

JUSTICE NOT POLITICS ALASKA



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Oppose Senate Bill 14: Legislation Would Gut Alaska's Merit-Based Judicial Selection System

Senate Bill 14, introduced by Senator Mike Shower of Wasilla, would make fundamental changes to Alaska law governing selection and retention of judges in the state Court of Appeals and District Court. The legislation represents a first step in a concerted strategy to dismantle Alaska's system of selecting judges based on merit and replace it with a process that relies primarily on politics. This is the opposite of what the framers of our Constitution intended. All Alaskans who believe that judges should be selected based on their legal qualifications, fairness, and experience should oppose this legislation.

SB 14 would make the following key changes to Alaska statutes governing appointments to the Alaska Court of Appeals and District Court:

- It would allow the Governor to fill judicial openings on these courts by appointing ANY lawyer who has practiced in Alaska for at least five years, eliminating the requirement to select the most qualified candidates, as determined by the non-partisan Alaska Judicial Council.
- It would subject judicial appointees to legislative confirmation, a provision the Founders rejected by an overwhelming vote because it introduces politics into our system of judicial selection
- For the first time in state history, judges would have to pass a subjective ideological test. The legislation imposes a new and unenforceable obligation on the Alaska Judicial Council to determine that judicial candidates understand and commit to "strict constitutional interpretation of statutes and regulations and adhering to legislative intent."



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In addition to these changes that would politicize the judicial selection process, SB 14 would transfer the responsibility for providing voters with impartial information about judges in retention elections from the Alaska Judicial Council – which has competently performed these functions for years – to the Alaska Commission on Judicial Conduct, which has no experience in evaluating judges.

The Alaska Constitution established a merit-based system for selecting and retaining judges in our Supreme and Superior Courts. This system is the gold standard, acknowledged across the nation as such. It worked so well in delivering justice to Alaskans that the legislature expanded it to include the Court of Appeals and District Court. SB 14 is an attempt to dismantle our impartial, merit-based judicial selection and retention system, starting with the courts where change can be accomplished by majority vote of the legislature without going to the people. Senator Shower has also filed a joint resolution that would change our constitutional system for selecting and retaining judges. In the past, a similar effort was rejected resoundingly. This attempt should likewise be voted down.

Alaska's judicial selection and retention system isn't broken. It doesn't need to be fixed. Keep politics out of our courts by contacting your senator and asking him or her to vote NO on SB 14.