

MINUTES OF MEETING
OF
COMMITTEE ON JUDICIARY BRANCH
NOVEMBER 15, 1955

GEORGE MC LAUGHLIN - CHAIRMAN

The meeting was called to order by the Chairman. The Chairman declared a quorum was present. R. E. Robertson was elected Vice Chairman by acclamation. Maurice T. Johnson was named Secretary.

After discussion about invitations to address committee, it was decided to send letters to:

All Judges of United States District Courts
in Alaska

Alaska Bar Association.

All Members of the Alaska Bar

Each Local Bar Association

Each United States Commissioner

Each United States Attorney

The Attorney General of Alaska

It was the concensus of the Committee that we did not need any help at present.

Proposal No. 1 was declared to be basis of operation.

Discussion relative to joint meetings with other Committees.

It was decided to meet again Friday P. M. November 18, 1955, at which time each member is to present any amendments to Proposal No. 1.

Adjourned.

Approved:

George McLaughlin
Chairman

Respectfully submitted,

Maurice T. Johnson
Maurice T. Johnson, Secretary

Constitutional Convention
IX/Judiciary/2
November 18, 1955

Minutes of Meeting
Committee on Judiciary Branch
November 18, 1955 2:10 p.m.

Present: McLaughlin, chairman; Robertson, Harris, Metcalf, Rivers,
Johnson, secretary.

Minutes of previous meeting approved as corrected.

It was announced that the Committee would meet at 3:45 p.m. Monday
in the basement of the Northward Building in Fairbanks, at the
KTVF Studio.

Copy of letter to Attorneys, etc. filed.

Balance of meeting given over to discussion of Sections 1 and 2 of
Proposal No. 1.

At the meeting on Monday discussion of Proposal No. 1 would con-
tinue.

Meeting adjourned at 3:20 p.m.

Respectfully Submitted:

Maurice Johnson

APPROVED:

George W. McLaughlin
President

November 16, 1955

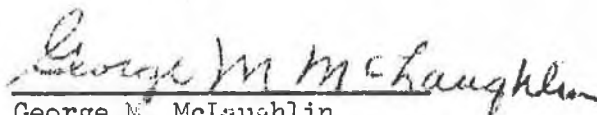
President,
Alaska Bar Association
Juneau, Alaska

Dear Sir:

The Committee on the Judiciary Branch of the Constitutional Convention now in session at College, Alaska welcomes recommendations from interested persons concerning the provisions of the judiciary article in the proposed State Constitution.

The Committee requests that recommendations be presented in person or in writing prior to the first day of December, 1955.

Very truly yours,



George M. McLaughlin
Chairman
Committee on the Judiciary
Branch
Constitutional Convention
College, Alaska

Copies: Each District Judge
Bar Associations of Anchorage,
Fairbanks, Juneau, Ketchikan
Each United States Attorney
Each Attorney at Law
Each U. S. Commissioner

Minutes of Regular Meeting of Committee on Judiciary Branch

The meeting was held in the studios of KTVF in Fairbanks and was televised. The meeting was called to order by the Chairman at 4 p.m., November 21, 1955. Present: McLaughlin, Harris, R. Rivers, Metcalf, Robertson, Taylor, Johnson, Secretary.

The minutes of the previous meeting were read and approved.

The committee continued to discuss Proposal # 1, Sections 3 and 4.

A number of suggested amendments were offered changing the method of appointing nominees for judicial positions and many suggestions were made relative to setting up a Judicial Council for this purpose. The matters of retirement age, methods of impeachment, and tenure of office were also discussed.

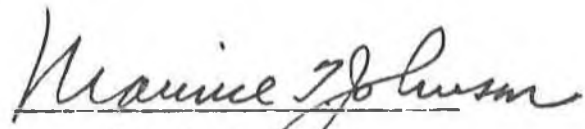
During the discussion of Section 4 of Proposal # 1, a number of changes were suggested with reference to inferior courts.

A proposed new Section 5 was also read and discussed. This proposed section provided for rule-making power to be vested in the Supreme Court.

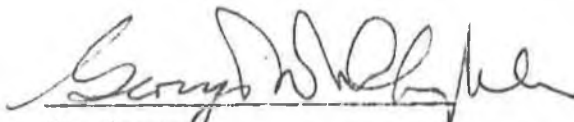
The Chairman announced that public hearings on certain phases of the Constitution would be held the following Saturday. The Chairman also announced that all hearings and meetings of the Committee on Judiciary were open to the public.

There being no further business before the meeting, it was duly adjourned at 5:15 p.m.

Respectfully submitted,


Secretary

Approved by:


Chairman

Minutes of the Regular Meeting of the Committee on Judiciary Branch

The meeting was called to order at 2 p.m., November 22, 1955.

Present: McLaughlin, Chairman, Harris, Ralph Rivers, Metcalf, Robertson, Taylor, Johnson, Secretary. Minutes of the previous meeting were read and approved.

A letter from Robert Parrish, attorney in Fairbanks, was read and ordered placed in the file, and a letter from Mr. Sheldon D. Elliot was read.

A communication from the President of the Convention on public hearings was discussed. The Chairman was directed to report to the President that all meetings and hearings of the Committee on Judiciary would be public.

After some discussion, the committee decided to set a tentative date of December 7, 1955 by which to submit a complete article on the Judiciary.

The letter from Mr. Sheldon D. Elliot then came up for discussion. It was regularly moved and seconded that the committee invite Sheldon D. Elliot or Professor Selmar Karlen to come to the Convention and lend whatever assistance they could to the committee and that they should try to reach here by December 1st. In the discussion which followed it was pointed out that the expenses of either of these men would be on the basis of \$78.50 per day, plus actual travel expenses. Mr. Elliot is the Director of the Institute of Judicial Administration, Inc., New York City. Mr. Stewart, the Secretary of the Convention, also appeared before the committee during the discussion on this motion. The motion carried; 5 ayes, 2 noes. Thereupon the committee requested the President of the Convention to invite Mr. Elliot to appear before the Judiciary Branch.

The Chairman announced that he would prepare a questionnaire for each member by which each member could designate or indicate his preference regarding various proposals and matters concerning the Judiciary's Article.

After a discussion it was agreed that on all points upon which the committee was in agreement, those portions of the Article on Judiciary could be written.

The meeting was adjourned at 2:55 p.m.

Respectfully submitted,

Approved:

Secretary

Chairman

COMMITTEE ON JUDICIARY BRANCH

Minutes of Meeting

The meeting convened at 2 P. M., November 23, 1955. Present were George McLaughlin, Thomas C. Harris, Ralph J. Rivers, Irwin L. Metcalf, R. E. Robertson, Warren A. Taylor, and Maurice T. Johnson, Secretary.

Minutes of the previous meeting were read and approved.

Mr. Taylor reported that Mr. Elliott could be here either on November 30 or December 1. The Committee requested that he be asked to appear on December 1.

On Monday, November 28, 1955 the Committee will prepare an agenda discussion of topics to be discussed with Mr. Elliott.

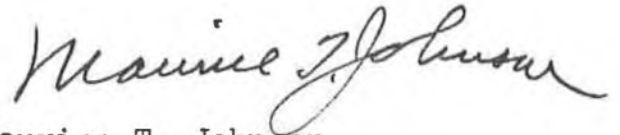
There was a discussion regarding the questionnaire and two members submitted their questionnaire to the Chairman. The Chairman read both.

There was a discussion regarding Judicial districts.

There was a General discussion regarding the Davis proposal, being Proposal #12.

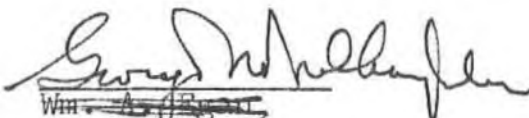
President Egan entered the meeting at 2:45 P. M. and remained until 2:50 P. M. There being no further business, the meeting was adjourned at 3:10 P. M.

Respectfully submitted,



Maurice T. Johnson

APPROVAL:


~~Win. A. Egan,~~
~~President~~
Chairman

MINUTES OF THE COMMITTEE ON JUDICIARY BRANCH

1. The meeting was called to order by the Chairman at 2:00 p.m. November 25, 1955.
2. The following members were present: McLaughlin, Chairman; Harris; R. Rivers; Metcalf; Taylor; Robertson; and Johnson, Secretary.
3. The minutes of the previous meeting were read and approved.
4. It was announced that there would be a televised meeting of the Committee over KFAR-TV on Monday, November 28, 1955 at 10:30 o'clock p.m.
5. It was announced that the Board of Governors of the Alaska Bar Association would meet in Fairbanks, Alaska on December 1st and had requested the privilege of appearing before the Committee.
6. Discussion on Mr. Taylor's proposal was withheld until the whole committee had received copies.
7. The following questionnaires were read and discussed: Harris, Robertson, Taylor and Johnson.
8. The chairman announced that there would be no meeting of the committee on Saturday, November 26, 1955.
9. The chairman announced that the committee would hold its regular meeting Monday afternoon, November 28th at 2:00 p.m. in addition to the televised meeting to be held Monday evening.
10. The meeting adjourned at 3:10 p.m.

Respectfully submitted,

Approved:

George W. Doherty
Chairman

Maurice J. Johnson
Secretary

Minutes of Meeting of Committee on Judiciary Branch

November 28, 1955 - 2:40 PM

1. The meeting was called to order by the Chairman. The following were present: McLaughlin, Chairman, R. Rivers, Robertson, Taylor, Metcalf, and Johnson, Secretary.

2. The minutes of the previous meeting were read and approved.

3. The following letters were read and discussed and ordered placed in the permanent file:

Letter from Judge Walter Hodge, U.S. District Court, Second Division, Nome, Alaska

Letter from Alaska Bar Association, Anchorage, Alaska

Letter from Wendell P. Kay, Attorney, Anchorage, Alaska

4. A discussion was had regarding the agenda to take up with Mr. Elliott on his arrival. The following was decided upon:

- a. Judicial Councils
- b. Administration of Courts
- c. Selection of Chief Justice
- d. Compare three Proposals
- e. Rule-making Power
- f. Qualifications & Terms
- g. Removal
- h. ~~Trial News~~ Tenure
- i. Original Jurisdiction of Supreme Court

5. The Chairman then announced that he had prepared a list of sections to be used in writing the Judiciary Article. He also appointed two subcommittees to work on this list of sections. The first subcommittee: Robertson, R. Rivers, and Metcalf. They were to work on sections 4 through 10.

6. The second subcommittee consists of Taylor, Harris and Johnson. They were to work on sections 1, 2, 3, and 11.

7. At 3:15 PM the Committee recessed until 10:30 PM where the meeting would continue in the studios of KFAR-TV.

8. At 10:30 PM the Committee reconvened in the studios, which studios televised the balance of the meeting.

9. The remainder of the meeting on television was given over to a discussion of Proposal No. 22 by Mr. Taylor. Sections 1 through 10 were discussed and various recommendations were made for changes in language and substance.

10. The meeting adjourned at 11:30 PM.

Respectfully submitted ,

Maurice Johnson
Secretary

Approved:

George W. DeLoe
Chairman

Respectfully submitted.

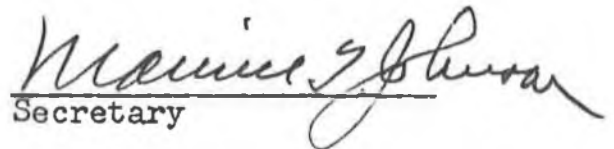
Maurice Johnson

Constitutional Convention
IX/Judiciary /6
December 1, 1955

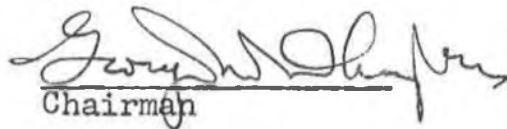
Minutes of the Committee on Judiciary Branch

1. The meeting was called to order by the Chairman at 2:00 P. M., December 1, 1955.
2. Present were McLaughlin, Chairman, Ralph Rivers, Tom Harris, Irwin Metcalf, Warren Taylor, R. E. Robertson, and Maurice Johnson, Secretary.
3. A letter from Denton R. Moore, U. S. Commissioner, Kokhanok Bay, Alaska regarding provisions for public defenders was read and considered and ordered filed. Both sub-committees appointed by the Chairman reported that they are awaiting the arrival of Mr. Elliott. It was decided that, after Mr. Elliott's arrival, informal sessions would be held by the committee from time to time.
4. Mr. Elliott appeared before the committee and the first three or four matters on the agenda were discussed with Mr. Elliott. Mr. Davis and Mr. V. Rivers were visitors at the meeting.
5. The meeting was adjourned at 3:20 P. M.

Respectfully submitted,


Secretary

Approved:


Chairman

Constitutional Convention
IX/Judiciary/7
December 2, 1955

Minutes of the Committee on Judiciary Branch

1. The meeting was called to order by the Chairman at 2:00 P. M., December 2, 1955.
2. Present were McLaughlin, Chairman, R. Rivers, Harris, Metcalfe, Robertson, Taylor and Johnson, Secretary.
3. The reading of the minutes was dispensed with.
4. There were no communications. The discussion with Mr. Elliott continued regarding the various matters on his agenda. After the discussion ended the committee seemed to be in unanimous agreement on most matters except tenure and retirement.
5. Mr. Ed Davis, Mrs. Sweeney and Mr. Steve McCutcheon were present.
6. The meeting adjourned at 3:25 P. M.

Respectfully submitted,

Maurice Johnson
Secretary

Approved:

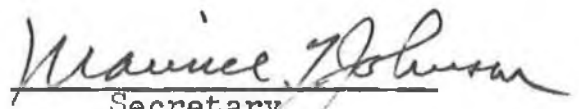
George W. Taylor
Chairman

Constitutional Convention
IX/Judiciary/ 8
December 3, 1955

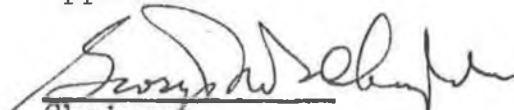
Minutes of the Committee on Judiciary Branch

1. The meeting convened at 2 P. M.
2. McLaughlin, Chairman, R. Rivers, Metaalf, Taylor and Johnson, Secretary, were present.
3. There were no communications.
4. The minutes of the previous meeting were dispensed with.
5. Mr. Elliott was present. The discussion continued regarding tenure and retirement. Most of the committee seemed to be in substantial agreement regarding these matters and it was proposed that over the weekend Mr. Elliott would draft the tentative proposal for the Judiciary Article.
6. The meeting was adjourned at 3:15 P. M.

Respectfully submitted,


Secretary

Approved:


Chairman

Minutes of the Committee on Judiciary Branch

1. The meeting was called to order by the Chairman at 1:30 P. M.
2. Present were McLaughlin, Chairman, Robertson, Metcalfe, Harris, R. Rivers, Taylor and Secretary Johnson. Mr. Ed. Davis was in attendance and Mr. Sheldon Elliott also attended the meeting.
3. The minutes of the previous meeting were dispensed with.
4. A letter from Mr. John Connely, Attorney, Anchorage, addressed to the Chairman was read and considered by the committee but it was not ordered filed since it was a personal communication of the Chairman.
5. A letter from William V. Bogess, addressed to the Committee was read and considered and ordered placed in the permanent file.
6. The balance of the meeting was taken over with a discussion and approval of the Preliminary Draft of the Judiciary Article. The Committee voted as follows:

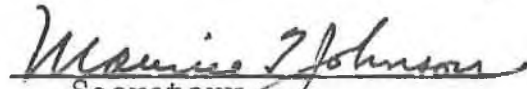
- Section 1. Approved
- Section 2. Approved as amended.
- Section 3. Approved as amended.
- Section 4. Approved
- Section 5. Approved as amended.
- Section 6. Approved as amended.
- Section 7. Approved.
- Section 8. Approved as amended.
- Section 9. Approved as amended.
- Section 10. Approved as amended.
- Section 11. Approved.
- Section 12. Approved as amended.
- Section 13. Approved as amended.
- Section 14. Approved as amended.
- Section 15. Approved
- Section 16. Approved
- Section 17. Approved
- Section 18. Approved as amended.
- Section 19. Approved as amended.
- Section 20. Approved as amended.

7. A general discussion was held regarding the advisability of attaching to the Committee Report a running commentary of preparatory matter relative to the draft, of the proposed

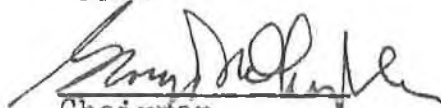
Judiciary Article. It was decided that such a commentary should be prepared by Mr. Elliott. A tentative draft of this commentary was to be prepared by Mr. Elliott and submitted at the next meeting of the Judiciary committee to be held December 6, 1955.

8. There being no further business, the meeting was adjourned at 3:45 P. M.

Respectfully submitted,


Secretary

Approved:

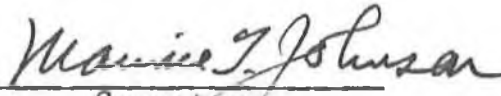

Chairman

Constitutional Convention
IX/Judiciary/10
December 6, 1955

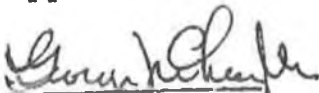
Minutes of the Committee on Judiciary Branch

1. The meeting was called to order by the Chairman at 1:30 P. M. Present were McLaughlin, Chairman, R. Rivers, Harris, Metcalfe, Robertson, Taylor and Johnson, Secretary. Mr. Sheldon Elliott was also present. He presented a preliminary draft on the commentary. Each member of the committee read this preliminary draft.
2. A general discussion followed regarding the preliminary draft of the commentary. It was discussed section by section with the following results:
 - Section 1. Approved
 - Sections 2, 3, 4, 5, 6, 7, and 8 - Approved.
 - Section 9. Approved as amended.
 - Sections 10, 11, 12, 13, and 14 - Approved
 - Section 15. Approved as amended.
 - Section 16. Approved as amended.
 - Section 17. " " "
 - Section 18. " " "
 - Section 19. Approved
 - Section 20. Approved as amended.
3. By unanimous vote of the committee a rising vote of thanks was extended to Mr. Sheldon Elliott, our consultant, for a very excellent job in assisting the committee with the work in drafting the Judiciary Article. The Chairman was instructed to write to Justice Arthur T. Vanderbilt, President of the Judicial Administration, Inc., 40 Washington Square South, New York 12, New York and express to him the appreciation of the Committee for the assistance made available by Mr. Elliott's presence at the Convention.
4. Mr. Elliott left for the files printed data concerning the Institute of Judicial Administration, Inc.
5. The committee authorized the Chairman to submit to the Convention the Final Report of the committee.
6. The meeting adjourned subject to the call of the Chairman at 2:45 P. M.

Respectfully submitted,


Secretary

Approved:


Chairman