Sec. 16. AS 22.30.080(2) is amended to read:

14 (2) "judge" means a justice of the supreme court, a judge of  
15 the court of appeals, a judge of the superior court, or a judge of the  
16 district court who is the subject of an investigation or proceeding  
17 under sec. 10, art. IV, Constitution of the State of Alaska and this  
18 chapter.

19 \* Sec. 17. AS 11.56.900(2) is amended to read:

20 (2) "judicial officer" means a supreme court justice, in-  
21 cluding the chief justice, a judge of the court of appeals, a judge of  
22 the superior court, a district court judge, or a magistrate;

23 \* Sec. 18. AS 15.15.30(10) is repealed and re-enacted to read:

24 (10) A separate nonpartisan judicial ballot shall be desig-  
25 nated for each judicial district in which a justice or judge is seeking  
26 to succeed himself. The ballot shall be divided into four parts and  
27 each part shall bear a heading indicating the court to which the candi-  
28 date is seeking approval. Within each part the question of whether the  
29 justice or judge shall be approved or rejected shall be set out in

1 substantially the following manner: (A) "Shall . . . . . be re-  
2 tained as justice of the supreme court for 10 years?"; (B) "Shall . . .  
3 . . . . be retained as judge of the court of appeals for eight years?";  
4 (C) "Shall . . . . . be retained as judge of the superior court for  
5 six years?"; or (D) "Shall . . . . . be retained as judge of the  
6 district court for four years?" Provision shall be made for marking  
7 each question "Yes" or "No".

8 \* Sec. 19. AS 15.35 is amended by adding new sections to read:

9 Sec. 15.35.140. APPROVAL OR REJECTION OF A JUDGE OF THE COURT OF  
10 APPEALS. Each judge of the court of appeals is subject to approval or  
11 rejection at the first general election held more than three years after  
12 his appointment. If approved, he is thereafter subject to approval or  
13 rejection in a like manner every eighth year.

14 Sec. 15.35.150. FILING DECLARATION BY JUDGE OF THE COURT OF  
15 APPEALS. Each judge of the court of appeals seeking to succeed himself  
16 in office shall file with the lieutenant governor a declaration of  
17 candidacy not less than 90 days before the date of the general election  
18 at which approval or rejection is requisite.

19 Sec. 15.35.160. REQUIREMENT OF FILING FEE FOR COURT OF APPEALS.  
20 At the time the declaration is filed, each candidate shall pay a filing  
21 fee to the lieutenant governor. The filing fee for a candidate for the  
22 court of appeals is \$100.

23 Sec. 15.35.170. PLACING NAME OF JUDGE OF THE COURT OF APPEALS ON  
24 BALLOT. The lieutenant governor shall place the name of a judge of the  
25 court of appeals who has properly filed a declaration of candidacy on  
26 the judicial ballot in each judicial district of the state for the  
27 general election at which approval is sought.

28 \* Sec. 20. AS 15.57.025 is amended to read:

29 Sec. 15.57.025. INFORMATION AND RECOMMENDATIONS ON JUDICIAL

1 OFFICERS. No later than 60 days before the applicable state election,  
2 the judicial council shall file with the lieutenant governor a statement  
3 including information about each supreme court justice, court of appeals  
4 judge, superior court judge, and district court judge who will be sub-  
5 ject to a retention election, following the evaluation of each such  
6 justice or judge conducted by the judicial council according to law.  
7 Each such statement may not exceed 300 words.

8 \* Sec. 21. AS 15.57.040(2) is amended to read:

9 (2) judicial officer other than supreme court justice or  
10 court of appeals judge, \$50 each.

11 \* Sec. 22. AS 24.55.330(2) is amended to read:

12 (2) "agency" includes a department, office, institution,  
13 corporation, authority, organization, commission, committee, council or  
14 board of a municipality or in the executive, legislative or judicial  
15 branches of the state government, and a department, office, institution,  
16 corporation, authority, organization, commission, committee, council or  
17 board of a municipality or of the state government independent of the  
18 executive, legislative and judicial branches; it also includes an  
19 officer, employee or member of an "agency" acting or purporting to act  
20 in the exercise of his official duties, but does not include the gover-  
21 nor, lieutenant governor, a member of the legislature, justice of the  
22 supreme court, judge of the court of appeals, a superior court judge,  
23 [OR] district court judge, magistrate, member of a city council or  
24 borough assembly, elected city or borough mayor, or a member of an  
25 elected school board;

26 \* Sec. 23. AS 39.20.310(1) is amended to read:

27 (1) members of the state legislature, the governor, the  
28 lieutenant governor, and justices and judges of the supreme and superior  
29 courts and of the court of appeals, but nothing in AS 39.20.220 - 39.20.-