

February 18, 2016

Dear Legislator:

We, former non-attorney members of the Alaska Judicial Council, strongly oppose SJR 3, a proposed constitutional amendment that would introduce politics in to Alaska's merit-based judicial selection and retention process.

With decades of experience serving on the Alaska Judicial Council, we contend that the proposed amendment is unnecessary to Alaska's judicial selection and retention system, which is designed so that the most qualified, most impartial individuals become judges.

The Alaska Judicial Council's membership consists of three attorneys; three non-attorney members and the Alaska Supreme Court chief justice, who serves as chair and votes only in rare instances. Each year, the Council membership is refreshed when either a non-attorney member or an attorney member rotates off and a new member joins.

Appropriately, when attempting to fill a Council position, the Alaska Bar Association selects attorney members from designated geographic regions, while the governor makes the selection of non-attorney members with due consideration to area/geographic representation. The governor's appointments to the Council are confirmed by the legislature to insure that a governor does not have excessive control over the judicial selection process.

Today's Council configuration continues the wisdom of the founders of Alaska's constitution, providing a balance of legal expertise as well as representation from other walks of life in Alaska.

Not only has the Council member selection process proven itself, but equally important, so has the system the Council employs to evaluate judicial applicants and nominate individuals for the governor's consideration. It is a merit-based system in which the most qualified applicants are nominated.

Council members must be able and willing to commit considerable time to the process. Council members spend many hours reviewing judicial applications before the Council meets to interview candidates. The applications are extensive – from resumes to letters of recommendations from colleagues to written public comments and other materials.

Following review of materials, the Council convenes to interview each applicant. There have been as few as two applicants to more than twenty, meaning meetings can take days.

In addition to the interviews, the Council's usual practice is to meet in the community in which a judicial vacancy exists. This allows the Council to come face to face with Alaskans who wish to comment on particular candidates during a public hearing. Because of this, and because vacancies can occur in the far reaches of the state, the Council has proven to be rightly sized in order to coordinate schedules and limit expenses as much as possible.

Following the Council's interviews with applicants, the Council discusses all of the information that has been gathered through the application process.

Council members, all volunteers, are cognizant of their duty to represent the public interest. Whatever their occupation or background, each brings a valuable perspective to the process. Candidate interviews and Council deliberations are respectful and are guided by published criteria so that members fairly reach consensus and only the most qualified individuals are nominated to the governor for consideration. Most times the process results in unanimous decisions regarding the top-tier nominees. The council votes in open session. Out of 1,171 votes taken, Council members have agreed unanimously or unanimously except for one 81% of the time.

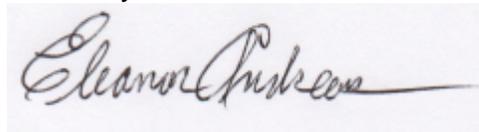
Only 16 times in the history of the selection process have votes split with attorneys on one side and non-attorneys on the other. That's 16 out of 1,171 votes. Once selection of the most qualified individuals occurs, those names are forwarded to the governor, who makes the final judicial selection.

Alaska's judicial selection process is as transparent and honest as possible. Over time, Council members have been diverse – they have been from various races, both genders, all ages and have had a multitude of life experiences.

As a result, it has proven to be the best judicial selection system in the nation, involving Alaskans in selecting judges and avoiding excessive political influence in the selection process.

Let's not try to "fix it" - it isn't broken.

Sincerely,



Eleanor Andrews  
AJC Member, 2000-2007



Vicki Otte  
AJC Member, 1995-2000



Gigi Pilcher  
AJC Member, 2000-2005



Bill Gordon  
AJC Member, 2003-2009



Tena Williams  
AJC Member, 2005-2011