

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 00/Z

9552 SENATE • JUDICIARY

189



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original documents after microfilm reproductions have been made.

A handwritten signature in black ink, appearing to read "P. H. [unclear]".

Signature of Camera Operator

10/5/99

Date

1997-1998
SENATE JUDICIARY COMMITTEE
LIST OF FILES (PAGE 1)

MICROFICHE #

CONFIRMATIONS:

CAROL ALLEY MD
VIOLENT CRIMES COMPENSATION BOARD

BAFFONE, GIUCHI, HAGEDORN, LAWLOR
AND PIERRE, AK. WORKER'S COMPENSATION
BOARD

BARBARA BRINK, PUBLIC DEFENDER

DIANE I. BROWN
COMMISSION ON JUDICIAL CONDUCT

DEBRA L. CALL
BOARD OF GOVERNORS OF AK. BAR

DENNIS COOK, SELECT COMMITTEE
ON LEGISLATIVE ETHICS

CUTLER AND WHEELER
VIOLENT CRIMES COMPENSATION BOARD

JEFFREY FELDMAN
COMMISSION ON JUDICIAL CONDUCT

ED GRANGER, SELECT COMMITTEE
ON LEGISLATIVE ETHICS

TONI JACKSON
ALCOHOL BEVERAGE CONTROL BOARD

MARY MATHEWS
ALASKA JUDICIAL COUNCIL

ETHEL STATON
COMMISSION ON JUDICIAL CONDUCT

EXECUTIVE ORDER 98

EXECUTIVE ORDER 99

1997-1998
SENATE JUDICIARY COMMITTEE
LIST OF FILES (PAGE 2)

MICROFICHE #

SB 1
SB 3
SB 15
SB 19
SB 24
SB 25
SB 38
SB 39
SB 41
SB 58
SB 60
SB 63
SB 67
SB 70
SB 101
SB 102
SB 106
SB 112
SB 113
SB 114
SB 119

1997-1998
SENATE JUDICIARY COMMITTEE
LIST OF FILES (PAGE 3)

MICROFICHE #

SB 132
SB 138
SB 158
SB 190
SB 195
SB 199
SB 208
SB 216
SB 218
SB 219
SB 232
SB 237
SB 242
SB 254
SB 272
SB 274
SB 291
SB 295
SB 297
SB 304
SB 306

1997-1998
SENATE JUDICIARY COMMITTEE
LIST OF FILES (PAGE 4)

MICROFICHE #

SB 307

SB 312

SB 313

SB 323

SB 329

SB 331

SB 348

SB 355

SCR 1

SCR 25

SCR 26

SJR 3

SJR 10

SJR 17

SJR 18

SJR 30

SJR 35

SJR 36

SJR 37

SJR 42

SJR 29

1997-1998
SENATE JUDICIARY COMMITTEE
LIST OF FILES (PAGE 5)

MICROFICHE #

HB 6
HB 7
HB 9
HB 11
HB 16
HB 22
HB 30
HB 65
HB 69
HB 91
HB 101
HB 108
HB 115
HB 116
HB 119
HB 120
HB 122
HB 153
HB 163
HB 170
HB 189

1997-1998
SENATE JUDICIARY COMMITTEE
LIST OF FILES (PAGE 6)

MICROFICHE #

HB 199
HB 201
HB 203
HB 252
HB 272
HB 310
HB 321
HB 335
HB 366
HB 383
HB 395
HB 399
HB 406
HCR 4
HCR 34
HJR 2
HJR 30
HJR 44

CONFIRM.:

C. ALLEY,

VIOLENT

CRIMES

COMP. BRD.

ALASKA STATE LEGISLATURE



Sen. Robin Taylor, Chair
Sen. Drue Pearce, Vice Chair
Sen. Mike Miller
Sen. Sean Parnell
Sen. Johnny Ellis

State Capitol
Juneau, AK 99801-1182
(907) 465-3717
Fax: (907) 465-3922

Senate Judiciary Committee

REPORT ON CONFIRMATION OF APPOINTMENTS

APRIL 17, 1998

The Honorable Mike Miller
President of the Senate
State Capitol
Juneau, Alaska 99801-1182

Dear President Miller:

In accordance with AS 39.05.080, the Senate Judiciary Committee reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

Violent Crimes Compensation Board
Carol L. Alley, M.D. - Ketchikan

There were no stated objections to the named individual. However, this does not reflect an intent by any of the members to vote for or against the appointment during any further sessions.

Respectfully,

Handwritten signature of Robin Taylor in cursive.

Senator Robin Taylor, Chair

Handwritten signature of Mike Miller in cursive.

Senator Mike Miller

Handwritten signature of Johnny Ellis in cursive.

Senator Johnny Ellis

Senator Drue Pearce, Vice Chair

Handwritten signature of Sean Parnell in cursive.

Senator Sean Parnell



OFFICIAL BUSINESS

Alaska State Legislature
Senate
Office of the Secretary

STATE CAPITOL, ROOM 213
JUNEAU, ALASKA 99801-1182
(907) 465-3701
FAX: 465-2832
EMAIL: senate_secretary@Legis.state.ak.us

February 9, 1998

MEMORANDUM

TO: Senator Taylor, Chair
Judiciary Committee

FROM: Nancy Quinto *NQ*
Secretary of the Senate

SUBJECT: Governor's Confirmations

Pursuant to AS 39.05.080, President Miller has referred the following names for legislative confirmation to your committee for a hearing, recommendation and report:

Alcoholic Beverage Control Board

Toni L. Jackson - Copper Center
Appointed: 08/27/97 Expires: 01/31/00

Commission on Judicial Conduct

Jeffrey M. Feldman, Esq. - Anchorage
Appointed: 09/01/93 Reappointed: 07/16/97 Expires: 04/28/01

Alaska Judicial Council

Mary Matthews - Fairbanks
Appointed: 05/19/97 Expires: 05/18/03

Violent Crimes Compensation Board

Carol L. Alley, M.D. - Ketchikan
Appointed: 12/01/95 Reappointed: 01/21/98 Expires: 12/15/00

NQ:kw
Resume attached

CURRICULUM VITAE

December 30, 1994

**NAME AND
ADDRESS**

Carol Louise Alley, M.D.
PHS #62455
Clinical Director
SEARHC Health Center
3289 Tongass Avenue
Ketchikan, Alaska 99901
(907) 225-4156

Home:

P.O. Box 6038
870 Miller Ridge Road
Ketchikan, Alaska 99901
(907) 225-0895

**PROFESSIONAL
EDUCATION AND
TRAINING**

B. S., Premedicine, 22 May 1982
University of Nevada, Reno, Nevada

M.D., University of Nevada, 17 May 1986

Family Practice Residency, June 1986-July 1989
McKay-Dee Family Practice Residency
University of Utah Affiliated, Ogden, Utah

**LICENSURE AND
CERTIFICATION**

1987 Diplomate, National Board of Medical Examiners
1989 Medical Licensure, Oregon State Board
1990 Diplomate, American Board of Family Practice

**WORK
EXPERIENCE**

National Health Service Corps, 1989-92
Yakima Valley Farmworker's Clinics
Milton-Freewater Medical Clinic
Milton-Freewater, Oregon

U.S. Public Health Service, 1992-present
SEARHC Health Center
Ketchikan, Alaska

**HOSPITAL
PRIVILEGES AND
COMMITTEES**

Ketchikan General Hospital
Ethics Committee
Medical Review and Quality Assurance

**CONTINUING
MEDICAL
EDUCATION**

See Attachment

CONTINUING MEDICAL EDUCATION FOR CAR L. ALLEY, M.D.
ATTACHMENT TO CURRICULUM VITAE/PHS #62455

<u>Date</u>	<u>Course/Class</u>	<u>AMA Credit</u>	<u>AAFP Credit</u>
12/89	Practical Reviews in F.P.	20	
7/11/90	Family Prac. Board Rev.	20	20
9/90	FP Gestational Diabetes	1	1
10/5/90	Psychiatry General Phys.	3	
4/18/91	Malpractice Risk Reduction	2	
4/91	CME Credit Quiz	6	
5/91	HIV Infection: Clin. Frontiers	4	
7/12/91	Gynecology in Primary Care	12.25	
7/11/92	NPI Colposcopy		17*
9/24/92	IHS OB-GYN Care Conference	27	24.2
9/29/92	HIV Prevention: High Risk Pts.	-0-	-0-
12/13/92	ATLS Provider Course	17	
1/193	Neonatal Resuscitation		
1/10/93	ACLS Provider Course	16	
1/11/93	Colposcopy Preceptorship	-0-	
2/21/93	PALS Provider Course	16	
3/25/93	Perinatal Asphyxia	10	
12/7/93	Outpatient Visit Plan Course	15.5	
5/4-7/94	Child Abuse Seminar (APSAC)	18	
7/94	Quality Management Seminar		

* AAFP Approved for category 2A hours American Osteopathic Association

CONFIRM:

BAFFONE,

GIUCHI, ...

AK WORK.

COMP.

BOARD



OFFICIAL BUSINESS

Alaska State Legislature

Senate

Office of the Secretary

STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-3701
FAX: 465-2832

February 13, 1997

MEMORANDUM

TO: Senator Taylor, Chair
Judiciary Committee

FROM: Nancy Quinto *NQ*
Secretary of the Senate

SUBJECT: Governor's Confirmations

Pursuant to AS 39.05.080, President Miller has referred the following names for legislative confirmation to your committee for a hearing, recommendation and report:

Commission on Judicial Conduct

Dianne I. Brown - Anchorage
Appointed: 09/11/96 Expires: 12/31/98

Violent Crimes Compensation Board

Louann Cutler - Anchorage
Appointed: 01/02/97 Expires: 12/15/99

Leslie D. Wheeler - Wasilla
Appointed: 05/15/96 Expires: 12/15/98

Alaska Workers' Compensation Board

Valerie K. Baffone - Anchorage
Appointed: 11/08/96 Expires: 07/01/97

John Giuchici - Fairbanks
Appointed: 10/10/91 Reappointed: 07/15/93, 06/25/96 Expires: 07/01/99

Steve Hagedorn - Anchorage
Appointed: 08/19/91 Reappointed: 07/01/93, 06/25/96 Expires: 07/01/99

Harriet M. Lawlor - Anchorage
Appointed: 07/20/95 Reappointed: 06/25/96 Expires: 07/01/99

Shawn Pierre - Chugiak
Appointed: 11/08/96 Expires: 07/01/97

NQ:hv
Resumes attached

ALASKA STATE LEGISLATURE

Sen. Robin Taylor, Chair
Sen. Drue Pearce, Vice Chair
Sen. Mike Miller
Sen. Sean Parnell
Sen. Johnny Ellis



State Capitol
Juneau, AK 99801-1182
(907) 465-3717
Fax: (907) 465-3922

Senate Judiciary Committee

MEMORANDUM

TO: Senator Taylor, Chairman
Senator Pearce, Vice Chairman
Senator Miller
Senator Parnell
Senator Ellis

FROM: Laura Chase, Committee Aide *Laura Chase*

DATE: March 14, 1997

RE: Governor's Appointees to the Alaska Workers' Compensation Board

Mr. Steve Hagedorn telephoned to say that he will be unable to participate in the teleconferenced hearing for the Alaska Workers' Compensation Board; he is on a business trip and will be in transit. Mr. Hagedorn asked me to convey that he is pleased to have been appointed and he looks forward to being a working member of the Board. He further stated that he will be happy to assist in the confirmation process by speaking with individual legislators at their convenience.

Ms. Harriet Lawlor stated she will be unable to participate in the teleconferenced hearing because she must attend a previously scheduled arbitration hearing. She will be happy to take calls from individual legislators to answer questions and comment on issues.

I have personally contacted and confirmed the telephonic participation of all other appointees, with the exception of Mr. John Giuchici who has not returned my phone calls.

ALASKA STATE LEGISLATURE



Sen. Robin Taylor, Chair
Sen. Druc Pearce, Vice Chair
Sen. Mike Miller
Sen. Sean Parnell
Sen. Johnny Ellis

State Capitol
Juneau, AK 99801-1182
(907) 465-3717
Fax: (907) 465-3922

Senate Judiciary Committee

REPORT ON CONFIRMATION OF APPOINTMENTS

March 14, 1997

The Honorable Mike Miller
President of the Senate
State Capitol
Juneau, Alaska 99801-1182

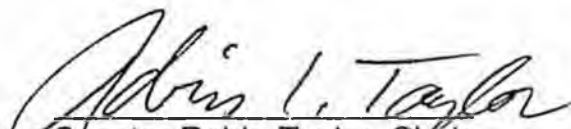
Dear President Miller:

In accordance with AS 39.05.080, the Senate Judiciary Committee reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

Alaska Workers' Compensation Board
Valerie K. Baffone-- Anchorage

There were no stated objections to the named individual. However, this does not reflect an intent by any of the members to vote for or against the appointment during any further sessions.

Respectfully,



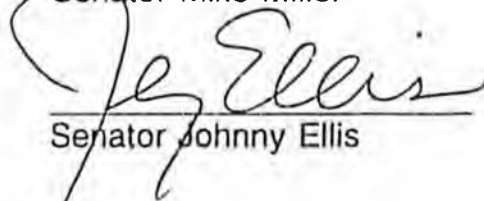
Senator Robin Taylor, Chair

Senator Druc Pearce, Vice Chair



Senator Sean Parnell

Senator Mike Miller



Senator Johnny Ellis

RLT/lc

ALASKA STATE LEGISLATURE



Sen. Robin Taylor, Chair
Sen. Druc Pearce, Vice Chair
Sen. Mike Miller
Sen. Sean Parnell
Sen. Johnny Ellis

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Juneau, AK 99801-1182
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Senate Judiciary Committee

REPORT ON CONFIRMATION OF APPOINTMENTS

March 14, 1997

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President of the Senate
State Capitol
Juneau, Alaska 99801-1182

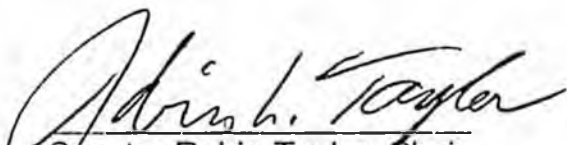
Dear President Miller:

In accordance with AS 39.05.080, the Senate Judiciary Committee reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

Alaska Workers' Compensation Board John Giuchici-- Fairbanks

There were no stated objections to the named individual. However, this does not reflect an intent by any of the members to vote for or against the appointment during any further sessions.

Respectfully,



Senator Robin Taylor, Chair

Senator Druc Pearce, Vice Chair

Senator Mike Miller



Senator Sean Parnell



Senator Johnny Ellis

RLT/lc

ALASKA STATE LEGISLATURE



Sen. Robin Taylor, Chair
Sen. Drue Pearce, Vice Chair
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REPORT ON CONFIRMATION OF APPOINTMENTS

March 14, 1997

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State Capitol
Juneau, Alaska 99801-1182

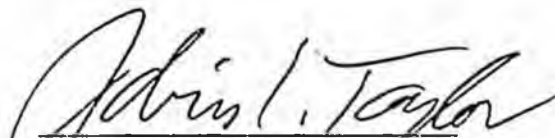
Dear President Miller:

In accordance with AS 39.05.080, the Senate Judiciary Committee reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

Alaska Workers' Compensation Board
Steve Hagedorn-- Anchorage

There were no stated objections to the named individual. However, this does not reflect an intent by any of the members to vote for or against the appointment during any further sessions.

Respectfully,



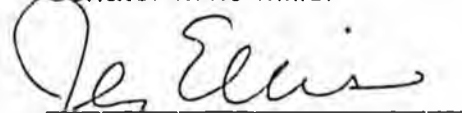
Senator Robin Taylor, Chair

Senator Drue Pearce, Vice Chair



Senator Sean Parnell

Senator Mike Miller



Senator Johnny Ellis

RLT/lc

ALASKA STATE LEGISLATURE



Sen. Robin Taylor, Chair
Sen. Drue Pearce, Vice Chair
Sen. Mike Miller
Sen. Sean Parnell
Sen. Johnny Ellis

State Capitol
Juneau, AK 99801-1182
(907) 465-3717
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Senate Judiciary Committee

REPORT ON CONFIRMATION OF APPOINTMENTS

March 14, 1997

The Honorable Mike Miller
President of the Senate
State Capitol
Juneau, Alaska 99801-1182

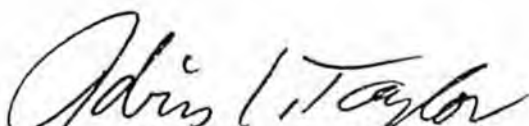
Dear President Miller:

In accordance with AS 39.05.080, the Senate Judiciary Committee reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

Alaska Workers' Compensation Board
Harriet M. Lawlor-- Anchorage


There were no stated objections to the named individual. However, this does not reflect an intent by any of the members to vote for or against the appointment during any further sessions.

Respectfully,




Senator Robin Taylor, Chair

Senator Drue Pearce, Vice Chair



Senator Sean Parnell

Senator Mike Miller



Senator Johnny Ellis

RLT/lc

ALASKA STATE LEGISLATURE



Sen. Robin Taylor, Chair
Sen. Drue Pearce, Vice Chair
Sen. Mike Miller
Sen. Sean Parnell
Sen. Johnny Ellis

State Capitol
Juneau, AK 99801-1182
(907) 465-3717
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Senate Judiciary Committee

REPORT ON CONFIRMATION OF APPOINTMENTS

March 14, 1997

The Honorable Mike Miller
President of the Senate
State Capitol
Juneau, Alaska 99801-1182

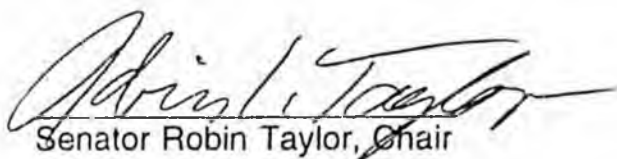
Dear President Miller:

In accordance with AS 39.05.080, the Senate Judiciary Committee reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

Alaska Workers' Compensation Board
Shawn Pierre-- Chugiak

There were no stated objections to the named individual. However, this does not reflect an intent by any of the members to vote for or against the appointment during any further sessions.

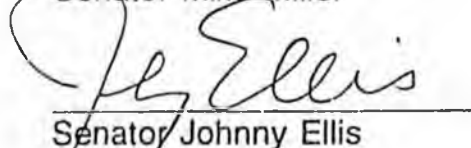
Respectfully,


Senator Robin Taylor, Chair

Senator Drue Pearce, Vice Chair


Senator Sean Parnell

Senator Mike Miller


Senator Johnny Ellis

RLT/lc

STEPHEN T. HAGEDORN
6927 Fountain Drive
Anchorage, Alaska 99502
(907) 248-1818

Alaska Workers' Compensation Board

Education

Bettendorf High School - Bettendorf, Iowa: Graduated 1966

University of Northern Iowa - Cedar Falls, Iowa: Graduated 1971
BA in History

Work Experience

Present Position (1985 - Present): Coordinator, Risk Management, Alaska Railroad Corporation ("ARRC"). In this position, I administer the risk management program for ARRC, with an emphasis in workers' compensation claims, third party tort claims, and freight loss and damage claims. The acquisition of various insurance policies which address ARRC's exposures are also within my area of responsibility. I direct activities of insurance brokers and adjusters, and provide analysis of exposures faced by ARRC, to senior management.

1979 - 1985: Manager, Loss and Damage Claims, ARRC. In this position, I was responsible for the adjudication of freight loss and damage claims, in compliance with the Association of American Railroads rules and regulations. I left to take the position of risk manager.

1976 - 1979: Payroll Specialist, ARRC. In this position, I was responsible for all facets of the Payroll Department. I supervised two employees and was responsible for the proper accounting of time for the 500+ employees of the Alaska Railroad. I left to take the position of claims manager.

1975 - 1976: Timekeeper, ARRC. In this position I was responsible for the procurement and submission of weekly time cards for all Engineering Department employees. I left to take the position of the Payroll Specialist.

Fall 1974 - Spring 1975: Clerk/Typist, Bureau of Land Management. In this position I worked with the "Corridor Planning Team", a task force which was formed to identify corridors for various modes of transportation, within the State of Alaska. This was a temporary position.

Military Service

United States Army 1971 - 1972. Honorably Discharged.

Personal

Born February 17, 1948, in Waukesha, Wisconsin. Married with two boys (13 & 10). My wife is the librarian at Willow Crest Elementary School in Anchorage. I am 6'0" 177 lbs., a non-smoker, in excellent health. I have been an Anchorage resident for 20 years. I enjoy traveling, golf, fishing, cycling, and skiing.

References

References available upon request.

Alaska Workers' Compensation Board

Harriet M. Lawlor
1834 E 26th Avenue
Anchorage, AK 99508
258-7151 home
277-5200 work

Born: July 18, 1951

Objective: Alaska Workers' Compensation Board
Labor Member

Experience:

February 1992 - Present
Alaska State Employees Union\AFSCME Local 52
Business Agent

Contract Enforcement
Grievance processing and arbitration

represent:
All General Government Members

June 1983 to February 1992
Hotel Employees and Restaurant Union Local 878

5/89 - 2/92	Acting Business Manager
4/86 - 2/88	Assistant Business Manager
4/84 - 4/86	Business Representative/Organizer- Anchorage
6/83 - 4/84	Business Representative/Organizer - Kodiak

Organizing, Contract Negotiation, Labor Law, Employee Representation
The Hotel and Restaurant Union has over 60 contracts.

Chief spokes person for the negotiation team since 1988
from 1984 to 1988 I was a member of the negotiating team.

1988 - 1993 Trustee Apprenticeship and Training Trust

1988 - present Vice President Alaska State AFL-CIO

2/90 - 1992 Governor's Appointment to Alaska Worker's
Compensation Board (AWCB)

1988 to present Secretary Treasurer of Food and Allied Service
Trades (FAST)

Education and Training:

University of Alaska 30+ credits - general education
Grievance and Arbitration Seminar, Portland Oregon
Grievance and Arbitration Meany Center

International Foundation Trust Conferences;

1985 Honolulu Hawaii,
1987 San Francisco, Ca.
1988 New Orleans La.
1989 Orlando Florida
1990 San Francisco, Ca
1992 Washington DC - Legislative update
1993 Washington DC - Legislative Update
1994 Washington DC - Legislative Update
1994 San Francisco, California
1995 Lake Tahoe, California

National Labor Relations Board & Federal Mediation and Conciliations Conference

1985 Anchorage AK
1986 Anchorage AK

Human Rights Commission Conference

1986 Anchorage AK

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

Alaska Workers' Compensation Board

**Harriet M. Lawlor
1834 E 26th Avenue
Anchorage, AK 99508
258-7151 home
277-5200 work**

Born: July 18, 1951

Objective: Alaska Workers' Compensation Board
Labor Member

Experience:

**February 1992 - Present
Alaska State Employees Union\AFSCME Local 52
Business Agent**

**Contract Enforcement
Grievance processing and arbitration**

**represent:
All General Government Members**

**June 1983 to February 1992
Hotel Employees and Restaurant Union Local 878**

5/89 - 2/92	Acting Business Manager
4/86 - 2/88	Assistant Business Manager
4/84 - 4/86	Business Representative/Organizer- Anchorage
6/83 - 4/84	Business Representative/Organizer - Kodiak

**Organizing, Contract Negotiation, Labor Law, Employee Representation
The Hotel and Restaurant Union has over 60 contracts.**

**Chief spokes person for the negotiation team since 1988
from 1984 to 1988 I was a member of the negotiating team.**

Apprenticeship and training programs development and implementation and Instruction

Prepared language for contract
Routine correspondence

2/88 - 2/92

Financial Secretary\Treasurer

Responsible for the minutes and finances of the Union. Political activities, meeting financial need, providing benefits to membership and to the HERE employee's, budgeting for Union concerns, setting up and administering strike funds, responsible for support staff, coordinating pickets, responsible for reports to Federal Department of Labor and HERE International. Prepared monthly reports Executive Board, taking and preparing minutes. Writing, editing and in house publishing of HERE Newsletter.

1968 - 1983

15 years Hotel/Restaurant industry background

Other Positions Held:

6/84 - 2/92

Delegate to the Western Alaska Building Trades

6/84 - 1992

HERE Local 878 delegate to the
Anchorage Central Labor Council

1/92 - present

President of Anchorage Central Labor Council

1985 - 2/92

Board Member in Local 878 Building Corporation

1985 - present

Trustee - Alaska Bartenders Pension Fund

1985 - 1989

Trustee - Alaska Bartenders Health Fund
Fund merged with HERE Health Fund

1987 - 1992

Alaska Pacific University Labor\Management
Advisory Board

1988 - present

Trustee HERE Pension Fund

Trustee HERE Health Fund

Trustee/Secretary HERE Legal Trust

1988 - 1993	Trustee Apprenticeship and Training Trust
1988 - present	Vice President Alaska State AFL-CIO
2/90 - 1992	Governor's Appointment to Alaska Worker's Compensation Board (AWCB)
1988 to present	Secretary Treasurer of Food and Allied Service Trades (FAST)

Education and Training:

University of Alaska 30+ credits - general education
Grievance and Arbitration Seminar, Portland Oregon
Grievance and Arbitration Mean: Center

International Foundation Trust Conferences;

1985 Honolulu Hawaii,
1987 San Francisco, Ca.
1988 New Orleans La.
1989 Orlando Florida
1990 San Francisco, Ca
1992 Washington DC - Legislative update
1993 Washington DC - Legislative Update
1994 Washington DC - Legislative Update
1994 San Francisco, California
1995 Lake Tahoe, California

National Labor Relations Board & Federal Mediation and Conciliations Conference

1985 Anchorage AK
1986 Anchorage AK

Human Rights Commission Conference

1986 Anchorage AK

References:

William K. Jermain, Attorney
Jermain, Dunnagan, and Owens
3000 "A" Street, suite 300
Anchorage, AK. 99503

Mano Frey, President
State Federation of AFL-CIO
2501 Commercial Drive
Anchorage, AK 99501

Mary Duley
Financial Secretary Treasurer
Hotel Employee's & Restaurant Employee's Union
530 E 4th Avenue
Anchorage, AK 99501

SHAWN PIERRE

• Telephone (907) 688.8900

22520 Whispering Birch, Chugach, Alaska 99567
Internet: spierre@alaska.net

OBJECTIVE

Appointment to the Alaska Workers' Compensation Board

EMPLOYER

Anchorage School District
1300 Labor Street
Anchorage, Alaska 99515; (907) 696-5427

Position: Crafts Specialist, 1985 to present

SPECIAL TRAINING

- PAINTERS & ALLIED TRADES UNION LOCAL 1140, APPRENTICESHIP PROGRAM - COMPLETED IN 1976
- HAZARDOUS PAINT COURSES - 1989, 1992 AND 1995
- TEAMSTERS UNION LOCAL 959, SHOP STEWARD SEMINARS - 1988, 1989, 1990 AND 1992.

ORGANIZATIONS, AFFILIATIONS & MEMBERSHIPS

- TEAMSTERS UNION LOCAL 959 EXECUTIVE BOARD TRUSTEE
- TEAMSTERS UNION LOCAL 959 SHOP STEWARD SINCE 1987
- TEAMSTERS UNION LOCAL 959 CONTRACT NEGOTIATING COMMITTEE SINCE 1987 FOR ANCHORAGE SCHOOL DISTRICT CONTRACTS
- VICE CHAIRMAN, DISTRICT 26, DEMOCRATIC PARTY
- 1996 DELEGATE TO DEMOCRATIC STATE AND NATIONAL CONVENTIONS

VALERIE BAFFONE
3550 HOOPER CIRCLE
ANCHORAGE, AK 99515
(907) 349-1178

EMPLOYMENT

Public Employees Local 71
2510 Arctic Blvd., Anchorage, Alaska 99503
1986 - present
1977-1981

- * Assistant Business Manager, June 1994 - present
- * Secretary-Treasurer, 1988-1994
- * Organizer, 1987-1988
- * Office Manager, 1986-1988
- * Dispatcher, 1977-1979
- * Accounting Technician, 1980-1981

Municipality of Anchorage, Parks & Recreation,
Municipal Greenhouse, 5200 DeBarr Road, Anchorage, Alaska
1982-1985, Seasonal Employment, Parks Caretaker and Gardener

State of Alaska, Department of Transportation, 5820 E. Tudor
Road, Anchorage, Alaska, 1981, Equipment Operator

SKILLS

Administration:

- * Supervision of support staff of ten
- * Developed and implemented office policies
- * Managerial accounting
- * Coordinate activity of Business Representatives
- * Employee benefits manager
- * Contract enforcement of collective bargaining agreements
- * Administrative hearings with the Alaska State Labor Relations Agency
- * Legislative and political activity
- * Job evaluation and classification

Arbitration:

- * Prepare and present arbitration cases
- * Investigation process
- * Examine and cross-examine witnesses
- * Prepare post hearing briefs
- * Knowledge of rules of evidence
- * Advocate in grievance mediation

Negotiating:

- * Develop proposals and write contract language
- * Defining and analyzing bargaining issues
- * Developing bargaining committee work
- * Record-keeping procedures
- * Mediation and Interest Arbitration
- * Effective bargaining communication
- * Impact of law on contract negotiations
- * Cost analysis

Union Organizing:

- * Research and planning
- * Developing a workplace committee
- * Formulate campaign and legal strategy

Communication:

- * Newsletter publication
- * Public speaking - large and small groups
- * Media interviews and news releases
- * Planning and conducting educational seminars and classes
- * Conflict resolution

EDUCATION

- * University of Wisconsin, Madison, Wisconsin, 1996, Job Evaluation.
- * George Meany Center for Labor Studies, Silver Springs, Maryland: 1995, Advanced Arbitration: 1994, Advanced Bargaining Skills and Strategies: 1993, Negotiating and Writing Contract Language.
- * International Foundation of Employee Benefits, Anchorage, Alaska, 1989, State Employees Benefits Institute.
- * International Foundation of Employee Benefits, Lake Tahoe, Nevada, 1990, Benefits for Public Employees.
- * American Arbitration Association, Seattle, Washington, 1988, Arbitration Advocacy.
- * American Arbitration Association, Los Angeles, California, 1988, Grievance Processing.
- * University of Alaska, Anchorage, Alaska, 1981-1983, 60 credits with an emphasis on Business Administration.
- * Patrick Henry High School, San Diego, California, 1977, graduate.

CURRENT APPOINTMENTS

- * Alaska State District Council of Laborers, Executive Board
- * Anchorage Central Labor Council, Delegate
- * Public Employees Local 71 Trust Fund, Trustee
- * Public Employees Local 71, Executive Board Member
- * CASA (Court Appointed Special Advocate) for Children, Advocate



STATE OF ALASKA
OFFICE OF THE GOVERNOR
Pouch A
Juneau, Alaska 99811-0101

BOARDS AND COMMISSIONS RESUME

INSTRUCTIONS

A separate application is required for each position for which you apply. Complete and specific answers will aid in rapid and accurate processing of your resume. The initial determination of whether you qualify for the position specified will be based on this application.

Please type or print legibly in ink. Forward to the above address. Be sure your answers are correct. A willfully false answer may result in your disqualification or removal from office if you are appointed.

Position for which I am applying:

Alaska Workers' Compensation Board - Labor Seat

Please list any other State Board or Commission on which you serve:

REPORT ADDRESS AND TELEPHONE CHANGES PROMPTLY

Name John Giuchici		Previous Name applied under
Mailing Address 60 Hall Street	Residence Address 639 Slater Drive	
City, State and Zip Code Fairbanks, Alaska 99701		
Home Telephone 456-8586	Business or Message Telephone 452-1547	

AS 39.05.100 requires that a person appointed to a board or commission be a registered voter BEFORE the last general election held 11/6/90.

Are you a registered voter? YES NO

Voter Registration Number (Optional)

Social Security Number (Optional)

482372

574-18-2769

Have you ever been convicted of a misdemeanor within the past five years or a felony within the past ten years? YES NO
If "YES", explain the circumstances on a separate sheet of paper and attach it to this application. A conviction is not necessarily grounds for disqualification. The number of convictions, nature, recency, and relationship to the board position applied for will be evaluated and a determination will be made after a review of all relevant facts.

A policy in the Governor's Office pertaining to boards and commissions is that a member attend at least 75% of the meetings. Are there any circumstances in either your professional or personal life which would prevent you from participating at the required meetings? YES NO
If "YES", explain on a separate sheet of paper and attach to this application.

This position may require that the member travel to either urban or rural (or both) areas. Are there any circumstances which would prevent you from participating? NO

CONFLICTS OF INTEREST: Certain Boards and Commissions require full disclosure of personal financial data under AS 39.50.010. If required for the Board or Commission for which you are applying, are you willing to do so?

YES NO

Could you or any member of your family be affected financially by decisions to be made by the Board or Commission for which you have applied?

YES NO If "YES", explain:

...mor will not discriminate against an applicant for a Board or Commission based on Sex, Age, National Origin, race, Handicap, Religion, or Parenthood.

TRAINING & EXPERIENCE: (If re-attached, it is not necessary to complete this section A-D)

A. List any professional licenses, certifications, or registrations and dates obtained that may be used as qualifying criteria:

Certificate of Fitness - Lineman Journeyman - State of Alaska

B. List both formal and informal education and training experience (use additional paper if necessary):

Lathrop High School - 1964 through 1967
Alaska Joint Electrical Apprenticeship Training - Lineman Journeyman
Certificate - 1980
Meat Cutting Apprenticeship, Journeyman Certificate - 1972

C. List any community service positions, municipal government positions, state positions held, and list any awards received. These include both compensated and uncompensated positions (for example, president of a service organization or a mayor). Also include length of time served in the positions.

Commission on Salaries and Emoluments of Elected Officials, North Star
Borough- 1 year
Award - Assistance in Employing Disabled Alaskans from State of Alaska,
Division of Vocational Rehabilitation

D. Employment work history: paid, unpaid, or voluntary (use additional paper if necessary):

1985 - Present Business Agent, IBEW L.U. 1547, Fairbanks, AK
1983 - 1985 Golden Valley Electric Association, Fairbanks AK
1980 - 1983 Grasse & Associates, Fairbanks, AK
1978 - 1980 Meyers/Hardline, J.V., Valdez, AK
1977 - 1978 Primary Electric, Fairbanks, AK
1975 - 1977 PDQ Construction, Fairbanks, AK
1970 - 1975 Carrs Foodland, Fairbanks, AK

The Office of the Governor and the State of Alaska have an Affirmative Action Equal Employment Opportunity Program. To assist in the program, you are asked to voluntarily answer the following questions to provide the information necessary for reporting purposes. Under State and Federal law, the information you provide will not be used to illegally discriminate against you.

SEX

Male
 Female

ETHNIC BACKGROUND

White Black Alaska Native Asian or Pacific Islander
 American Indian Hispanic Other

Date of Birth
1/27/49

CERTIFICATION: I swear that the information I have entered on this form is true to the best of my knowledge. I understand that if I deliberately conceal or enter false information on the form my application may be rejected, I may be removed from the list of eligible candidates or I may be removed from the position. I agree that the Office of the Governor may contact present or former employers or other persons who know me to obtain additional information about my skills and abilities. I understand that the information on this application is public information and may be released through a legal request for such information.

Signature in Ink

John A. Hunsicker

DATE

Sept. 10, 1991

CONFIRM.:

B. BRINK

PUBLIC

DEFENDER

JOHN M. HELMES
ATTORNEY AT LAW
(ALASKA BAR ASSOC. No. 7811103)

C/O:

CHANG CHUN WAI GUO YU XUE XIAO
CHANGCHUN FOREIGN LANGUAGES SCHOOL
46 HONGQI STREET
CHANGCHUN, JILIN PROVINCE
CHINA 130012

-> TEL - MORNINGS, CHANGCHUN TIME,
- DIRECT DIAL:

011-86-431-595-3201

AFTER CHINESE RECORDING ANSWERS,
DIAL EXTENSION 3074.

-> E-MAIL C/O: (SMALL LETTERS)

jbarreca@public.cc.jl.cn
(JBARRECA@PUBLIC.CC.JL.CN)

-> FAX: C/O CITY OF CHANGCHUN
FOREIGN AFFAIRS OFFICE:
DIRECT DIAL:

011-86-431-565-2740

TEL: 011-86-431-565-2741

MRS. SUN LI HONG, GEN. MGR.

MS. TRACY ZHANG

MR. WANG WEI

(ENGLISH SPEAKERS)

TO:

CHAIR,
SENATE JUDICIARY COMMITTEE
ALASKA STATE LEGISLATURE
JUNEAU, ALASKA 99801

CHANGCHUN IS 17
HOURS AHEAD OF
JUNEAU.

IF IT IS 1:00 PM
MON IN JUNEAU,
IT IS 6:00 AM
TUES IN CHANG-
CHUN, A GOOD
TIME TO CALL.
#

P. 2, P. 2
CHAIR, SENATE JUDICIARY COMMITTEE
ALASKA STATE LEGISLATURE

RE: APPOINTMENT,
STATE PUBLIC DEFENDER

DEAR MADAM OR SIR:

THIS LETTER RELATES TO THE APPOINTMENT AND LEGISLATIVE RATIFICATION, OF THE NEXT ALASKA STATE PUBLIC DEFENDER. THIS IS A MAJOR APPOINTMENT TO A MAJOR POST. THE APPOINTMENT WILL INFLUENCE THE DIRECTION OF THE CRIMINAL JUSTICE SYSTEM FOR YEARS TO COME.

I HAVE OPPOSED THE APPOINTMENT OF BARBARA BRIINK IN THE ENCLOSED MATERIALS. IT MAY AS WELL BE SAID THAT I OPPOSE THE APPOINTMENT OF ALL THREE CANDIDATES WHO WERE RECOMMENDED BY THE JUDICIAL COUNCIL. I DON'T THINK THAT ANY OF THEM IS UP TO THE DEMANDS OF THE POST, FOR THE DEFENSE IS BEING CRIPPLED BY THE CRIMINAL JUSTICE SYSTEM. CONSTITUTIONAL DUE PROCESS IS BEING DENIED. THE STATE PUBLIC DEFENDER MUST BE PREPARED TO TAKE ON THE CHALLENGES OF FIGHTING TO EQUALIZE THE ROLES OF THE STATE AND THE DEFENSE. THIS IS A PERSVASIVE, SYSTEMIC PROBLEM THROUGHOUT THE CRIMINAL JUSTICE SYSTEM.

P. 3

P. 3

CHAIR, SENATE JUDICIARY COMMITTEE
ALASKA STATE LEGISLATURE

THE LEGISLATURE IS IN A DIFFICULT POSITION. ON THE ONE HAND, IT MUST LISTEN TO ITS CONSTITUENTS, AND THEY ARE PSYCHOLOGICALLY ATTUNED TO LAW-AND-ORDER POSTURING. ON THE OTHER HAND, THE LEGISLATURE HAS AN EVEN LARGER, HISTORIC RESPONSIBILITY TO THE CONSTITUTION AND TO THE PRINCIPLES OF JUSTICE. IT IS IN RECOGNITION OF THOSE LARGER PRINCIPLES THAT WE DO NOT CONDONE VIGILANTISM AND LYNCH LAW WHEN A PUBLIC OUTRAGE OCCURS, AND IT IS IN RECOGNITION OF THOSE SAME PRINCIPLES THAT THE LEGISLATION MUST PROMOTE THE CONSTITUTIONAL RIGHTS OF THE DEFENSE. IT DOES SO IN THIS PRESENT CONTEXT BY BY A THOROUGH EXAMINATION OF THE APPOINTEE AND A THOROUGH EVALUATION OF THE NEEDS OF THE POST. THIS SHOULD NOT BE AN AUTOMATIC APPOINTMENT.

ENCLOSED ARE THE FOLLOWING MATERIALS WHICH SET OUT MY VIEW OF THE SITUATION. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT ME AT ANY TIME. IT IS EASY TO DO SO, AND NOT VERY EXPENSIVE. I WILL BE OUT OF CHANGCHUN, BUT HERE IN CHINA, FROM JAN. 70

P.4

P.4

CHAIR, SENATE JUDICIARY COMMITTEE
ALASKA STATE LEGISLATURE

TO ABOUT FEBRUARY 15. HOWEVER I WILL KEEP
IN CONTACT WITH THE FAX AND E-MAIL
ADDRESSES. THE PEOPLE AT THE E-MAIL ADDRESS
(IN THE BUILDING WHERE I LIVE) WILL BE GONE
FOR 2 WEEKS STARTING FEB. 11, BUT I WILL
BE BACK IN CHANGCHUN AND CAN ^{BE} PERSONALLY
CONTACTED THEN - AND WILL CHECK THE
FAX AND E-MAIL ADDRESSES BEFORE THEN.

THANK YOU FOR CONSIDERING THE VIEWS
EXPRESSED IN THIS LETTER AND THE FOLLOWING,
ENCLOSED MATERIALS.

- 1) 01-10-97: LETTER FROM J. HOLMES TO PUBLISHER AND
EDITORS, ANCHORAGE DAILY NEWS
- 2) 12-18-96: LETTER TO J. HOLMES FROM TERESA
CARNS, SENIOR STAFF ASSOCIATE,
ALASKA JUDICIAL COUNCIL, RE APPT.
- 3) 11-24-96: LETTER FROM J. HOLMES TO ALASKA
JUDICIAL COUNCIL, RE APPT.
- 4) 12-08-95: LETTER FROM J. HOLMES TO ALASKA
JUDICIAL COMMITTEE ON FAIRNESS
AND ACCESS.
- 5) 11-02-95: MEMO ENTITLED "A COLONIAL SYSTEM",
FROM J. HOLMES TO ALASKA PUBLIC
DEFENDER AGENCY, RE ALASKA
CRIMINAL JUSTICE SYSTEM. ^{richard}
(IN JAN. 1996 KOTEBUE JUDGE, ERlich
DISTRIBUTED A MONOGRAPH ACKNOWLEDGING
THAT THE SYSTEM IS COLONIAL BUT
ADVOCATING NOTHING TO CHANGE IT.)

SINCERELY,
John M. Holmes
JOHN M. HOLMES,
ATTORNEY AT LAW



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1981 (907) 279-2526 FAX (907) 276-5046
http://www.state.ak.us/local/akpages/COURTS/AJC/home.htm E-Mail: 72302.1261@compuserve.com

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December 18, 1996

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CHAIRMAN EX OFFICIO
Allen T. Cottrell
Chief Justice
Supreme Court

*2-15-97
COPY TO AK. LEGISLATURE
CHAIR, SENATE JUDICIARY
COMMITTEE.
John Holmes*

John Holmes, Attorney
46 Honggi Street
English Teachers' Office
Changchun Foreign Languages School
Changchun, JiLin Province
China 130012

Dear Mr. Holmes:

Thank you very much for your recent letter regarding the application of Barbara Brink for the Public Defender position. Unfortunately, your letter arrived after the Council had met and made its nominations, so the members did not have a chance to consider it. I read it with great interest, because I had seen your earlier comments about the rural justice system in the context of the Court's Advisory Committee on Fairness and Access. The Council just in the past week agreed (at the court's request) to take over the work of staffing the grant that funds the committee. Thus, your remarks *are* timely, in that context.

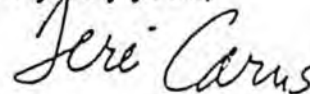
Because we have done a substantial amount of work on charging and sentencing practices in the context of our evaluations of the ban on plea bargaining, we understand the points that you are making about charging practices. If you are interested and have not seen it (and it doesn't cost too much to send!), I'll be happy to send you the 1991 re-evaluation of the ban. We haven't had as much opportunity to study some of the other issues that you raise, such as search warrants, *Miranda* rights, and grand jury presentations.

To keep you up to date, I should let you know that the Council voted to nominate Barb Brink, Sidney Billingslea and Cynthia Strout for the PD position. The governor has 45 days in which to make his appointment; then the legislature must confirm (majority, in joint session).

We very much appreciate the time that you have taken in the past year, to set down your thoughts and experiences with the justice system, particularly because you have compared practices in different parts of the state. You have contributed a great deal to our understanding of the effects of the various practices on different parts of the system. Please let us know if you have other comments that you believe would assist us.

Best wishes for your holidays, and for your stay in China.

Very truly yours,

A handwritten signature in cursive script that reads "Teresa Carns".

Teresa W. Carns
Senior Staff Associate

1-15-97
COPY TO AK. LEGISLATURE
CHAIR, SENATE
JUDICIARY COMMITTEE.
Holmes

JANUARY 10, 1997

JOHN M. HOLMES,
ATTORNEY AT LAW
(ALASKA BAR ASSOC. NO. 7811103)

C/O:
CHANG CHUN WAI GUO YU XUE XIAO
CHANGCHUN FOREIGN LANGUAGES SCHOOL
46 HONGQI STREET
CHANGCHUN, JILIN PROVINCE
CHINA 130012

CHANGCHUN IS
1.7 HOURS AHEAD
OF ANCHORAGE.
IF IT IS 1:00 PM MONDAY
IN ANCHORAGE, IT
IS 6:00 AM TUESDAY
IN CHANGCHUN.

--- MORNINGS
TEL. ~~Evenings~~: DIRECT DIAL
011-86-431-595-3201
AFTER CHINESE RECORDING ANSWERS,
DIAL EXTENSION 3074.

E-MAIL C/O: (SMALL LETTERS)
jbarreca@public.cc.jl.cn
(JBARRECA@PUBLIC.CC.JL.CN).

FAX, C/O: (CHANGCHUN FOREIGN AFFAIRS OFFICE)
011-86-431-565-2740

PUBLISHER AND EDITORS,
THE ANCHORAGE DAILY NEWS
ANCHORAGE, ALASKA 99501

RE: APPOINTMENT OF
ALASKA STATE PUBLIC DEFENDER

DEAR PUBLISHER AND EDITORS:

PAGE 2
PUBLISHER AND EDITORS,
ANCHORAGE DAILY NEWS
JAN. 10, 1997 -

THE STATE OF ALASKA IS CURRENTLY IN THE LATTER STAGES OF THE PROCESS OF SELECTING THE NEXT STATE PUBLIC DEFENDER. THE ALASKA JUDICIAL COUNCIL HAS NOMINATED BARBARA BRINK, THE CURRENT DEPUTY DIRECTOR OF THE PUBLIC DEFENDER AGENCY, SIDNEY BILLINGSLEA, AND CYNTHIA STROUT FOR THE POSITION. I DO NOT KNOW WHETHER THE GOVERNOR HAS MADE AN APPOINTMENT. I HAVE ASKED BUT HAVE NOT RECEIVED A REPLY. I'M SURE HE WILL HAVE DONE SO BY THE TIME YOU RECEIVE THIS LETTER BECAUSE THE 45-DAY PERIOD FOLLOWING JUDICIAL COUNCIL NOMINATIONS EXPIRES ANY DAY NOW.

ENCLOSED IS A COPY OF A LETTER THAT I RECEIVED SEVERAL DAYS AGO FROM MS. TERESA W. CARNS, SENIOR STAFF ASSOCIATE OF THE ALASKA JUDICIAL COUNCIL. MS. CARNS NOTES THAT THE LEGISLATURE MUST STILL CONFIRM THE APPOINTMENT BY MAJORITY VOTE IN JOINT SESSION, FOLLOWING THE APPOINTMENT.

THE EXTENSIVE SELECTION PROCESS, INVOLVING JUDICIAL COUNCIL NOMINATIONS,

PAGE 3

PUBLISHER AND EDITORS,
ANCHORAGE DAILY NEWS
JAN. 10, 1997

THE GOVERNOR'S APPOINTMENT, AND LEGISLATIVE CONFIRMATION DEMONSTRATE THE IMPORTANCE OF ALASKA STATE PUBLIC DEFENDER POSITION UNDER THE ALASKA CONSTITUTION AND ALASKA STATUTORY LAW. THE APPOINTMENT DIRECTLY AFFECTS THE COURSE OF THE CRIMINAL JUSTICE SYSTEM FOR YEARS TO COME.

FOR MANY YEARS WE HAVE HEARD CALLS FROM POLITICIANS AND THE PUBLIC FOR "LAW AND ORDER". NO RESPONSIBLE PERSON WOULD ARGUE AGAINST LAW AND ORDER. BUT SOMEBODY MUST REMIND THE PUBLIC - AND THE JUDICIAL SYSTEM ITSELF - OF THE EQUALLY CRUCIAL PRIORITY OF PROMOTING DUE PROCESS AND HUMANE TREATMENT. OTHERWISE OUR SOCIETY COULD ULTIMATELY TEND TOWARD THE OPPOSITE EXTREME FROM THE CHAOS OF A BREAKDOWN IN "LAW AND ORDER"; OUR SOCIETY COULD EASILY IN THE NOT-TOO-DISTANT FUTURE MOVE TOWARD THE OPPOSITE EXTREME OF RIGID TOTALITARIAN

PAGE 4

PUBLISHER AND EDITORS
ANCHORAGE DAILY NEWS
JAN. 10, 1997.

CONTROL, WITH COMPLETE RELINQUISHMENT OF JUDICIAL INDEPENDENCE AND DELEGATION TO MORE "EFFICIENT" FORMS OF ADMINISTRATIVE ACTION, ALL IN THE NAME OF "LAW AND ORDER". JUSTICE WOULD BE SACRIFICED ON THE ALTAR OF EFFICIENCY.

I THINK WE ARE ALREADY MOVING IN THAT DIRECTION. ANYONE CLOSE TO THE JUDICIAL SYSTEM KNOWS HOW HARD IT IS FOR A DEFENDANT TO DEFEND HIMSELF (AND HERSELF TOO). THE SYSTEM IS BIASED - STACKED - AGAINST THE DEFENDANT. AND PROSECUTORS WILL INCREASE THE BIAS MUCH FURTHER IF POSSIBLE. THEIR INTEREST IS IN AS EFFICIENT A PROSECUTION AS POSSIBLE, WITH LITTLE REGARD FOR DUE PROCESS.

I DON'T BELIEVE THAT THE PUBLIC DEFENDER AGENCY IS FIGHTING THIS TREND. I DON'T BELIEVE THAT IT HAS THE PSYCHOLOGY AT WORK TO DO IT. THAT IS NOT TO CRITICIZE PEOPLE FOR LACK OF TALENT, COMMITMENT, AND DEDICATION.

PAGES

PUBLISHERS AND EDITORS
ANCHORAGE DAILY NEWS
JAN. 10, 1997

THE LAWYERS IN THE AGENCY ARE
HIGHLY TALENTED, HARDWORKING,
AND SACRIFICING. THEY HAVE LARGE
CASELOADS, FAR TOO MANY DEMANDS
AND TOO LITTLE TIME, AND LIVE
UNDER THE CONSTANT PRESSURE
OF DOING UNPOPULAR WORK IN
WHICH THEIR CLIENTS REGULARLY GO
OFF TO SPEND YEARS IN JAIL.

MY POINT IS THAT THE
PROSECUTION AND THE JUDGES
HAVE PUT THE DEFENSE IN AN
IMPOSSIBLE ~~POS~~ POSITION, THE
PROSECUTION BY ITS OVERCHARGING
AND THE JUDGES BY COURT RULES
AND INDIVIDUAL ACTIONS THAT
CRIPPLE THE DEFENSE AND DEPRIVE
THE RIGHT TO DUE PROCESS AND
HUMANE TREATMENT UNDER
THE U.S. AND ALASKA CONSTITUTIONS.

I BELIEVE THAT THE PUBLIC
DEFENDER AGENCY MUST FIGHT
TO REVERSE THIS DESTRUCTIVE
TREND. THE PUBLIC DEFENDER AGENCY

PAGE 6

PUBLISHER AND EDITORS
ANCHORAGE DAILY NEWS
JAN. 10, 1997

PROBABLY REPRESENTS 85% OF
THE DEFENDANTS IN ALASKA WHO
ARE REPRESENTED BY COUNSEL;
MOST OF THE REST ARE PROBABLY
REPRESENTED BY THE OTHER
STATE DEFENSE AGENCY, THE OFFICE
OF PUBLIC ADVOCACY. THESE AGENCIES'
LAWYERS ARE IN COURT EVERY
COURT DAY DOING CRIMINAL LAW.
THE COURSE OF THE PUBLIC
DEFENDER AGENCY DETERMINES
THE DIRECTION OF THE DEFENSE EFFORT
IN THE CRIMINAL JUSTICE SYSTEM.

HOWEVER I ALSO BELIEVE
THAT MOST PEOPLE IN THE AGENCY
ARE TOO CLOSE TO THE SYSTEM
TO BREAK OUTSIDE ITS LIMITS, TO
HOLLER ON BEHALF OF JUSTICE
WHEN THERE IS NO PRECEDENT ON
THE POINT OR PRECEDENT
AGAINST IT, TO CONFRONT JUDGES
WHEN THEY ACT UNREASONABLY
OR TREAT DEFENDANTS WITHOUT

PAGE 7

PUBLISHER AND EDITORS
ANCHORAGE DAILY NEWS
JAN. 10, 1997

RESPECT. I DOUBT THAT THE MOST EFFECTIVE NEW STATE PUBLIC DEFENDER WILL COME FROM THE PUBLIC DEFENDER AGENCY. WHAT IS NEEDED IS A HIGHLY EXPERIENCED, HARD-BITTEN LAWYER WHO SEES WHAT NEEDS TO BE REFORMED AND WILL PUSH FOR IT, WHATEVER THE OBSTACLES. I THINK AN AGGRESSIVE, ORGANIZED, AND - IF POSSIBLE - CHARISMATIC - PRIVATE LAWYER, FROM INSIDE^{ALASKA} OR FROM ELSEWHERE IN THE LOWER 48, IS NEEDED.

IN OCTOBER I RECEIVED AN ALASKA JUDICIAL COUNCIL SURVEY CONCERNING APPLICANTS FOR THE STATE PUBLIC DEFENDER POSITION. I RESPONDED CONCERNING BARBARA BRINK, THE CURRENT DEPUTY PUBLIC DEFENDER. I OPPOSED HER, NOT FOR

P. 8

PUBLISHER AND EDITORS
ANCHORAGE DAILY NEWS
JAN. 10, 1997

LACK OF PROFESSIONAL ABILITY BUT
RATHER BECAUSE SHE WILL NOT TAKE
THE ACTIONS NECESSARY TO SHAKE
THE CRIMINAL JUSTICE SYSTEM ON
BEHALF OF ~~THE~~ DEFENDANTS.

I DON'T BELIEVE THAT CYNTHIA
STROUT COULD DO IT EITHER.

I DON'T KNOW SIDNEY BILLINGSLEA,
BUT I WOULD WANT TO KNOW
THE APPLICANT BEFORE ENDORSING.

THE ENCLOSED (LONG) NOVEMBER
24, 1996 LETTER TO THE ALASKA
JUDICIAL COUNCIL SETS OUT ^{MY} ~~THE~~ ~~MY~~
EXPERIENCES IN THE ALASKA PUBLIC
DEFENDER AGENCY THAT LED TO
THE OPINIONS EXPRESSED IN THAT
LETTER AND THIS ONE. I WORKED
AS A PUBLIC DEFENDER FROM 12-18-88
TO MARCH 1989 IN ANCHORAGE,
PRIOR TO BEING TRANSFERRED TO
BARROW. I WORKED IN THE BARROW
OFFICE FROM 3-89 TO 3-90 AND
THEN WORKED IN THE KETCHIKAN

P.9.

PUBLISHER AND EDITORS
ANCHORAGE DAILY NEWS
JAN. 10, 1997

OFFICE FROM 3-90 TO MID-SEPTEMBER 1991.
AFTER RECOVERING FROM SURGERY FOR
7 MONTHS, I TAUGHT ENGLISH IN RUSSIA
FROM 1992-JULY 1994. I THEN WORKED
IN THE KOTZEBUE PUBLIC DEFENDER
OFFICE FROM 8-94 TO MID-JULY 1996.

PRIOR TO THIS I HAD WORKED AS A LAWYER
IN MINNESOTA FROM 8-74 TO 9-77,
IN THE FAIRBANKS ALASKA LEGAL
SERVICES OFFICE FROM 12-77, ^{10-8-78,} IN
THE BARROW ALASKA LEGAL SERVICES
OFFICE FROM 8-78 TO 11-84, AND ON
YAP ISLAND IN THE MICRONESIAN
LEGAL SERVICES CORPORATION OFFICE FROM
1-85 TO MID DECEMBER 1988.

MY CRIMINAL LAW EXPERIENCE
IN ALASKA TOTALS ABOUT 4 YEARS
AND 9 MONTHS WITHIN THE PUBLIC
DEFENDER AGENCY, IN ANCHORAGE,
BARROW, KETCHIKAN, AND KOTZEBUE.

I AM WRITING YOU, AND
FORWARDING THESE MATERIALS
BECAUSE THESE ARE IMPORTANT
PUBLIC ISSUES THAT GO TO THE
HEART OF THE CRIMINAL JUSTICE

P.10

PUBLISHER AND EDITORS
ANCHORAGE DAILY NEWS
JAN. 10, 1997

SYSTEM AND AFFECT THE SECURITY
AND WELL-BEING OF OUR SOCIETY.
THEY DESERVE TO BE AIRED IN
PUBLIC - BUT I DON'T SEE THE
LEGAL SYSTEM DOING THE AIRING.
TO SOME EXTENT, THIS IS AN
INSIDE PEEK INTO THE SYSTEM.

PROBABLY MOST LAWYERS AND JUDGES
WOULD DISAGREE WITH ME, AND
MANY WOULD FIND THIS EFFORT
IRRESPONSIBLE, IF NOT TRAITOROUS.
BUT THESE IDEAS GREW FROM MY
EXPERIENCES WITHIN THE SYSTEM.

I EXPRESSED SOME OF THIS
IN A NOVEMBER 1995 MEMO
WITHIN THE PUBLIC DEFENDER
AGENCY (COPY ENCLOSED). ONLY ONE
LAWYER IN THE ENTIRE AGENCY
RESPONDED, THE SITKA PUBLIC
DEFENDER. I ALSO EXPRESSED SIMILAR
OPINIONS IN A DECEMBER 1995
LETTER TO THE ALASKA JUDICIAL
COMMITTEE ON FAIRNESS AND ACCESS

P. 11

PUBLISHER AND EDITORS
ANCHORAGE DAILY NEWS
JAN. 10, 1997 - -

(WHICH WAS ORGANIZED IN NOVEMBER 1995
TO INVESTIGATE INEQUITABLE TREATMENT
OF MINORITIES WITHIN THE ALASKA
JUDICIAL SYSTEM), ENCLLOSING A COPY OF
MY NOVEMBER 1995 PUBLIC DEFENDER
AGENCY MEMO; I RECEIVED NO RESPONSE
FROM THE JUDICIAL COMMITTEE ON
FAIRNESS AND ACCESS.

I THOUGHT LONG AND HARD ABOUT
WHETHER TO SEND YOU THE LONG
11-24-96 LETTER OPPOSING BARB
BRINK'S APPOINTMENT. I KNOW THAT
AND RESPECT HER. I KNOW THAT
THE LETTER WILL BE DIFFICULT FOR
HER AND WILL SEEM TO HER TO
BE UNFAIR IF NOT IRRESPONSIBLE.
BUT I KNOW THAT THE CRITICISM
IS FAIR AND THAT HER ABILITIES
AND PROFESSIONALISM ARE ALSO
ACKNOWLEDGED IN THE LETTER; MY

P. 12

PUBLISHER AND EDITORS
ANCHORAGE DAILY NEWS
JAN. 10, 1997

LETTER CONCERNS WHAT I SEE AS A
LIMITATION CONCERNING NECESSARY
EFFECTIVENESS AS STATE PUBLIC
DEFENDER UNDER THE CIRCUMSTANCES.
MY COMMENTS ARE IN DIRECT RESPONSE
TO THE ALASKA JUDICIAL COUNCIL SURVEY
THAT WAS SENT TO ME, WITH ITS
REQUEST FOR EVALUATION OF
APPLICANTS.

IN DECIDING TO SEND THE 11-24-
96 LETTER TO YOU, I FINALLY FOCUSED
ON THE FACT THAT BARB BRINK HAS
APPLIED FOR A MAJOR STATE POST
REQUIRING THE GOVERNOR'S APPOINTMENT
AND JOINT-SESSION LEGISLATIVE
APPROVAL. AS SUCH, THIS IS A MATTER
OF PUBLIC INTEREST AND CONCERN.
THE PUBLIC DESERVES A LOOK INTO
THE WORKINGS OF THE AGENCY WHEN
SUCH AN APPOINTMENT IS IMMINENT
(AND AT OTHER TIMES AS WELL).

P. ~~12~~¹³

PUBLISHER AND EDITORS
ANCHORAGE DAILY NEWS

JAN. 10, 1997

IT DOES NOT SERVE THE PUBLIC
~~INTEREST~~ INTEREST IF I BELIEVE THAT
THE PUBLIC DESERVES TO BE
INFORMED BUT ^{THEN} WATER-DOWN THE
ISSUE BY WRITING A GENERALIZED
STATEMENT WITHOUT CONNECTING THE
ISSUES TO THE APPLICANT. ON THE
OTHER HAND, I HAVE REWRITTEN
PAGES 15 AND 16 OF THE 11-24-96
LETTER TO PROTECT THE PRIVACY OF
TWO FORMER CLIENTS; THE 11-24-96
LETTER WENT TO THE ALASKA
JUDICIAL COUNCIL, ~~TO~~^{TO} A CONFIDENTIAL
PROCEEDING.

WITH REGARD TO ANY QUESTIONS ~~WITH~~
~~REGARD TO THE~~ REGARDING THE
CREDIBILITY OF THE 11-24-96 LETTER,
I WOULD REFER YOU TO PAGE TWO
OF THE ENCLOSED 12-18-96 LETTER TO
ME FROM MS. ~~THE~~ TERESA CARNIS,

P. 14
~~P. 13~~

PUBLISHER AND EDITORS,
ANCHORAGE DAILY NEWS
JAN. 10, 1997

SENIOR STAFF ASSOCIATE, ALASKA
JUDICIAL COUNCIL, IN WHICH SHE

SAID:

WE VERY MUCH APPRECIATE THE TIME THAT YOU
HAVE TAKEN IN THE PAST YEAR, TO SET DOWN
YOUR THOUGHTS AND EXPERIENCES WITH THE
JUSTICE SYSTEM, PARTICULARLY BECAUSE YOU
HAVE COMPARED PRACTICES IN DIFFERENT
PARTS OF THE STATE. YOU HAVE CONTRIBUTED
A GREAT DEAL TO OUR UNDERSTANDING
OF THE EFFECTS OF THE VARIOUS PRACTICES
ON DIFFERENT PARTS OF THE SYSTEM. PLEASE
LET US KNOW IF YOU HAVE OTHER
COMMENTS THAT YOU BELIEVE WOULD
ASSIST US.

SOME OF THE ISSUES REFLECTING
THE EROSION OF CONSTITUTIONAL
DUE PROCESS AND HUMANE TREATMENT
OF DEFENDANTS, CITED IN THE 11-24-96
LETTER, INCLUDE:

1. STEADY RESTRICTION OF MIRANDA
NOTICE REQUIREMENTS AND APPELLATE
DECISIONS ENCOURAGING - AND SPECIFICALLY
PERMITTING - THE STATE TO MANIPULATE
TO AVOID THE PRINCIPLES AND

P. 15
P. #

PUBLISHER AND EDITORS,
ANCHORAGE DAILY NEWS
JAN. 10, 1997

REQUIREMENTS OF NOTICE.

[2.] ROUTINE OVERCHARGING BY
THE PROSECUTION, CREATING A
LOGJAM OF CASES IN THE SYSTEM —
UNLESS THE DEFENSE QUICKLY
PLEADS OUT CASES, ^{USUALLY} ~~USUALLY~~ TO
THE DISADVANTAGE OF THE
CLIENT. I SAY, ~~TO~~ HOLD OUT ON
THE CASES. IT CREATES CHAOS
IN THE SYSTEM, BUT THE CHAOS
ORIGINATED WITH THE PROSECUTION,
NOT THE DEFENSE.

[3.] MANIPULATION OF THE
GRAND JURY BY THE PROSECUTION,
TAKING CASES TO GRAND JURY FOR
FELONY INDICTMENTS WHEN THE
CASES COULD AND SHOULD BE
HANDLED AS MISDEMEANORS. SOMETIMES
THE PROSECUTOR WILL TAKE CASES
TO GRAND JURY JUST TO SEE IF
THEY WILL INDICT ON A FELONY,

P. 16
E

PUBLISHER AND EDITORS,
ANCHORAGE DAILY NEWS
JAN. 10, 1997

SOMETHING THAT VIOLATES ETHICAL
RULES - AND IS NO SPORT ANYWAY
SINCE THE GRAND JURY IS
VIRTUALLY GUARANTEED TO DO
WHATEVER THE PROSECUTOR SUGGESTS,
THERE BEING NO OTHER LEGAL
OFFICER PRESENT DURING
GRAND JURY PROCEEDINGS. IN JULY
AND DECEMBER, ¹⁹⁹⁵ THE KOTZEBUE DA
GOT THE GRAND JURY TO INDICT
APPROXIMATELY 13 DEFENDANTS
EN MASSE (IN JULY) AND
APPROXIMATELY 21 DEFENDANTS
EN MASSE ^(IN SEPTEMBER) IN ALCOHOL / DRUG BUSTS,
WITHOUT EVEN AFFORDING THE
(NON-JOINABLE) CASES SEPARATE
GRAND JURY HEARINGS. THE JUDGE
DID NOT THROW OUT THE
INDICTMENTS IN THESE FLAGRANT
VIOLATIONS OF CONSTITUTIONAL

P.E. 17

PUBLISHER AND EDITORS,
ANCHORAGE DAILY NEWS
JAN. 10, 1997

DUE PROCESS (REMINISCENT OF
GROUP PROSECUTIONS IN
TOTALITARIAN STATES) UNTIL
THE PUBLIC DEFENDER AGENCY
HAD FULLY LITIGATED THE ISSUE;
TO MY KNOWLEDGE THE ATTORNEYS
REPRESENTING NON-PUBLIC
DEFENDER CLIENTS DID NOT EVEN
FILE MOTIONS ON THE ISSUE.

THESE MANIPULATIONS OF THE
GRAND JURY PROCESS REPRESENT
AN ABUSE OF STATE POWER,
ARE DANGEROUS, GREATLY STRESS
AND OVERBURDEN THE DEFENSE,
AND OVERBURDEN THE SYSTEM (ALTHOUGH
THE COURTS INDULGE IT AND FAIL
TO HOLD THE PROSECUTION
RESPONSIBLE FOR IT), AND
MISLEAD AND OVERWORK GRAND
JURY PANELS, PARTICULARLY IN
RURAL AREAS WHERE THE SAME
PEOPLE MUST SERVE ON JURIES
MORE FREQUENTLY.

P. 18

PUBLISHER AND EDITORS
ANCHORAGE DAILY NEWS
JAN. 10, 1997

[4.] THE COURTS ROUTINELY TREAT PRETRIAL DEFENDANTS AS THOUGH THEY ARE PRESUMPTIVELY GUILTY BY THE JUDGES' DEMEANOR, BY PERMITTING GUARDS TO EXERCISE UNNECESSARY RESTRAINT, AND BY DENYING REASONABLE RELEASE PLANS AND BAIL REQUESTS. THE PUBLIC DEFENDER AGENCY IN KOTZEBUE PROBABLY SPENDS 20% OF ITS TIME CHASING AROUND TO FIND THIRD-PARTY CUSTODIANS AND OTHER BAIL PACKAGES THAT ARE ROUTINELY OPPOSED BY THE D.A. AND ^{MOST} OFTEN DENIED BY THE COURT. THE KOTZEBUE MAGISTRATE WILL ONLY VERY RARELY GO OUT ON A LIMB AND OVERRIDE THE D.A.'S OPPOSITION OF BAIL IN A CONTROVERSIAL BAIL HEARING. THE

P. 19

PUBLISHER AND EDITORS
THE ANCHORAGE DAILY NEWS
JAN. 10, 1997

JUDGE

REFUSES TO GRANT APPEARANCE
BAIL BONDS, DESPITE THE FACT
THAT THE ALASKA BAIL STATUTE

SPECIFICALLY PERMITS BAIL BONDS IN

AS 12.30. THERE ARE MORE KITCHERUE THAN NONE
PRISONERS IN THE ANVIL MTN. CORRECTION CENTER AT NOME.

[5.] THE JUDGES CAN PREJUDICE A
JURY AGAINST THE DEFENSE AT TRIAL
BY THEIR ^{scowling} DEMEANOR. I FILED A
MOTION FOR A MISTRIAL ON THAT GROUND
IN THE MIST OF TRIAL IN KETCHIKAN
IN 1989. THE SAME JUDGE HAD A
WHOLE SET OF PISTOLS MOUNTED ON HIS
WALL IN HIS CHAMBERS, RIGHT BEHIND
HIS CHAIR; THEY WERE REPLICAS OF
PISTOLS USED BY 19TH CENTURY LAWYERS.
IMAGINE THE IMPRESSION ^{THAT} THAT LEFT
ON DEFENDANTS WHO WERE BROUGHT
INTO CHAMBERS DURING TRIAL ~~END~~
FOR HEARINGS OUTSIDE THE PRESENCE
OF THE JURY. THIS REMINDS ME OF A
RECENT BARROW NON-NATIVE

P. 20

PUBLISHER AND EDITORS,
THE ANCHORAGE DAILY NEWS
JAN. 10, 1997
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PROBATION OFFICER (I THINK THEY ^{ARE} ALL
NON-NATIVE) ~~PROBATION OFFICER~~
WHO HAD A HUGE AMERICAN FLAG
TACKED TO THE WALL OF HIS
BARROW OFFICE, RIGHT BEHIND HIS
CHAIR, APPARENTLY SO HIS ESKIMO FELON,
PROBATIONERS AND PAROLEES COULD
EXPERIENCE A RIVETING MONTHLY
SHOW SIMILAR TO THAT EXPERIENCED ON A
LARGER SCALE BY MOVIE AUDIENCES IN
THE OPENING SCENE OF THE FILM ~~THE~~ SPECTACULAR
PATTON, FEATURING GEORGE C. SCOTT
STRUTTING BEFORE A MAMMOTH AMERICAN
FLAG IN THE ROLE OF GENERAL
GEORGE PATTON.

[6.] JUDGES ROUTINELY FAVOR THE
PROSECUTION IN THE TECHNICAL
DECISIONS THAT ARISE THROUGHOUT
A CASE. IT IS NOT THE DEFENSE

P. 21

PUBLISHER AND EDITORS,
THE ANCHORAGE DAILY NEWS
JAN. 10, 1997
— — — —

THAT ESCAPES ON A TECHNICALITY
IN MOST CASES; IT IS THE PROSE-
CUTION THAT IS FAVORED WITH
~~THEM.~~ ON RULINGS INVOLVING FACTUAL
CALLS, THE APPELLATE COURT WILL
ALMOST NEVER REVERSE THE TRIAL
COURT'S RULING, WHICH ALMOST ALWAYS
FAVORS THE PROSECUTION. THE
COURT CAN TIP THE BALANCE AGAINST
THE DEFENDANT IN A MYRIAD OF
WAYS AT TRIAL, FROM RULINGS ON
OBJECTIONS, TO EVIDENCE CALLS,
TO THE SCOPE OF CROSS-EXAMINATION.
THE DEFENSE HAS TO FIGHT FOR
EVERY POINT BECAUSE THE JUDGES'
INCLINATIONS GENERALLY LIE
WITH THE PROSECUTION.
THE^{JUDGES} ISSUE SEARCH WARRANTS —
WITHOUT SEARCHING EXAMINATION OF

P. 22

PUBLISHER AND EDITORS,
THE ANCHORAGE DAILY NEWS
JAN. 10, 1997

THE POLICE WHO APPLY FOR THE SEARCH WARRANTS. IT'S A RELATIONSHIP BETWEEN COURT AND POLICE THAT BECOMES TOO CLOSE, TOO FAMILY-LIKE. THE JUDGES RARELY QUASH A SEARCH WARRANT. SEARCHES AND SEIZURES ARE UPHOLD BY THE COURTS ON WHATEVER IMAGINATIVE GROUNDS THE PROSECUTION PROVIDES.

THE ALASKA DIGEST (A 14-VOLUME SET OF BLUE BOOKS) AND THE ALASKA CRIMINAL RULES OF COURT CONTAIN ANNOTATIONS (ONE OR TWO-SENTENCE SUMMARIES OF CASES ON PARTICULAR POINTS). TAKE A LOOK IN ALASKA DIGEST UNDER CRIMINAL LAW. YOU WILL SEE HUNDREDS OF ANNOTATIONS SUPPORTING THE PROSECUTION AND ^{ONLY} A SMALL MINORITY SUPPORTING

P. 23

PUBLISHER AND EDITORS,
ANCHORAGE DAILY NEWS
JAN. 10, 1997

THE DEFENSE. HAVE A LAWYER
SHOW YOU THE MIRANDA,
VOLUNTARINESS OF CONFESSIONS,
SEARCH AND SEIZURE,
INDICTMENT AND INFORMATION,
AND GRAND JURY. ^{AMALITATIVES.} YOU WILL SEE
A LITANY OF RATIONALIZATION THAT
PERMITS THE STATE ALMOST
UNLIMITED ENFORCEMENT AND
PROSECUTORIAL SCOPE. IT BECOMES
REALLY FLAGRANT WHEN, AS IN A
1980s CASE THAT IS STILL "GOOD"
LAW, THE APPELLATE COURT OPENLY
PERMITTED THE POLICE TO CONNIVE
TO INTERROGATE A DEFENDANT
IN SUCH A WAY SO AS TO AVOID
THE REQUIREMENT OF INFORMING HIM
OF THE MIRANDA WARNINGS. THIS
PARTICULARLY DISADVANTAGES VILLAGER
DEFENDANTS, BUT YOU COULDN'T EXPECT

P:24

PUBLISHER AND EDITORS,
ANCHORAGE DAILY NEWS
JAN. 10, 1997

THE COURTS TO BE AWARE OF THAT.
A DISTINGUISHING FACTOR OF OUR LEGAL
SYSTEM IS THE JURY PROCESS. A JURY
CAN STOP A PROSECUTION COULD IN
ITS TRACKS. THE JURY SYSTEM GREW
OUT OF A DISTRUST OF JUDGES, A
GUT FEELING THAT JUDGES WERE TOOLS
OF THE STATE, WITH AN INBORN
BIAS IN FAVOR OF THE STATE. AND
THAT IS STILL THE CASE. FEW JUDGES
ARE STRONG ENOUGH TO MAINTAIN
BALANCE IN THE SYSTEM. THERE IS
A NETWORK OF MUTUAL UNDERSTANDING
AMONG JUDGES, PROSECUTORS, COURT
PERSONNEL, POLICE, ^{TAIL} GUARDS, ^{AND TROOPERS,} PROBATION
OFFICERS, AND DEPARTMENT OF HEALTH
AND SOCIAL SERVICES, DIVISION OF
FAMILY SERVICES. IT IS, AFTER ALL,
A "SYSTEM", THE CRIMINAL LAW
"SYSTEM". THE QUESTION OF COURSE

P. 25

PUBLISHER AND EDITORS,
ANCHORAGE DAILY NEWS

JAN. 10, 1997

IS WHETHER THE DEFENSE IS SIMPLY
A COMPONENT OF THAT BACKSLAPPING
SYSTEM OR LOOKING OUT FOR
UNPOPULAR DEFENDANTS FIRST.

[7.] THE PRESUMPTIVE SENTENCING
SYSTEM IS A BRUTAL SYSTEM THAT IS
PRESUMPTIVELY UNFAIR. IT RELIES ON
THE MANIPULATION OF "AGGRAVATING" AND
"MITIGATING" FACTORS. SINCE THERE ARE
FAR MORE "AGGRAVATING" FACTORS THAN
"MITIGATING" FACTORS LISTED IN A.S. 12.55.
155, AND THE LOGIC FOR EMPLOYING THEM
IS SO ELASTIC, THE COURT CAN NAIL
A DEFENDANT ANY TIME IT DESIRES.
THERE IS ALL KINDS OF LEEWAY TO
EXTEND JAIL TIME, EVEN USING ^{Aggravating/Mitigating} ~~THE~~
BY ANALOGY IN FIRST-TIME FELONIES
WHERE TECHNICALLY THEY DO NOT
APPLY.

IN STATE v. ROBLES, AKS-95-1720

P. 26

PUBLISHER AND EDITORS,
ANCHORAGE DAILY NEWS,
JAN. 10, 1997

THE DEFENDANT WAS WAYLAIN ON THE BEACH ROAD OUTSIDE KOTZEBUE BY TWO MEN. HE WAS BADLY BEATEN. HE WAS DRAGGED TO THE CLEAN. HIS HEAD WAS FORCED UNDER WATER, AND HE WAS HIT IN THE HEAD REPEATEDLY WITH A ROCK. ^{HE THOUGHT HE WAS DROWNING.} HE WAS BITTEN TWICE ON THE BACK. ~~ONE~~ ONE OF THE MEN SMASHED THE BACK WINDOW OF HIS PICKUP WITH A ROCK. HE WAS SUBJECTED TO ETHNIC INSULTS. ^{THE DEFENDANT, BADLY INJURED,} ^{IMMEDIATELY} FOLLOWED THEM ^{IN HIS TRUCK} TO THEIR PLACE OF BUSINESS, HELD A RIFLE ON THEM AND TOLD THEM THAT HE WAS PUTTING THEM UNDER CITIZEN'S ARREST (A PROCEDURE THAT IS LEGAL UNDER A.S. 12 WHEN A FELONY INVOLVING INJURY IS INVOLVED). HE WAS PERSUADED TO PUT DOWN HIS GUN AFTER HE HAD FIRED SEVERAL WARNING

P. 27

PUBLISHER AND EDITORS
ANCHORAGE DAILY NEWS

JAN. 10, 1997

SHOTS. THE TWO MEN PROMPTLY POUNCED ON HIM AND BEAT HIM AGAIN AND KICKED HIM UNTIL THE POLICE ARRIVED.

THE DA HAD MR. ROGLES INDICTED ON TWO COUNTS OF ASSAULT IN THE THIRD DEGREE, CLASS C FELONIES. THE GRAND JURY WANTED ~~THE~~ THE TWO "VICTIMS" INDICTED ON FELONIES ALSO, BECAUSE THEY ADMITTED MUCH OF THEIR OWN ASSAULTIVE BEHAVIOR, INCLUDING THE ASSAULT WITH ^{THE} ROCK, IN GRAND JURY TESTIMONY. HOWEVER THE DA REFUSED TO PRESENT INDICTMENTS ON THE TWO "VICTIMS". THE DA ARGUED AT TRIAL THAT THE ROCK WAS NOT AVAILABLE AT TRIAL AND THAT NO ONE KNEW HOW BIG IT WAS. DURING TRIAL THE JUDGE INTERRUPTED THE DEFENDANT, AS HE WAS

P. 28

PUBLISHER AND EDITORS,
ANCHORAGE DAILY NEWS
JAN. 10, 1997

DEMONSTRATING HIS POSITION IN THE WATER WHEN HIS HEAD WAS BEING FORCED UNDERWATER, AND HE WAS BEING HIT IN THE HEAD WITH THE ROCK, AND TOLD HIM TO RETURN TO HIS SEAT AT THE WITNESS STAND.

THE DEFENDANT WAS CONVICTED OF THE TWO FELONIES. THE DA HAD FINALLY CHARGED THE TWO MEN WITH A MISDEMEANOR ASSAULT ~~FOR~~ EACH. THEY PLED AND RECEIVED SIX-MONTH SUSPENDED IMPOSITIONS OF SENTENCE WITH NO JAIL TIME, ^{NO} FINE, AND ^{NO} PROBATION, ^{CONDITIONS} OR OTHER PENALTY EXCEPT TO REPLACE THE TRUCK WINDOW. THIS KIND OF DISPOSITION (A SIX-MONTH SIS INSTEAD OF A YEAR) (AND NO PENALTY AT ALL) JUST DOES NOT HAPPEN IN KOTzebue OTHERWISE.

AT MR. ROBLES' SENTENCING, THE JUDGE SAID THAT THE POLICE MAY HAVE LEARNED FROM THE CASE ~~TE~~ ABOUT

P. 29

PUBLISHER AND EDITORS,
ANCHORAGE DAILY NEWS
JAN. 10, 1997

INVESTIGATING BETTER. HE ALSO SAID THAT MR. ROBLES HAD BEEN PUT IN FEAR FOR HIS LIFE BY ~~THE~~ HAVING HIS HEAD FORCED UNDER WATER AND HIS HEAD BEATEN WITH A ROCK. HOWEVER THE KOTZEBUE JUDGE REFUSED TO GRANT MR. ROBLES A MITIGATOR, WHICH COULD HAVE REDUCED HIS PRESUMPTIVE SENTENCES AND SENTENCED HIM TO THREE YEARS IN JAIL, WHERE HE REMAINS, WITH CONTINUING ^{MEDICAL} PROBLEMS AS A RESULT OF BEING HIT IN THE HEAD WITH THE ROCK, WHILE HIS ^{CASE} ~~CASE~~ REMAINS ON APPEAL

[8.] THE KOTZEBUE COURT HAS A SUPERIOR COURT JUDGE AND A MAGISTRATE. THE MAGISTRATE IS A NON-NATIVE FROM OUTSIDE THE REGION. THERE IS A KOTZEBUE NATIVE PERSON WHO HAS APPLIED TWICE

P. 30

PUBLISHER AND EDITORS
ANCHORAGE DAILY NEWS
JAN. 10, 1997

FOR THE POST. THE APPLICANT IS ROSS.
SCHAEFFER, WHO ^{WAS} KOTZEBUE MAGISTRATE

FOR EIGHT YEARS AROUND THE 1970s AND
EARLY 1980s AND IS PROMINENT IN THE

REGION; THOUGH HE IS NOT A LAWYER,

ROSS SCHAEFFER COULD TECHNICALLY

EVEN APPLY FOR A SUPERIOR COURT

POSITION DUE TO HIS EXPERIENCE.

THE KOTZEBUE JUDGE HAS TWICE

REJECTED ROSS SCHAEFFER'S APPLICATION

FOR MAGISTRATE. THE CURRENT MAGISTRATE

IS TIMID, RELIES ON THE JUDGE AND DA,

AND DOES NOT KNOW THE VILLAGES

EXCEPT IN THE NEGATIVE ASSOCIATION

RELATED TO CRIMINAL CASES. UP TO

JULY, 1996, WHEN I LEFT, SHE HAD

NEVER CONDUCTED A TRIAL. (I PUSHED

MANY MISDEMEANORS TO TRIAL, BUT

THE DAs WOULD ALWAYS EITHER

DISMISS THEM OR GIVE SUCH ATTRACTIVE

OFFERS THAT THE DEFENDANTS WOULD

THE MAGISTRATE WILL OCCASIONALLY LEAVE THE
BENCH IN A HARD CASE, CHECK WITH THE JUDGE, AND
THEN RETURN TO RULE AGAINST THE DEFENSE.

Po 21

PUBLISHER AND EDITORS,
ANCHORAGE DAILY NEWS
JAN. 10, 1997
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TAKE THEM.) IN THE MEANTIME
ROSS SCHAEFFER, WHO KNOWS THE
ENTIRE KOTZEBUE REGION WELL AND
HAS EIGHT YEARS' EXPERIENCE THERE
AS THE MAGISTRATE, HAS A
DISCRIMINATION COMPLAINT PENDING
ON THE ISSUE BEFORE THE ALASKA
HUMAN RIGHTS COMMISSION.

9. UNDER RULE 18 OF THE
ALASKA RULES OF COURT, KOTZEBUE
HAS ABOUT 5 VILLAGE TRIAL SITES,
WHERE MISDEMEANOR TRIALS CAN
BE HELD. THE DAs WHO WORKED
IN BARROW WHILE I WAS THERE
BOTH ASKED THE COURT SYSTEM TO
ABOLISH THE VILLAGE TRIAL SITES
BECAUSE THEY DID NOT HAVE HOTELS,
RESTAURANTS, FLUSH TOILETS, AND
FORMAL TRIAL FACILITIES. DESPITE
THE FACT THAT THE RULEMAKERS CRIVICUSLY

P.32

PUBLISHER AND EDITORS,
ANCHORAGE DAILY NEWS
JAN. 10, 1997

KNEW ABOUT THE LIMITED FACILITIES WHEN
ADOPTING THE RULE YEARS AGO, WHEN
~~FACILITY~~ FACILITIES WERE EVEN MORE LIMITED,
THE PROSECUTION WOULD ~~FOR~~ ASK THE COURT
SYSTEM TO ABOLISH VILLAGE TRIAL SITES,
ELEVATING PERSONAL COMFORT OF COURT SYSTEM
PERSONNEL OVER THE NEED TO EXTEND THE
CRIMINAL JUSTICE SYSTEM INTO THE RURAL
AREAS OF THIS VILLAGE STATE. AS A MATTER
OF FACT, THERE ARE PLENTY OF FACILITIES
IN THE VILLAGES TO ACCOMMODATE VILLAGE TRIALS.

10. THE ^{APPELLATE} COURTS APPLY NO OVERSIGHT
OVER THE LESSER STANDARDS OF PROOF IN
ALASKA LAW, PRINCIPALLY THE PREPONDERANCE
OF THE EVIDENCE STANDARD. THIS IS THE
LOWEST STANDARD OF EVIDENCE AND ALLOWS
THE COURT TO TAKE ACTION (JAIL) ^{TO} A
DEFENDANT IF IT FINDS IT SIMPLY "MORE
LIKELY THAN NOT" THAT SOMETHING OCCURRED
(51% PROBABILITY OUT OF 100%). THIS STANDARD
IS EMPLOYED IN PROBATION REVOCATION

PUBLISHER AND EDITORS
ANCHORAGE DAILY NEWS
JAN. 10, 1997

HEARINGS, THAT COULD RESULT IN MANY YEARS IN JAIL, AND IN MANY OTHER EVIDENTIARY SITUATIONS. FOR INSTANCE, UNDER ALASKA STATE LAW A JURY CAN FIND A DEFENDANT NOT GUILTY OF A CHARGED CRIME BUT GUILTY OF A LESSER-INCLUDED CRIME. IF THE JUDGE THINKS THE DEFENDANT ACTUALLY COMMITTED THE MORE SERIOUS CRIME, THEN, BASED ON THIS EVIDENTIARY STANDARD, ^{AT SENTENCING} THE JUDGE CAN THEN SENTENCE THE DEFENDANT AS THOUGH HE HAD COMMITTED THE MORE SERIOUS CRIME DESPITE THE CONSTITUTIONAL ACQUITTAL BY THE TRIAL JURY. IN BRADY V. U.S., THE U.S. 9TH CIRCUIT COURT OF APPEALS (APRIL 1991) CALLED THIS A "PERVERSION OF JUSTICE". THE 9TH CIRCUIT INCLUDES ALASKA.

WHEN THE STANDARD OF PROOF IS "PREPONDERANCE OF THE EVIDENCE", THE DEFENSE PRACTICALLY NEVER HAS A CHANCE OF PREVAILING - AND THIS STANDARD COMES UP EVERY DAY. THE JUDGE CAN CITE ANY SLIGHT FACTUAL JUSTIFICATION TO COVER

P. 34

PUBLISHER AND EDITORS
ANCHORAGE DAILY NEWS
JAN. 10, 1997

HIS RULING. AND THE APPELLATE COURTS
WILL NEVER OVERTURN THESE RULINGS
ABSENT EXTRAORDINARY CIRCUMSTANCES
THAT ARE ALMOST IMPOSSIBLE TO
DEMONSTRATE. THE RULES ARE REFINED
TO CRIPPLE THE DEFENSE.

I HOPE THAT YOU WILL REVIEW THESE
MATERIALS AND INVESTIGATE THEM IN
CONNECTION WITH THE APPOINTMENT OF
A HARD-HITTING, STRONG STATE PUBLIC
DEFENDER. IN MY 11-24-96 LETTER TO
THE ALASKA JUDICIAL COUNCIL, I ALSO TALK
ABOUT THE DISPARITY IN CONDITIONS
BETWEEN URBAN AND RURAL OFFICES
IN THE PUBLIC DEFENDER AGENCY.

THE RURAL OFFICES ARE TREATED MORE
AS HARDSHIP POSTS TO BE ENDURED
WHILE HOPING FOR TRANSFER TO THE
CITY, RATHER THAN AS PLACES WORTH
SETTLING IN FOR A SIGNIFICANT PERIOD
OF TIME. BOTH THE BARROW AND SITKA

P. ³⁵~~34~~

PUBLISHER AND EDITORS,
ANCHORAGE DAILY NEWS
JAN. 10, 1997

PUBLIC DEFENDERS HAVE NEVERTHELESS BEEN IN THOSE COMMUNITIES FOR LONG PERIODS (6 YEARS IN BARROW), AND IT IS WORTH CHECKING WITH THEM ABOUT THESE ISSUES. THE BETHEL OFFICE, WITH ITS OUTRAGEOUS CASELOAD, HAS BEEN IN THE NEWS WITHIN THE PAST YEAR.

THE STATE PUBLIC DEFENDER APPOINTMENT IS HEADED TO THE LEGISLATURE. I HOPE ^{THAT} YOU WILL AIR THIS ISSUE NOW, WHILE IT IS ESPECIALLY RELEVANT. THE APPOINTMENT WILL AFFECT THE COURSE OF THE CRIMINAL JUSTICE SYSTEM IN ALASKA FOR YEARS TO COME, INTO THE NEXT CENTURY, YEA, EVEN UNTO THE NEXT MILLENEUM!

I WILL BE OUT OF CHANGCHUN, BUT STILL IN CHINA, DURING THE LAST OF JANUARY, UNTIL ABOUT FEBRUARY 10. YOU CAN CONTACT ME THROUGH THE ABOVE FAX NUMBER AND, UNTIL ABOUT

P. ~~137~~¹³⁸

PUBLISHER AND EDITORS,
ANCHORAGE DAILY NEWS
JAN. 10, 1997

→ P.S. SINCE THIS IS GOING TO
A NEWSPAPER, FROM CHINA,
I WILL SEND IT UNDER
SEPARATE COVER TO MY RELAT
IN DULUTH, MINNESOTA AND
HAVE IT FORWARDED TO YOU

John Holmes

FEBRUARY 6 AT THE ABOVE E-MAIL ADDRESS.
(THE E-MAIL WILL THEN BE CLOSED FOR ABOUT
TWO WEEKS WHILE THE PEOPLE ARE OUT OF TOWN.
I WILL KEEP IN CONTACT WITH THE FAX
AND E-MAIL ADDRESSES AND ARRANGE A
WAY TO TALK WITH YOU. THE FAX IS ALWAYS
AVAILABLE.

SINCERELY,
John M. Holmes
JOHN M. HOLMES,
ATTORNEY AT LAW

ENCL:

- 1) 12-18-96 LETTER TO J. HOLMES FROM
~~PIETRE~~ TERESA CARNIS, SENIOR STAFF
ASSOCIATE, ALASKA JUDICIAL
COUNCIL.
- 2) 11-24-96 LETTER FROM J. HOLMES TO ALASKA
JUDICIAL COUNCIL.
- 3) 12-08-95 LETTER FROM J. HOLMES TO ALASKA
JUDICIAL COMMITTEE ON FAIRNESS
AND ACCESS.
- 4) 11-02-95 MEMO ENTITLED "A COLONIAL
SYSTEM" FROM J. HOLMES TO
PUBLIC DEFENDER AGENCY.
(IN JAN. 1996 KOTZEBUE JUDGE RICHARD
ERLICH DISTRIBUTED A MONOGRAPH
ACKNOWLEDGING THAT THE CRIMINAL
JUSTICE SYSTEM IS COLONIAL BUT
ADVOCATING NOTHING TO CHANGE IT.)

END OF
LETTER

7-15-97
COPY TO AK LEGISLATURE
CHAIR, SENATE
JUDICIAL
COMMITTEE
Holmes

NOVEMBER 24, 1996
JOHN M. HOLMES, ATTORNEY
46 HONGQI STREET
ENGLISH TEACHERS' OFFICE
CHANGCHUN FOREIGN LANGUAGES SCH
CHANGCHUN, JILIN PROVINCE
CHINA 130012
(ALASKA BAR ASSN. NO. 7811103)

DIRECTOR,
ALASKA JUDICIAL COUNCIL
C/O ALASKA STATE COURTHOUSE
3RD + K STREET
ANCHORAGE, ALASKA 99501

RE: PUBLIC DEFENDER APPOINTMENT

DEAR JUDICIAL COUNCIL:

THIS LETTER IS IN RESPONSE TO THE JUDICIAL COUNCIL'S OCTOBER SURVEY OF ATTORNEY-REGARDING APPLICANTS FOR THE STATE PUBLIC DEFENDER POSITION. THIS LETTER ADDRESSES THE APPLICATION OF BARBARA BRINK.

I WORKED IN THE PUBLIC DEFENDER AGENCY FROM DECEMBER 1988 TO SEPTEMBER 1991 AND FROM AUGUST 1994 TO JULY 19, 1996: ANCHORAGE 12/88 - 3/89 (PRIOR TO TRANSFER TO BARROW); BARROW 3/89 - 3/90; KETCHIKAN 3/90 - 9/91; KOTZEBUE 8/94 - 7/19/96

AS DEPUTY PUBLIC DEFENDER, BARB BRINK RESPONDED PROMPTLY AND KNOWLEDGEABLY TO REQUESTS FOR INFORMATION AND APPROVALS, ON SHORT NOTICE. SHE IS AN EXPERIENCED ATTORNEY AND AN ORGANIZED ADMINISTRATOR. BARBARA BRINK IS A DEDICATED PROFESSIONAL.

HOWEVER, I DO NOT RECOMMEND BARBARA BRINK'S APPOINTMENT AS STATE PUBLIC DEFENDER FOR THE FOLLOWING REASON. IN CONTRAST TO THE USUAL

PAGE 2

ALASKA JUDICIAL COUNCIL

RE: PUBLIC DEFENDER APPOINTMENT

NOVEMBER 24, 1976

PUBLIC PERCEPTION OF THE CRIMINAL JUSTICE PROCESS, I SEE THAT PROCESS AS GROSSLY UNFAIR TO DEFENDANTS, BOTH IN TERMS OF STEADILY ERODING CONSTITUTIONAL RIGHTS AND ALSO IN PRACTICAL TERMS OF A STATE COURT SYSTEM THAT IS BIASED IN FAVOR OF THE PROSECUTION AND THAT TREATS DEFENDANTS FROM THE OUTSET AS THOUGH THEY WERE GUILTY. IT CAN BE SAID THAT THE PUBLIC DEFENDER AGENCY REPRESENTS THE OVERWHELMING MAJORITY OF DEFENDANTS WHO ARE REPRESENTED BY COUNSEL (AROUND 85-90%?). THE PUBLIC DEFENDER AGENCY'S POSITION AND STRATEGY CONCERNING THIS SYSTEMIC PROBLEM REALLY DETERMINES WHETHER THERE WILL BE MOVEMENT IN ALASKA TO REVERSE THE ABUSE OF DEFENDANTS IN ALASKA. I BELIEVE THAT THE PUBLIC DEFENDER AGENCY CANNOT BE RUN AS JUST ANOTHER STATE AGENCY. IT HAS AN OVERRIDING, A CONSTITUTIONAL, OBLIGATION ~~TO~~ TO DEFENDANTS AND TO FAIR APPLICATION OF THE JUDICIAL PROCESS. I BELIEVE THAT THE PUBLIC DEFENDER AGENCY MUST TAKE A VERY STRONG POSITION TO REVERSE THIS SYSTEMIC SLIDE INTO AUTHORITARIANISM. I DO NOT BELIEVE THAT BARBARA BRINK IS THE PERSON TO DO IT.

PAGE 3

ALASKA JUDICIAL COUNCIL

RE: PUBLIC DEFENDER APPOINTMENT

NOVEMBER 24, 1996

HERE ARE EXAMPLES OF PROBLEMS THAT HAVE CONTRIBUTED TO THE EROSION OF A FAIR JUDICIAL PROCESS.

1) THE MIRANDA NOTICE REQUIREMENTS HAVE BEEN STEADILY RESTRICTED OVER THE YEARS, TO THE POINT THAT THE ALASKA COURT PERMITS THE POLICE TO ACTIVELY CONNIVE TO AVOID THE REQUIREMENT OF GIVING NOTICE OF RIGHTS TO SILENCE AND COUNSEL. THIS IS IN A STATE IN WHICH A LARGE PERCENTAGE OF DEFENDANTS ARE RURAL PEOPLE FROM MINORITY CULTURES WHO ARE MORE VULNERABLE TO TECHNICAL VIOLATIONS OF THEIR RIGHTS. IN MY OPINION THE PUBLIC DEFENDER AGENCY ACCEPTS CURRENT LEGAL DOGMA AS PERMANENT, WHERE PRECEDENT AGAINST IT CANNOT BE FOUND, RATHER THAN CAMPAIGNING FOR CHANGE. FOR INSTANCE, IN STATE V. J. HAWLEY, 2KB-94-198 CR, I BROUGHT TWO EXPERT WITNESSES TO A NOVEMBER 1994 EVIDENTIARY HEARING IN THAT CASE TO TESTIFY THAT INUPIAT ESKIMOS IN THE KOTZEBUE AREA DID NOT GIVE VOLUNTARY STATEMENTS TO THE POLICE AND TROOPERS, REGARDLESS ~~BE~~ OF LEGAL DOCTRINE OTHERWISE. EXCEPT FOR THE SITKA PUBLIC DEFENDER, I FOUND NO ONE ELSE INTERESTED IN THE ISSUE BECAUSE OF THE FACT THAT ALASKA LAW UNQUESTIONABLY HOLDS SUCH STATEMENTS TO BE CONSTITUTIONAL. DESPITE THE OBVIOUS INJUSTICE, THERE IS NO APPARENT INCENTIVE TO KEEP RATTLING THE BARS OF THE

PAGE 4

ALASKA JUDICIAL COUNCIL
RE: PUBLIC DEFENDER APPOINTMENT
NOVEMBER 24, 1996

JUDICIAL SYSTEM UNTIL THE COURTS RECOGNIZE WHAT BOTH JUDGES AND ATTORNEYS ALREADY KNOW, THAT DEFENDANTS ARE DEPRIVED OF THEIR CONSTITUTIONAL RIGHT TO MIRANDA WARNINGS. THE PUBLIC DEFENDER AGENCY SHOULD VIGOROUSLY FIGHT SUCH AN ISSUE, WHETHER PRECEDENT IS AVAILABLE OR NOT. IF THE PUBLIC DEFENDER AGENCY DOES NOT DO IT, WHO WILL?

2) THE COURTS EXCUSE VIRTUALLY ANY VIOLATION OF THE GRAND JURY PROCESS. A REVIEW OF THE SECTIONS ON JUDGMENT/INFORMATION AND GRAND JURY IN THE ALASKA DIGEST SHOW AN ALMOST UNINTERRUPTED LITANY OF DECISIONS EITHER NOT RECOGNIZING DEFECTS OR EXCUSING THEM. LIKEWISE, COURTS GRANT SEARCH WARRANTS AS THOUGH THEY WERE MEDIEVAL INDULGENCES (I'M NOT SAYING THAT THE COURTS SELL THEM.). THE PUBLIC DEFENDER AGENCY SHOULD CAMPAIGN AGAINST THESE VIOLATIONS OF DEFENDANTS' RIGHTS AND ABUSES OF THE JUDICIAL PROCESS. (A 1980s CASE FORCES THE NECESSITY OF POST-GRAND JURY PRELIMINARY HEARINGS.

3) THE PROSECUTION ROUTINELY OVERCHARGES, GOING TO GRAND JURY WHEN MISDEMEANOR PROSECUTION IS SUFFICIENT. THE PROSECUTION AND DEFENSE THEN WORK TO EXPEDITIOUSLY SETTLE THE CASES, TO THE NET ADVANTAGE TO THE PROSECUTION. INSTEAD OF WORKING ...

P. 5

ALASKA JUDICIAL COUNCIL
RE: PUBLIC DEFENDER APPOINTMENT
NOVEMBER 24, 1946

TO ACCOMMODATE THE EFFICIENT PROCESSING OF DEFENDANTS, THE PUBLIC DEFENDER AGENCY SHOULD HOLD OUT AND FORCE THE PROSECUTION TO PROSECUTE ON A REALISTIC BASIS. THE COURTS AND PROSECUTORS SHOULD UNDERSTAND THAT IT IS INAPPROPRIATE PROSECUTION THAT CREATES THE LOGJAMS IN THE SYSTEM. THE ETHICAL RULES DO NOT ADVOCATE PROSECUTION IN EVERY CASE IN WHICH THE ELEMENTS OF A CHARGE MAY BE MET; PROSECUTION, AND THE LEVEL OF PROSECUTION, ARE SUBJECT TO A NUMBER OF FACTORS UNDER PROSECUTORIAL ETHICAL RULES.

4) IN MY EXPERIENCE, THE COURTS DO NOT TREAT DEFENDANTS FAIRLY DURING THE JUDICIAL PROCESS. THE DEMEANOR OF THE JUDGE SAYS EVERYTHING ABOUT THE FAIRNESS OF THE PROCESS. DEFENDANTS ARE ROUTINELY TREATED - HANDLED - AS THOUGH THEY WERE GUILTY WHEN BROUGHT BEFORE THE COURT. THE JUDGES' DEMEANOR IN FRONT OF JURIES SHOW BIAS IN FAVOR OF THE PROSECUTION.

THE PUBLIC COMPLAINS THAT DEFENDANTS GET OFF ON "TECHNICALITIES", BUT ANYONE FAMILIAR WITH THE TRIAL PROCESS KNOWS THAT THE VAST MAJORITY OF DECISIONS ON ALL OF THE TECHNICAL QUESTIONS THAT ARISE DURING A CASE, AND DURING TRIAL, RUN IN FAVOR OF THE PROSECUTION. THE COURTS ARE SIMPLY UNACCUSTOMED TO ADDRESSING ISSUES WITH