

Alaska Commission on Judicial Conduct

Meeting of June 18, 2026

Public Session

10:15 a.m. - 11:30 a.m.

Anchorage

AGENDA
COMMISSION ON JUDICIAL CONDUCT
June 18, 2026
Public Session
Anchorage

| | | TAB |
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| 10:15-10:30 | Determine Quorum/Welcome New Executive Director/ Review Agenda/Approve Prior Minutes | A |
| 10:30-10:50 | Director's Report <ul style="list-style-type: none">• FY26 Current Budget/FY27 Budget to Governor• Status of Complaint Processing/Advisory Opinions• Professional Activities• Executive Director Transition• Commission Member Status | B |
| 10:50-11:00 | New Business/Formal Hearing Date | |
| 11:00-11:30 | Public Comments | |

Meeting of June 18, 2026

PUBLIC SESSION

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Public Session

Tab A

Draft Public Session Minutes

DRAFT

COMMISSION ON JUDICIAL CONDUCT

April 24, 2026

Anchorage & Zoom

Public Session

Chair Mead called the public session to order at 9:40 a.m. Present were judge members Temple and Wheelers, attorney members McClintock, Mores, and Satterberg, and public members Fletcher and Kilbourn. Commissioner Sheldon was unavailable for Public Session but would join the meeting for Closed Session. Also present was the Commission's Executive Director, Marla Greenstein and Administrative Assistant Aleta Bartimmo.

There were no changes to the agenda. The Commission then reviewed the prior public session meeting minutes. Commissioner Temple moved approval of the January 30, 2026 public meeting minutes. Commissioner Kilbourn seconded the motion, and the minutes were approved unanimously.

Executive Director Greenstein presented the director's report. Ms. Greenstein reported on the current-year FY26 budget and the submitted FY27 budget. She is in the process of estimating how to budget staffing overlap for the new Executive Director's training. There is pending legislation to increase in-state per diem, which would affect FY27 if passed.

Complaint processing is not current due to an increase in complaints and work on one formal matter. There are 13 complaints currently needing investigation after this meeting. The Commission will be considering action on an additional 10 complaints at this meeting in Closed Session and 9 nonjurisdictional matters. Ms. Greenstein also reported on the informal advisory opinions she gave since the last meeting. There were a total of 36 since the January meeting: 26 of which were given to judges, 6 to magistrates, 2 to pro tem judges, 1 to a judicial applicant, and 1 to a court administrator. The issues concerned disqualification and disclosure, appearance of impropriety, and delay issues.

Ms. Greenstein next reported on her professional activities. She continues to do individual ethics orientations for newly appointed judges. The Code Revision Committee is completing their review and will have a final meeting with the Alaska Supreme Court on May 12th. In her national work with the American Bar Association, Ms. Greenstein continues to work as vice-chair of the ABA Judicial Conduct and Professionalism Committee and continues her ethics column for the Judges Journal, and attended both of those committees' meetings at the ABA mid-year meeting. She also presented to the magistrate judges on the changes to the Alaska Code of Judicial Conduct and answered some of their ethics questions at their conference. In addition, she will be part of a virtual Supervisor Training for judges on ethics provisions affecting judges as supervisors. Ms. Greenstein will be moderating a program for the ABA Annual Meeting in Chicago, called "Do the Right Thing," that will examine the ethical options for judges when their personal convictions conflict with their judicial obligations. At the Annual Association of Judicial Disciplinary Counsel Conference in Chicago she will co-present a breakout session for Executive Directors.

All Commission members' terms are full and current, and the most recent appointees have been scheduled for their legislative confirmation hearings.

One lawyer comment to the proposed Code of Judicial Conduct noted an issue when judges are asked to evaluate lawyers who appear before them. The evaluations of concern to the lawyer were when a supervisor requests the evaluation, but evaluations are requested for various purposes, including by the Alaska Judicial Council when a lawyer applies for a judicial position. Rather than address the issue as a comment in the Code, the matter was referred to the Commission for consideration as an Ethics Advisory Opinion. Commissioner Mores moved to draft the proposed opinion. Commissioner Kilbourn seconded the motion, and it passed unanimously. There was consensus that staff compose an initial draft that would also incorporate any similar opinions from other states.

Chair Mead described the robust hiring process for the new Executive Director, Michael Schwaiger. She noted that every Commission member participated in some way and thanked everyone for their hard work. Several Commission members noted the high quality of the applicant pool.

There were no public requests to address the Commission. Commissioner Wheeler distributed cards he had printed to remind judges of the constant need under the Code to be: "Patient, Dignified, and Courteous." Future quarterly meetings will be held on June 18th, September 21st, and December 4th.

Ms. Greenstein clarified the policy for what issues could be handled by e-mail between meetings, as the question had arisen before this meeting. She explained that no "action" can be taken by the Commission except at a meeting. So typically, if an action is approved at a meeting and a document merely needs to be circulated that accurately reflects the approved action, that is permitted. Any new issue needs to be addressed at a meeting, whether the meeting be in person, telephonic, or virtual. To constitute a meeting, there must be the ability to have simultaneous discussion and dialogue (not merely sequential like e-mail comments). If needed, a Rule can be drafted that reflects the policy.

Public Session adjourned at 10:30 a.m. The Commission reconvened in Closed Session at 11:00 a.m.

Tab B

Director's Report

Budget

FY26 Budget: Current Status

(as of 06/03/2026)

- ALDER Summary Report
- Office Expenses Report
- Special Counsel
Appropriation Use



FY2026 Current Status: ACJC Appropriation Summary

| | |
|----------------------------|----------|
| Report Date | 6/1/2026 |
| Budget Fiscal Years | 2026 |
| Fiscal Year | 2026 |

| Expense Category | Category Budget | Current Monthly Expenditures | Encumbrances | Current Total Expenditures | Remaining Category Budget |
|--------------------------|------------------------|-------------------------------------|---------------------|-----------------------------------|----------------------------------|
| 1000 - Personal Services | 467,900.00 | 0.00 | 0.00 | 396,366.93 | 71,533.07 |
| 2000 - Travel | 22,000.00 | 0.00 | 0.00 | 29,829.39 | -7,829.39 |
| 3000 - Services | 151,000.00 | 15.99 | 0.00 | 67,425.03 | 83,574.97 |
| 4000 - Commodities | 7,000.00 | 0.00 | 0.00 | 2,442.01 | 4,557.99 |
| 5000 - Capital Outlay | 5,000.00 | 0.00 | 0.00 | 0.00 | 5,000.00 |
| Total | 652,900.00 | 15.99 | 0.00 | 496,063.36 | 156,836.64 |

Current Cumulative Totals FY 2026 (Expense Report)

| Object Code | Description | July FY25 | August | Sept | Oct | Nov | Dec | Jan | Feb | March | April | May | Jun-Aug | Total | Current Totals | Budget | Remaining | |
|-------------|--------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|------------------|---------------------|---------------------|----------------------|--------------------------|---------------------|
| | TRAVEL | \$ - | \$ 2,737.70 | \$ 3,338.35 | \$ 12,486.35 | \$ 1,693.81 | \$ 348.45 | \$ 1,080.36 | \$ 2,711.92 | \$ 1,518.18 | \$ 1,535.81 | \$ 2,696.46 | \$ 3,056.72 | \$ 33,204.11 | \$ 33,204.11 | \$ 22,000.00 | \$ (11,204.11) | |
| 2000-2004 | Employee Instate | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 6.00 | \$ - | \$ - | \$ - | \$ - | \$ 1,199.10 | \$ 37.50 | \$ 1,242.60 | | | | |
| 2005-2011 | Non Employee Instate | \$ - | \$ - | \$ - | \$ 1,233.11 | \$ 1,119.20 | \$ 342.45 | \$ 1,080.36 | \$ 1,960.62 | \$ 1,518.18 | \$ 315.29 | \$ 1,497.36 | \$ 1,949.72 | \$ 11,016.29 | | | | |
| 2012-2016 | Emp. Out of State | \$ - | \$ 2,737.70 | \$ - | \$ 192.96 | \$ 345.25 | \$ - | \$ - | \$ 751.30 | \$ - | \$ 1,220.52 | \$ - | \$ 1,069.50 | \$ 6,317.23 | | | | |
| 2017-2022 | Non Emp. Out of State | \$ - | \$ - | \$ 3,338.35 | \$ 11,060.28 | \$ 229.36 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 14,627.99 | | | | |
| | SERVICES | \$ 8,590.75 | \$ 4,546.82 | \$ 7,478.55 | \$ 5,847.27 | \$ 4,135.15 | \$ 5,631.77 | \$ 3,882.02 | \$ 4,182.23 | \$ 4,488.27 | \$ 5,337.44 | \$ 5,137.90 | \$ 421.49 | \$ 59,679.66 | \$ 59,679.66 | \$ 76,000.00 | \$ 16,320.34 | |
| 3000 | Training/Conferences | \$ - | \$ - | \$ 3,500.00 | \$ 500.00 | \$ - | \$ - | \$ - | \$ - | \$ 360.50 | \$ - | \$ 1,000.00 | \$ - | \$ 5,360.50 | | | | |
| 3002 | Membership Fees | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | | | | |
| 3032 | Software Licenses | \$ 78.96 | \$ 298.73 | \$ 221.46 | \$ 81.96 | \$ 35.98 | \$ 58.97 | \$ 58.97 | \$ 73.30 | \$ 58.97 | \$ 58.97 | \$ 58.97 | \$ 38.98 | \$ 1,124.22 | | | | |
| 3035-3037 | Phone & Internet | \$ - | \$ 319.46 | \$ - | \$ 323.67 | \$ 320.90 | \$ 644.39 | \$ 0.18 | \$ 319.57 | \$ 321.37 | \$ 321.36 | \$ 320.17 | \$ 323.22 | \$ 3,214.29 | | | | |
| 3045 | Postage & Shipping | \$ 20.99 | \$ 41.98 | \$ 20.99 | \$ 20.99 | \$ 20.99 | \$ 20.99 | \$ - | \$ 20.99 | \$ 20.99 | \$ 55.79 | \$ 41.98 | \$ 13.26 | \$ 299.94 | | | | |
| 3057 | Office, Storage, Parking | \$ 8,490.80 | \$ 3,853.44 | \$ 3,736.10 | \$ 4,920.65 | \$ 3,732.82 | \$ 4,875.65 | \$ 3,703.65 | \$ 3,762.91 | \$ 3,705.89 | \$ 4,877.89 | \$ 3,705.89 | \$ 46.03 | \$ 49,411.72 | | | | |
| 3066 | Printing & Binding | \$ - | \$ 33.21 | \$ - | \$ - | \$ 24.46 | \$ 31.77 | \$ 119.22 | \$ 5.46 | \$ 20.55 | \$ 23.43 | \$ 10.89 | \$ - | \$ 268.99 | | | | |
| | COMMODITIES | \$ 17.67 | \$ 56.23 | \$ 139.26 | \$ 298.07 | \$ 432.93 | \$ 416.50 | \$ 20.28 | \$ 352.65 | \$ 363.91 | \$ 20.28 | \$ 391.98 | \$ 29.16 | \$ 2,538.92 | \$ 2,538.92 | \$ 7,000.00 | \$ 4,461.08 | |
| 4000 | Rules & Law Books | \$ - | \$ - | \$ - | \$ 280.40 | \$ - | \$ 132.43 | \$ - | \$ - | \$ 40.00 | \$ - | \$ - | \$ - | \$ 452.83 | | | | |
| 4002 | Office Supplies | \$ - | \$ 20.89 | \$ 121.59 | \$ - | \$ 152.93 | \$ 174.95 | \$ - | \$ - | \$ 283.35 | \$ - | \$ - | \$ 8.88 | \$ 762.59 | | | | |
| 4003 | IT Equipment | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | | | | |
| 4005 | Subscriptions | \$ 17.67 | \$ 35.34 | \$ 17.67 | \$ 17.67 | \$ - | \$ 80.27 | \$ 20.28 | \$ - | \$ 40.56 | \$ 20.28 | \$ 20.28 | \$ 20.28 | \$ 290.30 | | | | |
| 4009 | Food Supplies | \$ - | \$ - | \$ - | \$ - | \$ 280.00 | \$ 28.85 | \$ - | \$ 352.65 | \$ - | \$ - | \$ 371.70 | \$ - | \$ 1,033.20 | | | | |
| | CAPITAL OUTLAY | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 5,000.00 | \$ 5,000.00 | |
| | Monthly Totals | \$ 8,608.42 | \$ 7,340.75 | \$ 10,956.16 | \$ 18,631.69 | \$ 6,261.89 | \$ 6,396.72 | \$ 4,982.66 | \$ 7,246.80 | \$ 6,370.36 | \$ 6,893.53 | \$ 8,226.34 | \$ 3,507.37 | | | | | |
| | Cumulative Totals | \$ 8,608.42 | \$ 15,949.17 | \$ 26,905.33 | \$ 45,537.02 | \$ 51,798.91 | \$ 58,195.63 | \$ 63,178.29 | \$ 70,425.09 | \$ 76,795.45 | \$ 83,688.98 | \$ 91,915.32 | \$ 95,422.69 | | \$ 95,422.69 | \$ 110,000.00 | \$ 14,577.31 | |
| 3022 | Special Counsel | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 3,245.16 | \$ 3,475.27 | \$ - | \$ - | \$ - | \$ - | \$ 6,720.43 | \$ 6,720.43 | \$ 75,000.00 | \$ 68,279.57 | |
| | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 3,245.16 | \$ 3,475.27 | \$ - | \$ - | \$ - | \$ - | \$ 6,720.43 | | | | |
| 1000 | Personnel Services | | | | | | | | | | | | | \$ 396,366.93 | \$ 396,366.93 | \$ 467,900.00 | \$ 71,533.07 | |
| | | | | | | | | | | | | | | | TOTALS | \$ 491,789.62 | \$ 577,900.00 | |
| | | | | | | | | | | | | | | | | | Current Remaining | \$ 86,110.38 |

| VENDOR NAME | INVOICE # | DATE OF INVOICE | DATE IN IRIS | EXPLANATION | AMOUNT OF PAYMENT |
|---|-----------|-----------------|--------------|--|-----------------------|
| | | | | | 3022 - ACTIVITY: 2252 |
| TOTALS: | | | | | \$6,720.43 |
| FY2026 Special Counsel - Jessica Dillon | | | | | |
| Dillon Findley & Simonian PC | #14080 | 1/23/26 | 1/26/26 | Special Counsel Fees - December 2025 Charges | \$3,245.16 |
| Dillon Findley & Simonian PC | #14149 | 2/18/26 | 2/20/26 | Special Counsel Fees - January 2026 Charges | \$3,475.27 |

| |
|------------------------|
| GRAND TOTAL |
| \$6,720.43 |

FY26 Budget: End of Year Forecast

(As of 06/03/2026)

**Projected Totals FY 2026
(Expense Report)**

| Object Code | Description | Current | Additional | Total | Current Totals | Budget | Remaining |
|-------------|--------------------------|---------------------|--------------------|---------------------|----------------------|--------------------------|-----------------------|
| | TRAVEL | \$ 33,204.11 | \$ 733.00 | \$ 33,937.11 | \$ 33,937.11 | \$ 22,000.00 | \$ (11,937.11) |
| 2000-2004 | Employee Instate | \$ 1,242.60 | \$ - | \$ 1,242.60 | | | |
| 2005-2011 | Non Employee Instate | \$ 11,016.29 | \$ 733.00 | \$ 11,749.29 | | | |
| 2012-2016 | Emp. Out of State | \$ 6,317.23 | \$ - | \$ 6,317.23 | | | |
| 2017-2022 | Non Emp. Out of State | \$ 14,627.99 | \$ - | \$ 14,627.99 | | | |
| | SERVICES | \$ 59,679.66 | \$ 2,252.34 | \$ 61,932.00 | \$ 61,932.00 | \$ 76,000.00 | \$ 14,068.00 |
| 3000 | Training/Conferences | \$ 5,360.50 | \$ - | \$ 5,360.50 | | | |
| 3002 | Membership Fees | \$ - | \$ - | \$ - | | | |
| 3032 | Software Licenses | \$ 1,124.22 | \$ - | \$ 1,124.22 | | | |
| 3035-3037 | Phone & Internet | \$ 3,214.29 | \$ 760.00 | \$ 3,974.29 | | | |
| 3045 | Postage & Shipping | \$ 299.94 | \$ 200.00 | \$ 499.94 | | | |
| 3057 | Office, Storage, Parking | \$ 49,411.72 | \$ 242.34 | \$ 49,654.06 | | | |
| 3066 | Printing & Binding | \$ 268.99 | \$ 1,050.00 | \$ 1,318.99 | | | |
| | COMMODITIES | \$ 2,538.92 | \$ 3,475.00 | \$ 6,013.92 | \$ 6,013.92 | \$ 7,000.00 | \$ 986.08 |
| 4000 | Rules & Law Books | \$ 452.83 | \$ 50.00 | \$ 502.83 | | | |
| 4002 | Office Supplies | \$ 762.59 | \$ - | \$ 762.59 | | | |
| 4003 | IT Equipment | \$ - | \$ 2,800.00 | \$ 2,800.00 | | | |
| 4005 | Subscriptions | \$ 290.30 | \$ 175.00 | \$ 465.30 | | | |
| 4009 | Food Supplies | \$ 1,033.20 | \$ 450.00 | \$ 1,483.20 | | | |
| | CAPITAL OUTLAY | \$ - | \$ - | \$ - | \$ - | \$ 5,000.00 | \$ 5,000.00 |
| 5025 | Data Process. Equipment | \$ - | \$ - | \$ - | | | |
| 5030 | Equipment Purchase | \$ - | \$ - | \$ - | | | |
| | Monthly Totals | \$ - | \$ 6,460.34 | | | | |
| | Cumulative Totals | \$ - | \$ 6,460.34 | | \$ 101,883.03 | \$ 110,000.00 | \$ 8,116.97 |
| 3022 | Special Counsel | \$ 6,720.43 | \$ - | \$ 6,720.43 | \$ - | \$ 75,000.00 | \$ 75,000.00 |
| | | \$ 6,720.43 | \$ - | | | | |
| 1000 | Personnel Services | | | \$ 467,900.00 | \$ 467,900.00 | \$ 467,900.00 | \$ - |
| | TOTALS | | | | \$ 569,783.03 | \$ 577,900.00 | |
| | | | | | | Minimum Remaining | \$ 8,116.97 |
| | | | | | | Maximum Remaining | \$ 8,619.97 |

FY27 Budget Request: Status Update

FY27 Budget Request As Submitted
(change requests highlighted)

This document represents this agency's operating budget proposal for the forthcoming fiscal year. It identifies all receipts and expenditures that could be anticipated at the time this budget was prepared.



Maria N. Greenstein, Executive Director



Date

**Agency Cover Page
Form A1**

FY 2027

Agency Commission on Judicial Conduct #770

The Commission on Judicial Conduct has the constitutional and statutory obligations to investigate and address allegations of judicial misconduct or disability concerning any state court judge. While a vast majority of Commission complaints are dismissed by the Commission after investigation into the facts, a few complaints may evolve into formal investigations and hearings before the Commission. The hearing process involves full pre-trial preparation and can be both time-consuming and expensive. Due to the Commission's fluctuating caseload, it is unable to anticipate the number of complaints that may go to formal hearing in any given year.

Staff continues to fully process an average incoming complaint within ninety days. If unusual situations arise (such as formal disciplinary hearings) the Commission adjusts its contractual expenses, when possible, to hire an investigator on contract for a very limited time and purpose; or hires a special counsel.

The Commission responds promptly to inquiries by the public. In addition, the Commission's Formal Ethics Opinions are routinely distributed with Commission informational brochures and complaint forms. Continuing educational activities includes: individualized ethics orientation sessions for new judges; ongoing educational ethics programs for state judicial officers and court staff; and, providing formal advisory opinions to judges. In addition, the Commission will continue to respond to public needs in the coming year by improving its public outreach.

Beginning in FY24, funding for special counsel and related formal hearing costs was transferred out of our general request and put in as a language appropriation not to exceed \$75,000 for that purpose. This change more accurately reflects the need to respond quickly when there is a need for special counsel while also acknowledging that that need is unpredictable.

**Agency Overview
Form A4**

Agency Judiciary

RDU Commission on Judicial Conduct #770

Component Commission on Judicial Conduct #770

FY 2027

CONTACT:

Marla N. Greenstein, Executive Director, 272-1033

Description of BRU Services and Responsibilities:

Created in the state constitution, the Commission on Judicial Conduct consists of nine members: three judges, three lawyers and three public members who are not lawyers or judges. By statute, the Commission is empowered to (1) inquire into allegations of judicial misconduct or disability; (2) hold hearings; (3) informally sanction judges; and (4) recommend formal sanctions to the supreme court. In addition, the Commission approved a procedure for issuing advisory ethics opinions to state judges. The opinions give ethical guidance to judges in response to their requests.

**BRU Overview
Form B1**

Agency Judiciary
RDU Commission on Judicial Conduct #770
Component Commission on Judicial Conduct #770

Page 1 of 1

FY 2027

CONTACT:

Marla N. Greenstein, Executive Director, 272-1033

COMPONENT GOALS:

| EXPENDITURE: | FY 2025 Actual | FY 2026 Authorized | FY 2027 Request |
|-------------------------|-----------------------|---------------------------|------------------------|
| Personal Services | 442.7 | 467.9 | 487.2 |
| Other Program Costs | 88.5 | 110.0 | 116.0 |
| TOTAL | 531.2 | 577.9 | 603.2 |
| FUNDING SOURCES: | | | |
| Constit. Bdgt. Reserve | | | |
| General Fund Match | | | |
| General Fund | 531.2 | 577.9 | 603.2 |
| GF Program Receipts | | | |
| GF Mental Health | | | |
| Other Funds | - | - | - |
| TOTAL | 531.2 | 577.9 | 603.2 |
| STAFFING: | | | |
| Permanent Full-Time | 2 | 2 | 2 |
| Permanent Part-Time | - | - | - |
| Non Permanent | - | - | - |

DESCRIPTION OF COMPONENT SERVICES:

Our full-time staff of two employees maintains a full-time office responding to public inquiries concerning judicial conduct matters and investigating ethical complaints against state court judges. We support a nine-member commission, providing constant information and seeking policy direction from its members. The commission holds quarterly in-person meetings and teleconferences as needed. Our office can be reached statewide by a toll-free number and our investigations entail research involving court locations throughout Alaska. Public portions of the quarterly meetings are held on Zoom to allow statewide participation.

**Component
Goals and Services
Form CF1**

Agency Judiciary
RDU Commission on Judicial Conduct #770
Component Commission on Judicial Conduct #770

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FY 2027

| ITEM AND EXPLANATION | ITEM AMOUNT | FUNDING | | POSITIONS | | C100 | C200 | C300 | C400 | C500 | C700 | C800 |
|---|-------------|---------|--------|-----------|---|-------------------|--------|----------|--------------|----------------|-----------|----------------|
| | | CODE | AMOUNT | | | PERSONAL SERVICES | TRAVEL | SERVICES | COM-MODITIES | CAPITAL OUTLAY | BUILDINGS | MISCEL-LANEOUS |
| 1. FY 2026 Conference Committee Report | 577.9 | 1004 | 577.9 | PFT | 2 | | | | | | | |
| | | | | PPT | | 467.9 | 22.0 | 76.0 | 7.0 | 5.0 | | |
| 2. Fiscal Notes/Other Appropriation Bills | | | | PFT | | | | | | | | |
| | | | | PPT | | | | | | | | |
| 3. Vetoes | | | | PFT | | | | | | | | |
| | | | | PPT | | | | | | | | |
| 4. COLA & Other Adjustment | | | | PFT | | | | | | | | |
| | | | | PPT | | | | | | | | |
| 5. FY 2026 Authorized | 577.9 | 1004 | 577.9 | PFT | 2 | | | | | | | |
| | | | | PPT | | 467.9 | 22.0 | 76.0 | 7.0 | 5.0 | | |
| 6. One-Time Items | | | | PFT | | | | | | | | |
| | | | | PPT | | | | | | | | |
| 7. FY 2026 Adjusted Base | 577.9 | 1004 | 577.9 | PFT | 2 | | | | | | | |
| | | | | PPT | | 467.9 | 22.0 | 76.0 | 7.0 | 5.0 | | |
| 8. HB259 Adjustment | | | | PFT | | | | | | | | |
| | | | | PPT | | | | | | | | |
| 9. FY 2027 Base | 577.9 | 1004 | 577.9 | PFT | 2 | | | | | | | |
| | | | | PPT | | 467.9 | 22.0 | 76.0 | 7.0 | 5.0 | | |
| 10. Transfers/Salary Adj. (see C2 Continuation) | 19.3 | 1004 | 19.3 | PFT | | | | | | | | |
| | | | | PPT | | 19.3 | | | | | | |
| 11. FY 2027 Adjusted Base | 597.2 | 1004 | 597.2 | PFT | 2 | | | | | | | |
| | | | | PPT | | 487.2 | 22.0 | 76.0 | 7.0 | 5.0 | | |

Adjusted Base Calculation Form C2

Agency Judiciary
RDU Commission on Judicial Conduct #770
Component Commission on Judicial Conduct #770

Page 1 of 1

FY 2027

Explanation of C2 Line 10 (Transfers & Salary Adjustments):

| | |
|--|--------------------|
| FY2027 PERS Increase from 28.33% to 29.84% | 4.5 |
| FY2027 SBS Max Increase from \$176,100 to \$184,500 | 0.5 |
| FY2027 Health Insurance Increase from \$2,030.11/mo to \$2,160 | 3.1 |
| FY2027 2.5% Salary Increase | <u>11.2</u> |
| | |
| Total Line 10 Adjustments | <u><u>19.3</u></u> |

**Adjusted Base
Continuation
Form C2**

Agency Judiciary
RDU Commission on Judicial Conduct #770
Component Commission on Judicial Conduct #770

FY 2027

TITLE:

Increased In-State Travel Expenses

DESCRIPTION:

Travel costs have increased over the years, especially since coming after the pandemic travel limitations. The Commission has nine members representing various areas of the state.

The Commission's current in-state travel budget will only fully fund three of the planned four in-person meetings in FY2027. An additional \$6,000 for in-state travel will provide for four in-person quarterly Commission meetings.

| CODE | EXPENDITURE | AMOUNT |
|------------------------|---------------------------------------|------------|
| 100 | Personal Services | |
| 200 | Travel and Moving | 6.0 |
| 300 | Contractual Services | |
| 400 | Supplies and Materials | |
| 500 | Capital Outlay | |
| Total | | 6.0 |
| FUNDING SOURCES | | |
| 1002 | Federal Receipts | |
| 1003 | General Fund Match | |
| 1004 | General Fund | 6.0 |
| 1005 | GF Program Receipts | |
| 1007 | Interagency Receipts | |
| 1037 | GF Mental Health | |
| 1092 | MHTAAR | |
| 1108 | Statutory Designated Program Receipts | |
| Total | | 6.0 |
| STAFFING | | |
| Permanent Full-Time | | |
| Permanent Part-Time | | |
| Non-Permanent | | |

Increment/Decrement

Request

Form C5

Agency Judiciary

RDU Commission on Judicial Conduct #770

Component Commission on Judicial Conduct #770

Page 1 of 1

FY 2027

| CODE | PERSONAL SERVICES CLASSIFICATION | FY 2025 ACTUAL | FY 2026 AUTHORIZED | FY 2027 ADJUSTED BASE | CHANGE | FY 2027 REQUEST |
|------|----------------------------------|-------------------|-----------------------|--------------------------|--------|--------------------|
| 1000 | TOTAL PERSONAL SERVICES | 442.7 | 467.9 | 487.2 | | 487.2 |
| | INTERAGENCY TRANSFERS (NON-ADD) | | | | | |

| | | | | | | |
|------|-------------------------------|-------|-------|-------|---|-------|
| 1001 | Constitutional Budget Reserve | | | | | |
| 1002 | Federal Receipts | | | | | |
| 1003 | General Fund Match | | | | | |
| 1004 | General Fund | 442.7 | 467.9 | 487.2 | - | 487.2 |
| 1005 | GF/Program Receipts | | | | | |
| 1053 | Investment Loss Trust Fund | | | | | |
| 1007 | I-A Receipts | | | | | |

| | | | | | |
|----------------------------------|----|----|----|---|----|
| Permanent full-time positions | 2 | 2 | 2 | - | 2 |
| Permanent part-time positions | - | - | - | - | - |
| Total permanent positions | 2 | 2 | 2 | - | 2 |
| Permanent full-time staff months | 24 | 24 | 24 | - | 24 |
| Permanent part-time staff months | - | - | - | - | - |
| Total permanent staff months | 24 | 24 | 24 | - | 24 |
| Non-permanent positions | - | - | - | - | - |
| Non-permanent staff months | - | - | - | - | - |

**Personal
Services
Form C100**

Agency Judiciary
RDU Commission on Judicial Conduct #770
Component Commission on Judicial Conduct #770

Page 1 of 1

FY 2027

| Type | Permanent Positions | | | | | | | Non-Permanent Positions | | | | | |
|---|---------------------|-----|-----|---------|----------|---------------|---------------|-------------------------|-----|--------|----------|---------------|---------------|
| | PFT | PPT | Mo. | Salary | Benefits | FY 2026 Total | FY 2027 Total | NPP | Mo. | Salary | Benefits | FY 2026 Total | FY 2027 Total |
| Classified Positions | 2 | - | 24 | 299,971 | 167,886 | 467,857 | 487,192 | | | | | | |
| Total Salary and Benefits (Permanent & Non-Permanent Positions) | | | | | | 467,857 | 487,192 | | | | | | |
| Authorized Funding | | | | | | 467,900 | 487,200 | | | | | | |
| Balance | | | | | | 43 | 8 | | | | | | |

**Personal Services
Cost Summary
Form C110**

Agency Judiciary
RDU Commission on Judicial Conduct #770
Component Commission on Judicial Conduct #770

Page 1 of 1

FY 2027

| PCN | BU | Title | Type | COLA Step | Range / Step | Bi-Weekly Salary | Months | FY 2026 | | | FY 2027 |
|------------------------------------|----|--------------------------|------|-----------|--------------|------------------|-----------|----------------|----------------|----------------|-------------------|
| | | | | | | | | Salary | Benefits | Total | Salary & Benefits |
| 410021 | XJ | Executive Director | PFT | 0 | 27R | 8,908.50 | 12 | 231,621 | 115,598 | 347,219 | 360,680 |
| 410022 | XJ | Administrative Assistant | PFT | 0 | 12G | 2,568.00 | 12 | 68,350 | 52,288 | 120,638 | 126,513 |
| <u>Classified positions</u> | | | | | | | | | | | |
| | | Permanent full-time | | 2 | | | 24 | 299,971 | 167,886 | 467,857 | 487,192 |
| | | Permanent part-time | | - | | | - | - | - | - | - |
| | | Total | | <u>2</u> | | | <u>24</u> | <u>299,971</u> | <u>167,886</u> | <u>467,857</u> | <u>487,192</u> |

**Personal Services
Authorized Positions
Form C130**

Agency Judiciary
RDU Commission on Judicial Conduct #770
Component Commission on Judicial Conduct #770

Page 1 of 1

FY 2027

| CODE | TRAVEL CLASSIFICATION | FY 2025 ACTUAL | FY 2026 AUTHORIZED | FY 2027 ADJUSTED BASE | CHANGE | FY 2027 REQUEST |
|------|---------------------------------|-------------------|-----------------------|--------------------------|--------|--------------------|
| 2000 | TOTAL TRAVEL | 17.1 | 22.0 | 22.0 | 6.0 | 28.0 |
| | INTERAGENCY TRANSFERS (NON ADD) | | | | | |

| | | | | | | |
|------|-------------------------------|------|------|------|-----|------|
| 1001 | Constitutional Budget Reserve | | | | | |
| 1002 | Federal Receipts | | | | | |
| 1003 | General Fund Match | | | | | |
| 1004 | General Fund | 17.1 | 22.0 | 22.0 | 6.0 | 28.0 |
| 1005 | GF/Program Receipts | | | | | |
| 1037 | GF/Mental Health Trust | | | | | |
| 1007 | I-A Receipts | | | | | |

| | | | | | | |
|------|---------------------|-----|------|------|-----|------|
| 2000 | In-State Travel | 9.1 | 14.0 | 14.0 | 6.0 | 20.0 |
| 2001 | Out-of-State Travel | 8.0 | 8.0 | 8.0 | - | 8.0 |
| | | | | | | |
| | | | | | | |

**Travel
Form C200**

Agency Judiciary
RDU Commission on Judicial Conduct #770
Component Commission on Judicial Conduct #770

Page 1 of 2

FY 2027

| CODE | DESCRIPTION | FY 2026 AUTHORIZED | FY 2027 ADJUSTED BASE | FY 2027 REQUEST |
|------|---|-----------------------|--------------------------|--------------------|
| 2000 | <p>In-State Travel</p> <p>This expenditure classification consists primarily of transportation and per diem costs of Commission members and staff to attend commission meetings and commission-related in-state travel.</p> <p>FY 2026 Authorized <u>14,000</u></p> <p>Increment:</p> <p>Travel costs have increased over the years, especially since coming after the pandemic travel limitations. The Commission has nine members representing various areas of the state. The Commission's current in-state travel budget will only fully fund three of the planned four in-person meetings in FY2027. An additional \$6,000 for in-state travel will provide for four in-person quarterly Commission meetings. <u>6,000</u></p> | 14.0 | 14.0 | 20.0 |
| 2001 | <p>Out-of-State Travel</p> <p>This expenditure classification includes the transportation and per diem costs of Commission members and staff to attend out-of-state meetings.</p> <p>FY 2026 Authorized <u>8,000</u></p> | 8.0 | 8.0 | 8.0 |

Travel (Continued)
Form C200

Agency Judiciary
RDU Commission on Judicial Conduct #770
Component Commission on Judicial Conduct #770

| CODE | SERVICES CLASSIFICATION | FY 2025 ACTUAL | FY 2026 AUTHORIZED | FY 2027 ADJUSTED BASE | CHANGE | FY 2027 REQUEST |
|------|---------------------------------|-------------------|-----------------------|--------------------------|--------|--------------------|
| 3000 | TOTAL SERVICES | 61.0 | 76.0 | 76.0 | - | 76.0 |
| | INTERAGENCY TRANSFERS (NON-ADD) | | | | | |

| | | | | | | |
|------|-------------------------------|------|------|------|---|------|
| 1001 | Constitutional Budget Reserve | | | | | |
| 1002 | Federal Receipts | | | | | |
| 1003 | General Fund Match | | | | | |
| 1004 | General Fund | 61.0 | 76.0 | 76.0 | - | 76.0 |
| 1005 | GF/Program Receipts | | | | | |
| 1037 | GF/Mental Health Trust | | | | | |
| 1007 | I-A Receipts | | | | | |

| | | | | | | |
|------|---------------------------------|------|------|------|---|------|
| 3000 | Education Services | 4.2 | 4.0 | 4.0 | - | 4.0 |
| 3002 | Legal & Judicial Services | - | - | - | - | - |
| 3004 | Telecommunications | 3.8 | 5.2 | 5.2 | - | 5.2 |
| 3006 | Delivery Services | 0.9 | 1.9 | 1.9 | - | 1.9 |
| 3007 | Advertising and Promotions | - | 2.0 | 2.0 | - | 2.0 |
| 3009 | Building Rentals / Leases | 49.1 | 56.0 | 56.0 | - | 56.0 |
| 3010 | Equipment Repairs / Maintenance | 0.3 | 3.2 | 3.2 | - | 3.2 |
| 3011 | Other Services | 2.7 | 3.7 | 3.7 | - | 3.7 |

**Services
Form C300**

Agency Judiciary
RDU Commission on Judicial Conduct #770
Component Commission on Judicial Conduct #770

Page 1 of 4

FY 2027

| CODE | DESCRIPTION | FY 2026 AUTHORIZED | FY 2027 ADJUSTED BASE | FY 2027 REQUEST |
|------|--|-----------------------|--------------------------|--------------------|
| 3000 | Educational Services This classification provides for fees for training and conferences, agency memberships and employee tuition. FY 2026 Authorized <u>4,000</u> | 4.0 | 4.0 | 4.0 |
| 3002 | Legal & Judicial Services This classification provides for retaining special counsel to present formal charges in a Commission case and provides for contracting secretarial support and investigator services on an as-needed basis. Beginning in FY24, funding for special counsel and related formal hearing costs was transferred out of our general request and put in as a language appropriation not to exceed \$75,000 for that purpose. This change more accurately reflects the need to respond quickly when there is a need for special counsel while also acknowledging that that need is unpredictable. FY 2026 Authorized <u>-</u> | - | - | - |
| 3004 | Telecommunications This category includes long distance charges, teleconference services, data transmissions, and facsimile charges. Regular service includes charges for communication system maintenance and access fees. FY 2026 Authorized <u>5,200</u> | 5.2 | 5.2 | 5.2 |

**Services (continued)
Form C300**

Agency Judiciary
RDU Commission on Judicial Conduct #770
Component Commission on Judicial Conduct #770

| CODE | DESCRIPTION | FY 2026 AUTHORIZED | FY 2027 ADJUSTED BASE | FY 2027 REQUEST |
|-------------|--|-----------------------|--------------------------|--------------------|
| 3006 | Delivery Services This category includes expenditures for mailing fees and postage. The cost of postage and shipping continues to increase yearly. FY 2026 Authorized <u>1,900</u> | 1.9 | 1.9 | 1.9 |
| 3007 | Advertising and Promotions This classification provides for publication of public notices for Commission meetings and hearings in various statewide newspapers, printing and binding of the Commission's annual report, Alaska Statutes, Alaska Rules, law books and official publication subscriptions. FY 2026 Authorized <u>2,000</u> | 2.0 | 2.0 | 2.0 |
| 3009 | Rentals / Leases This classification provides for lease of Commission office space. A new rental agreement was negotiated for September 2025 - August 2030. FY 2026 Authorized <u>56,000</u> | 56.0 | 56.0 | 56.0 |

**Services (continued)
Form C300**

Agency Judiciary
RDU Commission on Judicial Conduct #770
Component Commission on Judicial Conduct #770

Page 3 of 4

FY 2027

| CODE | DESCRIPTION | FY 2026 AUTHORIZED | FY 2027 ADJUSTED BASE | FY 2027 REQUEST |
|------|--|-----------------------|--------------------------|--------------------|
| 3010 | Equipment Repairs / Maintenance This classification provides for office machine maintenance agreements, i.e., fax and copier, and minor machine repairs. The cost of equipment repairs is increasing yearly. FY 2026 Authorized <u>3,200</u> | 3.2 | 3.2 | 3.2 |
| 3011 | Other Services This classification provides for various miscellaneous charges not budgeted elsewhere and occasional miscellaneous charges on vendor accounts. FY 2026 Authorized <u>3,700</u> | 3.7 | 3.7 | 3.7 |

**Services (continued)
Form C300**

Agency Judiciary
RDU Commission on Judicial Conduct #770
Component Commission on Judicial Conduct #770

Page 4 of 4

FY 2027

| CODE | COMMODITIES CLASSIFICATION | FY 2025 ACTUAL | FY 2026 AUTHORIZED | FY 2027 ADJUSTED BASE | CHANGE | FY 2027 REQUEST |
|------|---------------------------------|-------------------|-----------------------|--------------------------|--------|--------------------|
| 4000 | TOTAL COMMODITIES | 10.4 | 7.0 | 7.0 | - | 7.0 |
| | INTERAGENCY TRANSFERS (NON-ADD) | | | | | |

| | | | | | | |
|------|-------------------------------|------|-----|-----|---|-----|
| 1001 | Constitutional Budget Reserve | | | | | |
| 1002 | Federal Receipts | | | | | |
| 1003 | General Fund Match | | | | | |
| 1004 | General Fund | 10.4 | 7.0 | 7.0 | - | 7.0 |
| 1005 | GF/Program Receipts | | | | | |
| 1037 | GF/Mental Health Trust | | | | | |
| 1007 | I-A Receipts | | | | | |

| | | | | | | |
|------|-----------------------------|------|-----|-----|---|-----|
| 4000 | Office and Library Supplies | 10.4 | 7.0 | 7.0 | - | 7.0 |
| | | | | | | |

**Commodities
Form C400**

Agency Judiciary
RDU Commission on Judicial Conduct #770
Component Commission on Judicial Conduct #770

Page 1 of 2

FY 2027

| CODE | DESCRIPTION | FY 2026 AUTHORIZED | FY 2027 ADJUSTED BASE | FY 2027 REQUEST |
|------|---|-----------------------|--------------------------|--------------------|
| 4000 | <p>Office and Library Supplies</p> <p>This expenditure classification provides for general office supplies, stationery, educational books, directories, manuals and state forms.</p> <p>FY 2026 Authorized <u>7,000</u></p> | 7.0 | 7.0 | 7.0 |

Commodities
(continued)
Form C400

Agency Judiciary
RDU Commission on Judicial Conduct #770
Component Commission on Judicial Conduct #770

Page 2 of 2

FY 2027

| CODE | CAPTIAL OUTLAY CLASSIFICATION | FY 2026 ACTUAL | FY 2026 AUTHORIZED | FY 2027 ADJUSTED BASE | CHANGE | FY 2027 REQUEST |
|------|---------------------------------|-------------------|-----------------------|--------------------------|--------|--------------------|
| 5000 | TOTAL CAPITAL OUTLAY | - | 5.0 | 5.0 | | 5.0 |
| | INTERAGENCY TRANSFERS (NON ADD) | | | | | |

| | | | | | | |
|------|----------------------------------|---|-----|-----|---|-----|
| 1001 | Constitutional Budget Reserve | | | | | |
| 1002 | Federal Receipts | | | | | |
| 1003 | General Fund Match | | | | | |
| 1004 | General Fund | - | 5.0 | 5.0 | - | 5.0 |
| 1005 | General Fund Program Receipts | | | | | |
| 1037 | General Fund Mental Health Trust | | | | | |
| 1007 | Interagency Receipts | | | | | |

| | | | | | | |
|------|--|---|-----|-----|---|-----|
| 5002 | Infrastructure and Equipment > \$5,000 | - | 5.0 | 5.0 | - | 5.0 |
| | | | | | | |
| | | | | | | |

**Capital Outlay
Form C500**

Agency Judiciary
RDU Commission on Judicial Conduct #770
Component Commission on Judicial Conduct #770

Page 1 of 2

FY 2027

| CODE | DESCRIPTION | FY 2026 AUTHORIZED | FY 2027 ADJUSTED BASE | FY 2027 REQUEST |
|------|---|-----------------------|--------------------------|--------------------|
| 5002 | <p>Infrastructure and Equipment over \$5,000</p> <p>This expenditure classification provides for replacement office equipment.</p> <p>FY 2026 Authorized <u>5,000</u></p> | 5.0 | 5.0 | 5.0 |

Capital Outlay
(continued)
Form C500

Agency Judiciary
RDU Commission on Judicial Conduct #770
Component Commission on Judicial Conduct #770

Page 2 of 2

FY 2027

FY27 Special Counsel
Language Appropriation
(House Bill 263)



LAWS OF ALASKA

2026

Source

CCS HB 263(brf sup maj fld H)

Chapter No.

AN ACT

Making appropriations for the operating and loan program expenses of state government and for certain programs; capitalizing funds; amending appropriations; making supplemental appropriations; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Making appropriations for the operating and loan program expenses of state government and
2 for certain programs; capitalizing funds; amending appropriations; making supplemental
3 appropriations; and providing for an effective date.

4

5

(SECTION 1 OF THIS ACT BEGINS ON PAGE 2)

| | | Appropriation | General | Other |
|----|---------------------------------------|--------------------------------------|--------------------|------------------|
| | | Allocations | Funds | Funds |
| | | Items | | |
| 1 | | | | |
| 2 | | | | |
| 3 | State Owned | | | |
| 4 | UAF Community and Technical | 16,800,900 | | |
| 5 | College | | | |
| 6 | UAF Community & Technical | 1,411,500 | | |
| 7 | College Facility Operations | | | |
| 8 | & Maintenance State Owned | | | |
| 9 | Education Trust of Alaska | 9,619,900 | | |
| 10 | Juneau Campus | 43,147,700 | | |
| 11 | Juneau Campus Facility | 5,268,400 | | |
| 12 | Operations and Maintenance | | | |
| 13 | State Owned | | | |
| 14 | Ketchikan Campus | 4,876,800 | | |
| 15 | Ketchikan Campus Facility | 559,500 | | |
| 16 | Operations and Maintenance | | | |
| 17 | State Owned | | | |
| 18 | Sitka Campus | 6,096,200 | | |
| 19 | Sitka Campus Facility | 1,608,200 | | |
| 20 | Operations and Maintenance | | | |
| 21 | State Owned | | | |
| 22 | | * * * * * | | |
| 23 | | * * * * * Judiciary * * * * * | | |
| 24 | | * * * * * | | |
| 25 | Alaska Court System | 151,862,800 | 148,626,800 | 3,236,000 |
| 26 | Appellate Courts | 10,428,100 | | |
| 27 | Trial Courts | 126,194,700 | | |
| 28 | Administration and Support | 15,240,000 | | |
| 29 | Therapeutic Courts | 4,710,100 | 3,589,100 | 1,121,000 |
| 30 | Therapeutic Courts | 4,710,100 | | |
| 31 | Commission on Judicial Conduct | 603,200 | 603,200 | |
| 32 | Commission on Judicial | 603,200 | | |
| 33 | Conduct | | | |

1 revenue collected in the fiscal year ending June 30, 2026, as determined by the
2 commissioner of revenue on August 31, 2026, and \$6,300,000,000, not to exceed
3 \$700,000,000, is appropriated as follows:

4 (1) the amount necessary, estimated to be \$127,340,800, to pay a
5 one-time energy relief payment of \$200 as part of the permanent fund dividend
6 for the fiscal year ending June 30, 2027, to the dividend fund (AS 43.23.045(a));

7 (2) after the appropriation made in (1) of this subsection,
8 \$115,000,000 to the Department of Education and Early Development to be
9 distributed as grants to school districts according to the average daily
10 membership for each district adjusted under AS 14.17.410(b)(1)(A) - (D) for the
11 fiscal year ending June 30, 2027;

12 (3) after the appropriations made in (1) and (2) of this subsection,
13 \$15,000,000 to the bulk fuel revolving loan fund (AS 42.45.250(a));

14 (4) after the appropriations made in (1) - (3) of this subsection, the
15 remaining amount to the budget reserve fund (AS 37.05.540(a)).

16 * **Sec. 14.** ALASKA AEROSPACE CORPORATION. Federal receipts and other corporate
17 receipts of the Alaska Aerospace Corporation received during the fiscal year ending June 30,
18 2027, that exceed the amount appropriated in sec. 1 of this Act are appropriated to the Alaska
19 Aerospace Corporation for operations for the fiscal year ending June 30, 2027.

20 * **Sec. 15.** ALASKA COURT SYSTEM. The amount necessary, not to exceed \$75,000, is
21 appropriated from the general fund to the Judiciary, Commission on Judicial Conduct, for
22 special counsel costs for the fiscal year ending June 30, 2027.

23 * **Sec. 16.** ALASKA HOUSING FINANCE CORPORATION. (a) The board of directors of
24 the Alaska Housing Finance Corporation anticipates that \$54,275,000 of the adjusted change
25 in net assets from the second preceding fiscal year will be available for appropriation for the
26 fiscal year ending June 30, 2027.

27 (b) The Alaska Housing Finance Corporation shall retain the amount set out in (a) of
28 this section for the purpose of paying debt service for the fiscal year ending June 30, 2027, in
29 the estimated amount of \$2,500,000 for debt service on the bonds authorized under sec. 4, ch.
30 120, SLA 2004.

31 (c) After deductions for the item set out in (b) of this section and deductions for

FY27 Current Status
Awaiting Governor's Approvals/Vetos
(As of 05/20/2026)

**2026 Legislature - Operating Budget
Transaction Compare - Enrolled Structure
Between GovAmd+ and Enrolled**

| |
|---|
| Numbers and Language Differences Agencies: Judiciary |
|---|

Agency: Judiciary

| | Column | Trans Type | Total Expenditure | Personal Services | Travel | Services | Commodities | Capital Outlay | Grants | Misc | PFT | PPT | TMP |
|---|----------|------------|-------------------|-------------------|------------|--------------|-------------|----------------|------------|------------|----------|----------|----------|
| Alaska Court System | | | | | | | | | | | | | |
| Trial Courts | | | | | | | | | | | | | |
| Funding for Inflationary Increases to Lease, Utility, and Services Payments to Match Agency Budget Request | Enrolled | Inc | 600.3 | 0.0 | 0.0 | 600.3 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0 | 0 |
| 1004 Gen Fund (UGF) 600.3 | | | | | | | | | | | | | |
| Funding to Address Increased Court Visitor Caseload and Backlog | Enrolled | Inc | 363.5 | 0.0 | 0.0 | 363.5 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0 | 0 |
| For FY2025, the trial courts received sufficient funding to align the base funding originally transferred from the Office of Public Advocacy (OPA) in FY2023 with the FY2023 actual costs incurred for the court visitor services and to increase the hourly rate for contracted court visitors by \$10.00. Due to the backlog of court visitor work and the increasing number of cases involving these protective proceedings, the number of court visitor hours paid in FY2024 totaled almost 7,200 additional hours (33 percent) over amounts billed in FY2023. This request would ensure sufficient funding to pay the recurring annual costs for these services. | | | | | | | | | | | | | |
| 1004 Gen Fund (UGF) 363.5 | | | | | | | | | | | | | |
| * Allocation Difference * | | | 963.8 | 0.0 | 0.0 | 963.8 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0 | 0 |
| ** Appropriation Difference ** | | | 963.8 | 0.0 | 0.0 | 963.8 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0 | 0 |
| Therapeutic Courts | | | | | | | | | | | | | |
| Therapeutic Courts | | | | | | | | | | | | | |
| Salary and Benefit Increases of the Two Paralegals for Centralized Competency Calendar Management (FY27-FY28) | Enrolled | IncT | 115.5 | 115.5 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0 | 0 |
| 1037 GF/MH (UGF) 115.5 | | | | | | | | | | | | | |
| * Allocation Difference * | | | 115.5 | 115.5 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0 | 0 |
| ** Appropriation Difference ** | | | 115.5 | 115.5 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0 | 0 |
| Commission on Judicial Conduct | | | | | | | | | | | | | |
| Commission on Judicial Conduct | | | | | | | | | | | | | |
| L Restore FY2027 Special Counsel Costs Related to Unanticipated Investigations, ETB \$0, NTE \$75.0 | GovAmd+ | IncM | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0 | 0 |
| * Sec. XX. ALASKA COURT SYSTEM. The amount necessary, estimated to be \$0, not to exceed \$75,000, is appropriated from the general fund to the Judiciary, Commission on Judicial Conduct, for special counsel costs for the fiscal year ending June 30, 2027. | | | | | | | | | | | | | |
| 1004 Gen Fund (UGF) 0.0 | | | | | | | | | | | | | |
| Add General Funds for Increasing Annual Travel Expenses of Quarterly In-Person Commission Meetings | Enrolled | Inc | 6.0 | 0.0 | 6.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0 | 0 |
| 1004 Gen Fund (UGF) 6.0 | | | | | | | | | | | | | |
| L Restore FY2027 Special Counsel Costs Related to Unanticipated Investigations, NTE \$75.0 | Enrolled | IncM | 75.0 | 0.0 | 0.0 | 75.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0 | 0 |
| * Sec. XX. ALASKA COURT SYSTEM. The amount necessary, not to exceed \$75,000, is appropriated from the general fund to the Judiciary, Commission on Judicial Conduct, for special counsel costs for the fiscal year ending June 30, 2027. | | | | | | | | | | | | | |

**2026 Legislature - Operating Budget
Transaction Compare - Enrolled Structure
Between GovAmd+ and Enrolled**

| |
|--|
| Numbers and Language Differences Agencies: Judiciary |
|--|

Agency: Judiciary

| Column | Trans Type | Total Expenditure | Personal Services | Travel | Services | Commodities | Capital Outlay | Grants | Misc | PFT | PPT | TMP |
|--|------------|-------------------|-------------------|--------|----------|-------------|----------------|--------|------|-----|-----|-----|
| Commission on Judicial Conduct (continued) | | | | | | | | | | | | |
| Commission on Judicial Conduct (continued) | | | | | | | | | | | | |
| Restore FY2027 Special Counsel Costs Related to Unanticipated Investigations, NTE \$75.0 (continued) | | | | | | | | | | | | |
| 1004 Gen Fund (UGF) | | 75.0 | | | | | | | | | | |
| * Allocation Difference * | | 81.0 | 0.0 | 6.0 | 75.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0 | 0 |
| ** Appropriation Difference ** | | 81.0 | 0.0 | 6.0 | 75.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0 | 0 |
| *** Agency Difference *** | | 1,160.3 | 115.5 | 6.0 | 1,038.8 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0 | 0 |
| **** All Agencies Difference **** | | 1,160.3 | 115.5 | 6.0 | 1,038.8 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0 | 0 |

Column Definitions

GovAmd+ (GovAmd Plus Amds Rec'd Late) - The Governor's amended FY27 operating budget, including all amendments received by the statutory deadline of February 18, 2026 (GovAmd), as well as any Governor's amendments received after the deadline.[GovAmd+GovAmd3/13+GovAmd4/23]

Enrolled (Enrolled Operatng) - Enrolled FY27 operating budget.

OMB Transaction Change Detail

(As of 05/20/2026)

**2026 Legislature - Operating Budget
Transaction Change Detail - Enrolled Structure**

Numbers and Language

Agency: Judiciary

**Appropriation: Commission on Judicial Conduct
Allocation: Commission on Judicial Conduct**

| <u>Transaction Title</u> | <u>Trans Type</u> | <u>Total Expenditure</u> | <u>Personal Services</u> | <u>Travel</u> | <u>Services</u> | <u>Commodities</u> | <u>Capital Outlay</u> | <u>Grants</u> | <u>Misc</u> | <u>PFT</u> | <u>PPT</u> | <u>TMP</u> |
|---|-------------------|--------------------------|--------------------------|---------------|-----------------|--------------------|-----------------------|---------------|-------------|------------|------------|------------|
| *** FY26 Management Plan *** | | | | | | | | | | | | |
| FY26 Enrolled Numbers | 26Enroll | 577.9 | 467.9 | 22.0 | 76.0 | 7.0 | 5.0 | 0.0 | 0.0 | 2 | 0 | 0 |
| 1004 Gen Fund (UGF) | | 577.9 | | | | | | | | | | |
| L FY2026 Special Counsel Costs Sec22 Ch10 SLA2025 P85 L1 (HB53) | 26LangEn | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0 | 0 |
| 1004 Gen Fund (UGF) | | 0.0 | | | | | | | | | | |
| FY26 Management Plan Total | | 577.9 | 467.9 | 22.0 | 76.0 | 7.0 | 5.0 | 0.0 | 0.0 | 2 | 0 | 0 |
| *** Changes from FY26 Management Plan to Adjusted Base Plus *** | | | | | | | | | | | | |
| L Reverse FY2026 Special Counsel Costs Sec22 Ch10 SLA2025 P85 L1 (HB53) | OTI | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0 | 0 |
| 1004 Gen Fund (UGF) | | 0.0 | | | | | | | | | | |
| L Restore FY2027 Special Counsel Costs Related to Unanticipated Investigations, ETB \$0, NTE \$75.0 | IncM | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0 | 0 |
| 1004 Gen Fund (UGF) | | 0.0 | | | | | | | | | | |
| FY2027 Salary and Benefit Adjustments | Sa1Adj | 19.3 | 19.3 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0 | 0 |
| 1004 Gen Fund (UGF) | | 19.3 | | | | | | | | | | |
| Adjusted Base Plus Total | | 597.2 | 487.2 | 22.0 | 76.0 | 7.0 | 5.0 | 0.0 | 0.0 | 2 | 0 | 0 |
| *** Changes from Adjusted Base Plus to GovAmd Plus Amds Rec'd Late *** | | | | | | | | | | | | |
| GovAmd Plus Amds Rec'd Late Total | | 597.2 | 487.2 | 22.0 | 76.0 | 7.0 | 5.0 | 0.0 | 0.0 | 2 | 0 | 0 |
| *** Changes from GovAmd Plus Amds Rec'd Late to Senate Finance *** | | | | | | | | | | | | |
| L Restore FY2027 Special Counsel Costs Related to Unanticipated Investigations, ETB \$0, NTE \$75.0 | IncM | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0 | 0 |
| 1004 Gen Fund (UGF) | | 0.0 | | | | | | | | | | |
| Add General Funds for Increasing Annual Travel Expenses of Quarterly In-Person Commission Meetings | Inc | 6.0 | 0.0 | 6.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0 | 0 |
| 1004 Gen Fund (UGF) | | 6.0 | | | | | | | | | | |
| L Restore FY2027 Special Counsel Costs Related to Unanticipated Investigations, NTE \$75.0 | IncM | 75.0 | 0.0 | 0.0 | 75.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0 | 0 | 0 |
| 1004 Gen Fund (UGF) | | 75.0 | | | | | | | | | | |
| Senate Finance Total | | 678.2 | 487.2 | 28.0 | 151.0 | 7.0 | 5.0 | 0.0 | 0.0 | 2 | 0 | 0 |
| *** Changes from Senate Finance to Senate *** | | | | | | | | | | | | |
| Senate Total | | 678.2 | 487.2 | 28.0 | 151.0 | 7.0 | 5.0 | 0.0 | 0.0 | 2 | 0 | 0 |
| *** Changes from Senate to Conference Committee *** | | | | | | | | | | | | |
| Conference Committee Total | | 678.2 | 487.2 | 28.0 | 151.0 | 7.0 | 5.0 | 0.0 | 0.0 | 2 | 0 | 0 |
| *** Changes from Conference Committee to Enrolled Operating *** | | | | | | | | | | | | |
| Enrolled Operating Total | | 678.2 | 487.2 | 28.0 | 151.0 | 7.0 | 5.0 | 0.0 | 0.0 | 2 | 0 | 0 |

Column Definitions

26MgtPln (FY26 Management Plan) - Authorized level of expenditures at the beginning of FY26 plus position adjustments and transfers (made at an agency's discretion) within appropriations.

AdjBase+ (Adjusted Base Plus) - Adjusted Base plus Salary Adjustments or other Adjusted Base transactions received after the Governor's December 11, 2025 submission.

GovAmd+ (GovAmd Plus Amds Rec'd Late) - The Governor's amended FY27 operating budget, including all amendments received by the statutory deadline of February 18, 2026 (GovAmd), as well as any Governor's amendments received after the deadline.[GovAmd+GovAmd3/13+GovAmd4/23]

SFin (Senate Finance) - Second Senate Finance Committee Substitute as passed out of the Senate Finance Committee.

Senate (Senate) - Senate substitute for the FY27 operating budget.

ConfCom (Conference Committee) - Conference Committee decisions on the operating budget.

Enrolled (Enrolled Operatng) - Enrolled FY27 operating budget.

Advisory Opinions:

04/28/2026 Letter: Summary of Advice Given
to Judges About Retention



Alaska Commission on Judicial Conduct

510 L Street, Suite 585, Anchorage, Alaska 99501-1959

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Marla N. Greenstein
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April 28, 2026

Susanne DiPietro, Executive Director
Alaska Judicial Council
510 L Street, Suite #450
Anchorage, Alaska 99501-1295

Dear Susanne:

One of my responsibilities is to provide informal ethics advice to judges when asked. In the past month, I was contacted by more than one judge up for retention this coming year for guidance on how to respond to any questions by members of the Judicial Council, should they ask, concerning how the judge has ruled in specific court cases. I am writing to share the advice I gave to those judges.

There are several provisions of the Alaska Code of Judicial Conduct that restrict a judge's ability to comment on matters that have come before the court. All the provisions are concerned with maintaining public confidence in the impartiality of the courts.

Canon 2 requires that judges in all their activities avoid impropriety and the appearance of impropriety. Specifically in Canon 2 B "A judge shall not knowingly convey or permit others to convey the impression that anyone is in a special position to influence the judge."

Canon 3 B (2) (b) requires that a judge be "faithful to the law. A judge shall not deviate from the law to appease public clamor, to avoid criticism, or to advance an improper interest."

Canon 3 B (9) specifically restricts judges from making comments about matters pending or impending in court that could affect the outcome or impair fairness. Judges can refer to the court record and explain procedures.

All these provisions read together have led me to give the following advice when questioned about a specific outcome in a specific case or issue that the judge has decided in court:

- (1) To avoid any misstatement of what was actually decided, a judge should refer to language in the court record. Paraphrasing or explaining with different words could inadvertently change the meaning.
- (2) Judges can generally discuss their approach to various cases and how their background has informed that approach. For example, a judge who previously was a lawyer who handled family matters can refer to that experience and how that affects how the judge views custody cases.
- (3) A judge should not make any statement that may appear to commit to deciding a future case in any specific way. Any person coming before the judge needs to have confidence that the judge has not pre-determined an outcome.
- (4) Where the law would need to be changed to change an outcome in a case, it is allowable for a judge to point out the legislative or constitutional change that would be needed but should not express an opinion about whether a change in the law would be a good thing.

Feel free to call if I can answer any questions.

Sincerely,



Marla N. Greenstein
Executive Director

Professional Activities

Alaska Court System: Supervisor Training

- PowerPoint Presentation: *Judicial Ethics and Judge as Supervisor*

Judicial Ethics and Judge as Supervisor

Understanding responsibilities and options

Purpose of our discussion

- Awareness of the Court System
Workplace Conduct policies and your
role as a supervisor
- Judicial Conduct Rules that cover your
role as supervisor
- Mindfulness and awareness in the
workplace

Court System Policies

- Healthy Workplace Policy and Procedures
- Commitment to Civility in the Workplace

Code of Judicial Conduct

- Canon 3B(4)
- Canon 3B(5)
- Canon 3C(1)
- Canon 3C(2)
- Canon 3C(4)

Canon 3B

- (4) A judge shall be patient, dignified and courteous...and take reasonable steps to maintain and ensure similar conduct from lawyers and court staff
- (5) In performance of judicial duties, a judge shall act without bias or prejudice and shall not manifest by words or conduct, bias or prejudice...A judge shall not permit court staff ...to deviate from these standards in their duties. *(Proposed New Code will slightly alter this wording)*

Canon 3C

- (1) A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice
- (2) A judge shall take reasonable steps to ensure that court staff...observe the standards of fidelity to the law and diligence....that apply to the judge
- (4) Avoid nepotism and favoritism

Commitment to Civility

- The Alaska Court System, in keeping with its mission to “provide an accessible and impartial forum for the just resolution of all cases that come before it,” is committed to promoting and maintaining a healthy workplace where all people are treated fairly and with respect.

Healthy Workplace Policy and Procedures

- History and need
- Applicability and Responsibilities
- Prohibited Conduct
- Discriminatory Harassment
- Procedures for Addressing

Ethics Considerations

Understanding the power of “judge”

Applicable Code Provisions

Taking responsibility

Your role within the Court System and with
judicial colleagues

Commission Member Status

**ALASKA COMMISSION ON
JUDICIAL CONDUCT
2026 Roster**

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Todd Fletcher
510 L Street, Suite 585
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Aldean Kilbourn
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Robert Sheldon
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Jane Mores
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(Term expires March 1, 2028)

Bill Satterberg
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(Term expires March 1, 2028)

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Judge Amy G. Mead
Alaska Superior Court
PO BOX 114100
Juneau, Alaska 99881
(Term expires February 1, 2027)
(Chairperson)

Judge Thomas I. Temple
Alaska Superior Court
101 Lacey Street
Fairbanks, Alaska 99701
(Term expires February 1, 2027)

Judge Ian Wheelles
Alaska Superior Court
825 W. 4th Avenue
Anchorage, Alaska 99501
(Term expires February 1, 2028)

Public Session Informational

News Articles

Mat-Su Sentinel May 29, 2026

*Alaska Legislature adds superior court
judge to Palmer courthouse*

By Mat-Su Sentinel Staff on May 29, 2026

Alaska Legislature adds superior court judge to Palmer courthouse



The Palmer judicial district has the highest numbers of civil and criminal caseloads in the state.

[PALMER](#) [NEWS](#) [STATE](#)



By Corrine Smith
Alaska Beacon

What you need to know:

- Alaska lawmakers approved adding a new superior court judge in Palmer. The bill would increase the number of superior court judges

statewide from 45 to 46 and now awaits Gov. Mike Dunleavy's decision.

- Palmer's four current superior court judges handle the highest civil and criminal caseloads in Alaska, averaging 683 cases per judge annually, about 50% above the statewide average.
- A fifth judge would reduce that average but would still leave Palmer with the state's highest caseloads. Mat-Su's rapid growth has increased the need for judges.

The Alaska Legislature approved legislation to add a superior court judge to the state's third judicial district. The new judge is to be based at the Palmer courthouse where the new position is intended to alleviate rising civil and criminal case workloads.

The Alaska Court System requested the legislation, [House Bill 262](#), which would bring the total number of superior court judges from 45 to 46. Lawmakers approved the change by a combined vote of 57 to 0, with three House members absent. The bill now heads to Gov. Mike Dunleavy for consideration.

Officials with the court system said the state needs to add a judge because the four current superior court judges in Palmer are grappling with

unsustainable workloads. That judicial district has the highest numbers of civil and criminal caseloads in the state – nearly 50% higher than the statewide average, with an average of 683 cases per year. That's an average of 13 cases per week per judge.

Officials noted that adding a fifth judge to the Palmer courthouse would only bring average caseloads down to an estimated 546 cases per judge annually. "This would *still* exceed the statewide average number of cases per judge, and Palmer judges would *still* have the highest caseload per judge of any court in the state, but it would be a welcome and needed improvement," said Nancy Meade, General Counsel to the Alaska Court System, in a [statement](#) requesting the bill.

The population of the Matanuska-Susitna Borough has grown 40% over

the past twenty years, a major contributing factor to the rising need in legal services and case numbers at the Palmer courthouse, Meade said. In the same time period, the number of cases filed has risen by 55%.

Rep. Andrew Gray, D-Anchorage, carried the bill in the House, saying the high number of cases at the Palmer courthouse has spillover effects in Anchorage.

“Cases in Palmer take too long to be heard. In fact, some Mat-Su residents choose to file their cases in Anchorage so that they have a chance of being heard sooner. This means that Anchorage has more cases than they would otherwise have,” he said, speaking on the House floor ahead of the vote on April 22. “We need to fix this problem, so that we can better provide basic justice to all Alaskans,” he said.

The new judge position is estimated to cost \$268,000 annually, according to a [state fiscal note](#).

If the bill is signed by the governor, the new judge would be selected by a [nomination process](#), including interviews and vetting by the Alaska Judicial Council. The council puts forth two nominees and the governor has 45 days to make a selection for superior court judge. New judges serve for an initial term of three years, after which they appear before voters in a retention election where voters can weigh in on whether the judge should remain on the bench by a yes-no vote. If approved by voters, judges’ subsequent terms are six years until mandatory retirement at age 70.

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The New York Times

" 'Infuriated' Former Judges Take on Trump"

And Referenced 2020 Judges' Journal Column

"Ethics for Former Judges"

The New York Times

'Infuriated' Former Judges Take on Trump

Critics say it is unseemly for retired judges to trade on the prestige of their former positions.

Published June 3, 2026 Updated June 4, 2026, 10:00 a.m. ET



Judges retain a special status even after they hang up their robes. Addressing them in [a 2020 article](#), an American Bar Association official, Marla Greenstein, wrote that "the public will forever view you as a living representative of the judicial system."

In recent months, coalitions of retired judges have drawn on their distinctive positions to file forceful briefs supporting challenges to what they said was lawless conduct by the Trump administration.

Such briefs are in one sense nothing new. It is not unusual to see, for instance, a friend-of-the-court [brief](#) from [a handful of retired judges](#) concerned about a miscarriage of justice in a criminal case. But ones featuring scores of former judges taking issue with presidential initiatives seem to be on the rise.

Such briefs have attracted critics, who say it is [unseemly for retired judges](#) to [trade on the prestige](#) of their former positions. But there is reason to think the recent filings have been influential.

On Friday, a federal judge in Florida took [a motion from 35 former federal judges](#) very seriously. She [ordered President Trump](#) to respond to their request that she reopen a case the administration had used as a vehicle to create a \$1.8 billion fund to compensate his allies and to shield him from tax audits and liabilities.

The former judges said the asserted settlement of the case was the product of collusion and fraud. That argument has been made far and wide, but it may have taken on special force coming from people who, as they put it in their motion, "have dedicated their professional lives to the administration of justice."

It is possible, of course, that the judge overseeing the case, Kathleen Williams of the Federal District Court in Miami, would have taken similar actions without outside prompting or spurred by someone else's filing. But she seemed to welcome a motion from her former peers.

'The Federal Judges Are Infuriated'

Even larger groups of former judges have filed supporting briefs in other cases.

In a Supreme Court case on protections for immigrants, more than 175 former judges filed a [brief](#) in March arguing that the court's emergency orders do not count as precedent binding lower courts if the justices did not give reasons. Recent emergency orders have tended to come with explanations.

In May, more than 100 former judges [urged the federal appeals court in Boston](#) to address what they called a pattern of abuse by immigration officials, including moving detained immigrants around the country to thwart court challenges and "a broader pattern of disrespect by ICE for judicial process and orders." The case is pending.

Harold Koh, a professor and former dean of Yale Law School, is among the lawyers for the former judges in the Boston case.

"I thought we'd get about 20 judges, which is still impressive, and instead we got 135," he said, adding that the surge of interest was driven by a threat to the rule of law.

"This is no longer about ICE versus the detainees," Professor Koh said. "It's about ICE versus the courts. The federal judges are infuriated."

Perhaps the most prominent of the retired judges, Michael Luttig, signed all three of those briefs. Judge Luttig was appointed to a federal appeals court by President George H.W. Bush, served for 15 years and was considered for a seat on the Supreme Court by President George W. Bush.

He is now a harsh critic of the Trump administration, and he said current and former judges must speak up.

"The courageous voices of the federal and state judges of the United States," he said, "are the only voices that can and have been heard above the deafening din of partisan political rancor that is literally threatening our nation."

Asked about the role retired judges should play in general and in the challenge to the \$1.8 billion fund, Abigail Jackson, a White House spokeswoman, responded by criticizing sitting judges.

"President Trump has faced a historically unprecedented number of injunctions by liberal lower-court judges, the same judges who would rather push their own policy schemes and undermine the administration's lawful agenda," she said in a statement.

Todd Blanche, the acting attorney general, [told lawmakers](#) on Tuesday that the administration was withdrawing plans for the fund but would continue to shield Mr. Trump from I.R.S. audits. Mr. Trump's response to the retired justices' brief is due June 12.

Rejecting Briefs From Former Judges

The role of retired judges in the legal system has not attracted much scholarly attention, though it was the subject of [a thoughtful 2023 article](#) by Carson Jones Lacy, then a law student at Baylor University. It was called

"Retired Judges: No Longer Friends of the Court?" and concluded that such briefs should generally be allowed.

Most courts, including the Supreme Court, are receptive to filings from former judges.

But there is one notable exception, and it provides an instructive window into how some sitting judges view such filings. In 2006, a federal appeals court in Washington [told seven former federal judges](#) that their views were not welcome. Two former chief judges of the court, the D.C. Circuit, were among those rebuffed.

The former judges had wanted to urge the court to allow Guantánamo detainees to challenge their detentions. In an unsigned decision, Judges David Sentelle and Raymond Randolph said they had violated [a 1982 advisory opinion](#) from a committee of the Judicial Conference of the United States, which is the administrative and policy-making body of the federal court system.

"Judges should insure," the advisory opinion said, "that the title 'judge' is not used in the courtroom or in papers involved in litigation before them to designate a former judge."

Judge Judith Rogers dissented. She said the advisory opinion was meant to address situations in which former judges were acting as lawyers. Allowing them to be called "judge" in those circumstances, she wrote, could confuse people and improperly influence juries.

Supporting briefs from former judges, she added, pose none of those risks.

The judges in the majority were appointed by Republican presidents. The two former chief judges on the rejected brief, Abner J. Mikva and Patricia M.

Wald, were appointed by President Jimmy Carter, a Democrat.

Judge Mikva, who died in 2016, [told me in 2006](#) that the rejection of his brief was not based on politics or even the facts of the case but was motivated by unrelated personal animus. "This was clearly aimed at me," he said.

The judges in the majority were furious with him, he said, because he opposed allowing judges to accept free trips to resorts for seminars sponsored by private groups.

Whatever the reason, there was precedent for rejecting a brief from a judge. In a 1994 libel case, a panel including Judges Mikva and Wald [rejected a supporting brief](#) that Kenneth Starr, a former judge on the court, had sought to file on behalf of several news organizations.

Judge James Ho, who is frequently mentioned as a potential Supreme Court nominee should Trump get another chance to fill a vacancy, has also weighed in on whether briefs from judges should be accepted.

"Reasonable minds can disagree," he wrote in [a 10-page order](#) in 2021 allowing three retired judges to file a brief in his court, the Fifth Circuit. But he added that "we can judge the brief on its merits — there is no need to exclude it from these proceedings altogether."

Other Things Worth Knowing About

- The Supreme Court is in its homestretch and is set to release more than 20 decisions in argued cases in the next month or so, including major ones on birthright citizenship, transgender athletes and presidential power. This [handy tracker](#) will help you stay up to speed.
- ["Prosecuting Contempt,"](#) by Samuel Bray and Aditya Bamzai, who make

the case that federal judges need not rely on the Justice Department to prosecute criminal contempt of court and may appoint outside prosecutors to do so.

- Jeffrey Toobin, the author of [a book on the president's pardon power](#), investigated [the wild marketplace of pardons](#) in the current administration in The New York Times Magazine.
- [A smart empirical study](#) by Taraleigh Davis in Scotusblog examined how often lower courts treated Supreme Court orders on emergency applications as precedent. Her conclusion: "Quite a lot."

Mailbag

Citizen Suits

Do citizens have any rights to bring legal challenges, or to leverage other mechanisms, to challenge this abuse of presidential authority? — Susan Scher

Only people who have suffered a direct injury from a government action can challenge it. It is not enough, the Supreme Court has said, to object to how the government spends the taxes it has collected.

As the court [put it in 1923](#), the harm caused by having tax money spent on something a person finds objectionable "is shared with millions of others" and is "comparatively minute and indeterminable." The court [later recognized](#) an exception for some religious claims and has since substantially narrowed even that exception.

Many legal experts say the general rule, denying taxpayer standing, would make it very difficult to challenge, say, the \$1.8 billion fund in court.

You also asked about “other mechanisms.” Congress can address the matter, and lawmakers are sensitive to public outrage, particularly in an election year. And then there are the elections themselves.

I'd love to hear your questions on the law, the courts or whatever is on your mind. Send them my way at the-docket@nytimes.com.

The Math of Trump's I.R.S. Suit

The Internal Revenue Service had [plenty of defenses](#) to [the lawsuit](#) from Trump that gave rise to the \$1.8 billion fund. Among them: It seems to have been barred by the statute of limitations.

But perhaps not enough attention has been paid to the math in Trump's lawsuit, in which he argued the I.R.S. was to blame for harms he suffered when a contractor leaked his tax information. His suit claimed the damages owed were \$10 billion, which [is roughly equal](#) to the agency's annual budget.

His lawyers relied on [a federal law](#) that allows damages of \$1,000 per unauthorized disclosure. The contractor had [disclosed tax records](#) to The Times and ProPublica, and those outlets published news articles about them.

Trump's theory was that each time someone read one of those articles he was entitled to \$1,000. As support for this idea, he cited [a 2006 decision](#) from the Eighth Circuit that said “direct disclosures to multiple persons multiplies the harm to the taxpayer.”

But Trump's lawyers failed to take account of another part of that ruling. “The proper limitation of liability is the initial act of disclosure, not secondary disclosures made by others such as the media,” the appeals court said, citing [a 1995 decision](#) from the Ninth Circuit.

In that second decision, not cited in Trump's suit, a woman whose tax return information was provided to a Los Angeles Times reporter sought \$1,000 for each of the about 180,000 copies of the newspaper that carried the resulting article.

The plaintiff wanted more than \$180 million. The court said she was entitled to \$1,000.

"We are confident," the court said, "that Congress did not intend the bizarre remedy sought in this case."

[Adam Liptak](#) is the chief legal affairs correspondent of The Times and the host of [The Docket](#), a newsletter on legal developments. A graduate of Yale Law School, he practiced law for 14 years before joining The Times in 2002.

Ethics for Former Judges

By Marla N. Greenstein

As the articles in this issue attest, moving beyond your self-identity as a judge is a challenge and an opportunity. However, no matter how successful a former judge will be at leaving the “judge” in the past, to others, a judge is always a judge.

Whether walking into a local restaurant or attending a community event, former judges will continue to be addressed as “judge.” Judges will be hired for jobs not only for their judicial experience, but also for the positive “label” that having a former judge on payroll will bring. There are ethics implications for this continuing identification.

The most direct and tangible ethical issue is continued use of the judicial title for business or financial endeavors or in the practice of law. Many states give guidance through ethics opinions on this issue. In Arizona, a retired judge may not advertise for mediation or arbitration services using the “judge” title, even if modified with “former” or “retired.” AZ Adv. Op. 2016-2. Variations of this restriction exist in several states. Some allow the use of “former” or “retired” if not in conjunction with a financial or business purpose; others allow the modifier without restriction. It is understood that use of “judge” without the modifier of “former” or “retired” is an abuse of the prestige of judicial office and creates public confusion as to the role of the arbitrator/mediator. WA Adv. Op. 2002-17.

Continued use of the judicial title while practicing law is the issue addressed in advisory opinions most frequently. All agree that a former judge who is now a practicing lawyer should not use the judicial title in any manner professionally and should actively discourage others from doing so. The American Bar Association noted in its 1995 Formal Advisory Opinion that the only reason a former judge would use the judicial title in the practice of law would be to create an appearance of an unfair advantage or expectations of an



enhanced outcome. ABA Formal Adv. Op. 95-391. Federal judges are also warned that former judges appearing before them are not to be called “judge” in their courtroom or in pleadings. U.S. Adv. Op. 72 (2009).

Some judges retire fully to free themselves to engage in the political arena. In fact, former judges are likely the most effective speakers and activists on issues of justice, fairness, and protecting judicial independence from outside influence. Here too, however, former judges have an obligation to clarify their new role and not sow confusion. Former judges have effectively lobbied for sentencing reform, noting the unfairness of mandatory minimum sentences, for example. Their efforts have been successful in no small part due to their “former judge” status. However, extra care is required when former judges seek political office or are visible in causes unrelated to the justice system. For example, when a former judge in California ran for state attorney general while a sitting judge, he was disciplined, in part, for his campaign’s use of his judicial office in that campaign. Inquiry Concerning Former Judge Steven C. Bailey, 6 Cal. 5th CJP Supp. 24 (2019). The same ethical concerns extend to former judges who use their judicial office in political campaigns (though likely not

subject any longer to judicial discipline). Confusion of roles can harm the judiciary. As the California opinion noted, using the judicial title and office in a political campaign for an elected office in another branch of government “is fundamentally inconsistent with the independence, impartiality and integrity of the judiciary, and is prejudicial to public esteem for the judicial office.”

“Former judge” will stay with you in most public life arenas. While the Code of Judicial Conduct may not govern your speech and actions as a former judge, it should still guide them. The public will forever view you as a living representative of the judicial system. ■



Marla N. Greenstein is the executive director of the Alaska Commission on Judicial Conduct. She is also a former chair of the ABA Judicial

Division’s Lawyers Conference. She can be reached at mgreenstein@ajc.state.ak.us.

Publications



REBUILDING CAPACITY
AND INCENTIVES
FOR JURY TRIALS

SMALL-DOLLAR
JURIES AND
ACCESS TO JUSTICE

A ROADMAP
FOR JUROR
MENTAL HEALTH

VOL. 65, NO. 2
SPRING 2026

THE JUDGES' JOURNAL

A PUBLICATION OF THE AMERICAN BAR ASSOCIATION | JUDICIAL DIVISION

Jury Trials



Ethics of Judges and Juries

By Marla N. Greenstein



Only one provision of the ABA Model Code of Judicial Conduct directly guides a judge's obligations to a jury. Rule 2.8 parallels previous versions of the Code when it prohibits a judge from commending or criticizing jurors for their verdict. This newer provision does have an exception for court orders or opinions (assuming that they are issued within the scope of a judge's recognized role in the proceedings). The Comment to the Rule notes the risk that "commending or criticizing jurors for their verdict may imply a judicial expectation in future cases and may impair a juror's ability to be fair and impartial in a subsequent case." My assessment of the risk, however, is much more insidious. This Comment fails to acknowledge the incredible power that judges intrinsically possess in the eyes of jurors. Jurors should not conduct their work with an eye toward pleasing the judge. In fact, parties will often choose a jury trial in lieu of a bench trial because of the inherent differences in the way that jurors assess testimony and other evidence. Judges should be mindful of the impact any statement they make may have on jurors.

In this respect, Comment (3) to Rule 2.8 recognizes the impact that any comment by a judge may have on the juror's confidence in their verdict. The Comment cautions

that while a judge may meet with jurors who choose to remain after trial, the judge should be "careful not to discuss the merits of the case." Here again, the caution seems too narrow. The Alaska Commission on Judicial Conduct issued an advisory opinion outlining guidance and cautions for judges who seek to engage with jurors after the trial. Concerns were raised when judges would freely answer questions that jurors may have had . . . not necessarily going to the merits of the case. Alaska Commission on Judicial Conduct Advisory Opinion 2009-001 outlines several specific areas that should be avoided by a judge engaging with jurors after trial. These include (1) volunteering information about inadmissible, suppressed, confidential, or nonpublic information that could have the effect of either bolstering or undermining the former jurors' confidence in the "correctness" of the verdict (though it is permissible to respond to a question with an explanation of the evidence rules and court process); (2) offering impressions of the performance or credibility of the attorneys or witnesses; and (3) offering a comment of the judge's view of the "correctness" of the verdict (a question every juror has in their mind).

The Opinion also has special cautions in criminal cases where there are still post-verdict issues to be addressed by the

judge and in instances where a jury is discharged due to their inability to arrive at a verdict. Judges should not be reluctant, however, to thank jurors for their time and service and provide essential court resources that jurors may need. Increasingly, resources, as noted by articles in this issue, include counseling and other support services that can address any adverse impacts that jurors may have experienced as part of their service. If a juror is reluctant to seek that support, encouraging words from a judge could provide needed assurance. By using the power of judicial speech to show gratitude and support to citizens who serve as jurors, judges are actively exhibiting the highest obligations under the Code: promoting public confidence in the integrity of the judiciary. ■



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GENERATED WITH ADOBE FIREFLY

**CONSTITUTIONAL
STATUTORY PROVISIONS
GOVERNING COMMISSION**

**Alaska Constitution.
Article 4, Sections 10-14**

CONSTITUTION OF ALASKA

Art. IV, § 10

Section 10. Commission on Judicial Conduct. The Commission on Judicial Conduct shall consist of nine members, as follows: three persons who are justices or judges of state courts, elected by the Justices and judges of state courts; three members who have practiced law in this state for ten years, appointed by the governor from nominations made by the governing body of the organized bar and subject to confirmation by a majority of the members of the legislature in joint session; and three persons who are not judges, retired judges, or members of the state bar, appointed by the governor and subject to confirmation by a majority of the members of the legislature in joint session. In addition to being subject to impeachment under Section 12 of this article, a justice or judge may be disqualified from acting as such and may be suspended, removed from office, retired, or censured by the supreme court upon the recommendation of the commission. The powers and duties of the commission and the bases for judicial disqualification shall be established by law. [Amendment approved November 2, 1982]

Cross references. — For provisions on the powers and duties of the Commission on Judicial Conduct, see AS 22.30.11. For proceedings when a successful candidate for judicial retention or the campaign treasurer or deputy campaign treasurer of such a candidate has been convicted of a violation of the state elections campaign laws, see AS 15.13.120(f)(8).

Effect of amendments. — The amendment, effective November 2, 1982 (12th Legislature's LR 36), substituted "Conduct" for "Qualifications" following "Commission on Judicial," substituted "three persons who are justices or judges of the state courts" for "one justice of the supreme court" preceding "elected by the justices," substituted "and judges of the state courts" for "of the supreme court; three judges of the superior court; one judge of the district court, elected by the judges of the district court" following "elected by the justices," substituted "three" for "two" preceding "members who have practiced law," added "governor from nominations made by the" preceding "governing body of the organized bar," added "and subject to confirmation by a majority of the members of the legislature in joint session" following "governing body of the organized bar" and substituted "three for "two" preceding "persons who are not judges."

NOTES TO DECISIONS

Scope of commission's powers. — This section only empowers the commission to recommend sanctions to the Alaska Supreme Court. Granting the commission the authority to impose sanctions is not permitted. In re Inquiry Concerning a Judge, 762 P.2d 1292 (Alaska 1988) **Cited** in Abood v. Gorsuch, 703 P.2d 1158 (Alaska 1985)

Cross reference. — For statutory provisions regarding Commission on Judicial Qualifications, see AS 22.30.010 — 22.30.080.

Effect of amendment. — The amendment approved August 27, 1968 (5th Legislature's 2d FCCS SCS CSHJR 74) rewrote this section to establish the commission and provide for "disqualification" of judges. Formerly, this section dealt only with incapacity and retirement of judges.

Basis of 1968 amendment. — The Alaska Commission on Judicial Qualifications was created by a constitutional amendment, which became effective in 1968. This amendment is based on a 1966 revision of the judicial article of the California Constitution. In re Hanson, Sup. Ct. Op. No. 1117 (File No. 2311), 532 P.2d 303 (1975). This section vests in the supreme court the ultimate authority in disciplinary matters affecting the judiciary. In re Hanson, Sup. Ct. Op. No. 1117 (File No. 2311), 532 P.2d 303 (1975). This section and AS 22.30.070(c) unambiguously establish the supreme court of Alaska as the body entrusted with the ultimate dispositive decision in a judicial qualifications matter. In re Hanson, Sup. Ct. Op. No. 1117 (File No. 2311), 532 P.2d 303 (1975).

CONSTITUTION OF ALASKA

Art. IV, § 10

Power of supreme court to sanction judge under this section. — Concerning the subject of sanctions this section and AS 22.30.070(c)(2) provide that upon recommendation of the Commission on Judicial Qualifications the supreme court of Alaska may suspend, remove, retire or censure a judge. Inquiry Concerning Robson, Sup. Ct. Op. No. 825 (File No. 1552), 500 P.2d 657 (1972).

Supreme court is to exercise independent judgment. — Normally considerable weight will be accorded to a given recommendation from the Commission on Judicial Qualifications, if supported by an adequate factual basis. Nevertheless, both this section and AS 22.30.070(c)(2) clearly establish that the supreme court of Alaska is to exercise its independent judgment in determining an appropriate sanction, if any, as to any recommendation made by the commission. Inquiry Concerning Robson, Sup. Ct. Op. No. 825 (File No. 1552), 500 P.2d 657 (1972). The supreme court's scope of review in a judicial qualifications proceeding should be that of an independent evaluation of the evidence. In re Hanson, Sup. Ct. Op. No. 1117 (File No. 2311), 532 P.2d 303 (1975).

And cannot adopt commission's sanction recommendations automatically. — It would be tantamount to an abdication of its constitutional and statutory obligations if the supreme court were to adopt the sanction recommendations of the Commission on Judicial Qualifications automatically. Inquiry Concerning Robson, Sup. Ct. Op. No. 825 (File No. 1552), 500 P.2d 657 (1972).

Substantial evidence test employed in reviewing commission's findings of fact. — Regarding the scope of review which the supreme court should exercise in reviewing findings of fact of the Commission on Judicial Qualifications, there is no reason to depart from the substantial evidence test which has heretofore been employed in reviewing matters coming to the supreme court from administrative agencies and other governmental bodies. Inquiry Concerning Robson, Sup. Ct. Op. No. 825 (File No. 1552), 500 P.2d 657 (1972).

But review of commission's recommendation is broader than substantial evidence criterion. — Under the discretionary grant of power to the supreme court under this section and AS 22.30.070(c)(2), supreme court review of a particular recommendation by the commission is necessarily broader than the substantial evidence criterion adopted for review of findings of fact made by the commission. Inquiry Concerning Robson, Sup. Ct. Op. No. 825 (File No. 1552), 500 P.2d 657 (1972).

Duties of supreme court in cases concerning suspension, etc., of judge. — In every case concerning the suspension, removal, retirement or censorship of a judge, the supreme court must insure that procedural due process has been accorded the judicial officer proceeded against and that requisite findings of fact have been made and are supported by substantial evidence. The supreme court is further obligated to decide whether the commission's recommended sanction is justified by the record and is in accord with the objectives of the commission as reflected in the relevant constitutional and statutory provisions. Inquiry Concerning Robson, Sup. Ct. Op. No. 825 (File No. 1552), 500 P.2d 657 (1972).

Imposition of more serious sanction than censure held inappropriate. — Where judicial conduct which had been prejudicial to the administration of justice and had brought the judicial office into disrepute, was weighed against the relative judicial inexperience of petitioner at the time, the supreme court concluded that imposition of a more serious sanction than censure would be inappropriate. Inquiry Concerning Robson, Sup. Ct. Op. No. 825 (File No. 1552), 500 P.2d 657 (1972).

Supreme court sanction decision made part of public record. — Where the actions of a judge were serious enough infractions to justify its following the censure recommendation of the Commission on Judicial Qualifications, the supreme court was of the opinion that given the necessity for the creation of such a commission and the need for enforcement of standards of judicial conduct and canons of judicial ethics, these ends were more fully served by making of record its sanction decision. By making its sanction part of the public record, the supreme court believed that the public's confidence would be maintained, both in the workings of the commission and in the ability of the judicial branch of government to insure its continued integrity. Inquiry Concerning Robson, Sup. Ct. Op. No. 825 (File No. 1552), 500 P.2d 657 (1972).

Applied in Buckalew v. Holloway, Sup. Ct. Op. No. 1988 (File No. 4058), 604 P.2d 240 (1979).

Quoted in Delahay v. State, Sup. Ct. Op. No. 648 (File No. 1252), 476 P.2d 908 (1970).

Art. IV, § 11 CONSTITUTION OF ALASKA Art. IV, §13

Section 11. Retirement. Justices and judges shall be retired at the age of seventy except as provided in this article. The basis and amount of retirement pay shall be prescribed by law. Retired judges shall render no further service on the bench except for special assignments as provided by court rule.

Cross reference. For provisions relating to judicial retirement, see AS 22.25.

Quoted in *Delahay v. State*, Sup. Ct. Op. No. 648 (File No. 1252), 476 P.2d 908 (1970).

NOTES TO DECISIONS

Applied in *Native Village v. GC Contractors*, 658 P.2d 756 (Alaska 1983); *Bentley Family Trust v. Lynx Enters., Inc.*, 658 P.2d 761 (Alaska 1983); *Sharrow v. Archer*, 658 P.2d 1331 (Alaska 1983).

Cited in *Sterud v. Chugach Elec. Ass'n*, 640 P.2d 823 (Alaska 1982); *Hillard T. Roach & Equestrian Acres Dev. Corp. v. First Nat'l Bank*, 643 P.2d 690 (Alaska 1982); *Moloso v. State*, 644 P.2d 205 (Alaska 1982); *Newell v. National Bank*, 646 P.2d 224 (Alaska 1982); *Fedpac Int'l, Inc. v. State*, 646 P.2d 240 (Alaska 1982); *McMillan v. Anchorage Community Hosp.*, 646 P.2d 857 (Alaska 1982); *Robbins v. Robbins*, 647 P.2d 589 (Alaska 1982); *Wien Air Alaska, Inc. v. Department of Revenue*, 647 P.2d 1087 (Alaska 1982); *Peter Pan Seafoods, Inc. v. Stepanoff*, 650 P.2d 375 (Alaska 1982); *A.B.M. v. M.H.*, 651 P.2d 1170 (Alaska 1982); *Curran v. Mount*, 657 P.2d 389 (Alaska 1982).

Section 12. Impeachment. Impeachment of any justice or judge for malfeasance or misfeasance in the performance of his official duties shall be according to procedure prescribed for civil officers.

Quoted in *Delahay v. State*, Sup. Ct. Op. No. 648 (File No. 1252), 476 P.2d 908 (1970).

Section 13. Compensation. Justices, judges, and members of the judicial council and the Commission on Judicial Conduct shall receive compensation as prescribed by law. Compensation of justices and judges shall not be diminished during their terms of office, unless by general law applying to all salaried officers of the State. [Amendment approved August 27, 1968]

Effect of amendment. — The amendment, approved August 27, 1968 (5th Legislature's 2d FCCS SCS CSHJR 74), inserted "and the Commission on Judicial Qualifications" in the first sentence.

"Term".—With the exception of this article, wherever "term" or "service at the pleasure of" appears in the constitutional text originally adopted, the reference is to a period of service for a particular office, thus allowing the drafters to be precise in their terminology. The language of this section and § 4 of this article, on the other hand, applies to any judge of any court the legislature might create, and "term" in that context may intend only the more general, though equally valid connotation of any limitation on a period of service. *Buckalew v. Holloway*, Sup. Ct. Op. No. 1988 (File No. 4058), 604 P.2d 240 (1979).

NOTES TO DECISIONS

"Term". "Term of Office" as used in this section means the time to which a justice or judge is entitled to hold office and does not relate to the 10-year or six-year intervals between retention elections for justices and judges. *Hudson v. Johnstone*, 660 P.2d 1180 (Alaska 1983).

CONSTITUTION OF ALASKA
Art. IV, § 14

Section 14. Restrictions. Supreme court justices and superior court judges while holding office may not practice law, hold office in a political party, or hold any other office or position of profit under the United States, the State, or its political subdivisions. Any supreme court justice or superior court judge filing for another elective public office forfeits his judicial position.

Meaning of phrase "position of profit". — See *Begich v. Jefferson*, Sup. Ct. Op. No. 481 (File No. 894), 441 P.2d 27 (1968).

And its intent. — The term "position of profit" was intended to prohibit all other salaried non-temporary employment under the United States or the State of Alaska. *Begich v. Jefferson*, Sup. Ct. Op. No. 481 (File No. 894), 441 P.2d 27 (1968).

The prohibition against dual office holding is literally enforced in Alaska. December 27, 1976, Op. Att'y Gen.

The purpose of the prohibition against dual office holding is to guard against conflicts of interest, self-aggrandizement, concentration of power, and dilution of separation of powers in regard to the exercise of the executive, judicial, and legislative functions of the state government. December 27, 1976, Op. Att'y Gen.

Judge may not sit as regent while holding office. — Since the Board of Regents of the University of Alaska is not an inter branch commission, a judge may not sit as a regent while holding office. December 27, 1976, Op. Att'y Gen. A judge does not sit on the Board of Regents in a representative capacity of the judicial branch. When he sits as a regent he is not exercising judicial power but rather certain executive powers of control vested in the regents over the state's sole institution of higher learning. This he may not do. December 27, 1976, Op. Att'y Gen. The University of Alaska is an instrumentality of the state, and membership on its Board of Regents is necessarily an office under the state. December 27, 1976, Op. Att'y Gen.

NOTES TO DECISIONS

Applied in *Acevedo v. City of North Pole*, 672 P.2d 130 (Alaska 1983).

Alaska Statutes
AS 22.30.010 - AS 22.30.080

Chapter 30. Judicial Conduct.

| Section | Section |
|---|--|
| 10. Commission on Judicial Conduct | 60. Rules and confidentiality |
| 11. Powers and duties of the commission | 66. Inquiry |
| 15. Term of office | 68. Minority Reports |
| 20. Employment and compensation generally | 70. Disqualification, suspension, removal, retirement and censure of judges |
| 30. Travel expenses and per diem | 80. Definitions |
| 40. Preparation of budget | |
| 50. Validity of acts of the commission | |

Sec. 22.30.010. Commission on Judicial Conduct. The Commission on Judicial Conduct shall consist of nine members as follows: three persons who are justices or judges of state courts, elected by the justices and judges of the state courts; three members who have practiced law in this state for 10 years, appointed by the governor from nominations made by the governing body of the organized bar and subject to confirmation by a majority of the members of the legislature in joint session; and three citizens who are not judges, retired judges, or members of the state bar, appointed by the governor and subject to confirmation by a majority of the members of the legislature in joint session. Commission membership terminates if a member ceases to hold the position that qualified that person for appointment. A person may not serve on the commission and on the judicial council simultaneously. A quorum of the commission must include at least one person who is a justice or judge, at least one person appointed by the governor who has practiced law in the state for 10 years, and at least one citizen member who is not a justice, judge, or member of the state bar. The commission shall elect one of its members to serve as chairman for a term prescribed by the commission. A vacancy shall be filled by the appointing power for the remainder of the term. (§ 1 ch 213 SLA 1968; am § 23 ch 71 SLA 1972; am § 1 ch 160 SLA 1984; am § 2 ch 135 SLA 1990)

Effect of amendments. — The 1990 amendment added the fourth sentence, relating to a quorum of the commission.

Sec. 22.30.011. Powers and duties of the commission. (a) The commission shall on its own motion or on receipt of a written complaint inquire into an allegation that a judge

- (1) has been convicted of a crime punishable as a felony under state or federal law or convicted of a crime that involves moral turpitude under state or federal law;
- (2) suffers from a disability that seriously interferes with the performance of judicial duties and that is or may become permanent;
- (3) within a period of not more than six years before the filing of the complaint or before the beginning of the commission's inquiry based on its own motion, committed an act or acts that constitute
 - (A) willful misconduct in office;
 - (B) willful and persistent failure to perform judicial duties;
 - (C) conduct prejudicial to the administration of justice;
 - (D) conduct that brings the judicial office into disrepute; or
 - (E) conduct in violation of the code of judicial conduct; or
- (4) is habitually intemperate.

(b) After preliminary informal consideration of an allegation, the commission may exonerate the judge, informally and privately admonish the judge, or recommend counseling. Upon a finding of probable cause, the commission shall hold a formal hearing on the allegation. A hearing under this subsection is public. Proceedings and records pertaining to proceedings that occur before the commission holds a public hearing on an allegation are confidential, subject to the provisions of AS 22.30.060(b).

(c) A judge appearing before the commission at the hearing is entitled to counsel, may present evidence, and may cross-examine witnesses.

(d) The commission shall, after a hearing held under (b) of this section,

(1) exonerate the judge of the charges; or

(2) refer the matter to the supreme court with a recommendation that the judge be reprimanded, suspended, removed, or retired from office or publicly or privately censured by the supreme court.

(e), (f) [*Repealed, § 3 ch 135 SLA 1990.*]

(g) If the commission exonerates a judge, a copy of the proceedings and report of the commission may be made public on the request of the judge.

(h) If a judge has been publicly reprimanded, suspended, or publicly censured under this section and the judge has filed a declaration of candidacy for retention in office, the commission shall report to the judicial council for inclusion in the statement filed by the judicial council under AS 15.58.050 each public reprimand, suspension, or public censure received by the judge

(1) since appointment; or

(2) if the judge has been retained by election, since the last retention election of the judge. (§ 1 ch 58 SLA 1981; am §§ 2—4 ch 160 SLA 1984; am § 13 ch 38 SLA 1987; am §§ 3—5, 11 ch 135 SLA 1990)

Effect of amendments. — The 1990 amendment, in subsection (a), substituted "filing of the complaint or before the beginning of the commission's inquiry based on its own motion" for "start of the current term" in paragraph (3); rewrote subsection (b); in subsection (d), substituted "shall" for "may" in the introductory language, deleted former paragraphs (2) and (3), renumbering former paragraph (4) as present paragraph (2) and making a related grammatical change, and inserted "reprimanded" in present paragraph (2); and repealed subsections (e) and (f).

NOTES TO DECISIONS

Former paragraph (d)(3) unconstitutional. — Alaska Const., Art. IV, § 10 only empowers the commission to recommend sanctions to the Alaska Supreme Court, not to impose them; and therefore former paragraph (d)(3) of this section, repealed in 1990, which empowered the commission to reprimand a judge publicly, was in conflict with the constitution. In re Inquiry Concerning a Judge, 762 P.2d 1292 (Alaska 1988).

Private reprimand. — Judge's self validation of reduced fare tickets through a defunct airline created an appearance of impropriety which warranted the sanction of a private reprimand. In re Inquiry Concerning a Judge, 788 P.2d 716 (Alaska 1990).

Sec. 22.30.015. Term of office. The term of office for a commission member is four years. (§ 1 ch 312 SLA 1968; am § 56 ch 59 SLA 1982)

Cross references. — For terms of members appointed or elected after July 1, 1984, see § 10, ch. 160, SLA 1984 in the Temporary and Special Acts.

Sec. 22.30.020. Employment and compensation generally. The commission may employ officers, assistants, and other employees that it considers necessary for the performance of the duties and exercise of the powers conferred upon the commission; it may arrange for and compensate medical and other experts and reporters, may arrange for the attendance of witnesses, including witnesses not subject to subpoena, and may pay from funds available to it all expenses reasonably necessary for effectuating the purposes of § 10, art. IV, Constitution of the State of Alaska. The attorney general shall, if requested by the commission, act as its counsel generally or in any particular investigation or proceeding. The commission may employ special counsel from time to time when it considers it necessary. (§ 1 ch 213 SLA 1968)

NOTES TO DECISIONS

Attorney's fees not directly provided for. — The statutory scheme implementing the constitutional provision mandating a Commission on Judicial Qualifications does not directly provide for attorney's fees. In re Robson, Sup. Ct. Op. No. 825 (File No. 1552), 500 P.2d 657 (1972).

But arguably they might be treated as expense under this section. — Arguably attorney's fees might be treated as an expense "reasonably necessary for effectuating the purpose of the judicial qualifications section of the Alaska Constitution." In re Robson, Sup. Ct. Op. No. 825 (File No. 1552), 500 P.2d 657 (1972).

Prevailing judge may be allowed reasonable attorney's fees. — In order to effectuate a judge's right of counsel and not to be forced to appear as his or her own attorney, a judge prevailing in a proceeding before the Commission on Judicial Qualifications may, in the discretion of the commission, be allowed reasonable attorney's fees. In re Robson, Sup. Ct. Op. No. 825 (File No. 1552), 500 P.2d 657 (1972).

Sec. 22.30.030. Travel expenses and per diem. Each member of the commission shall be allowed travel expenses and per diem as provided by AS 39.20.180, but may not receive compensation for services. (§ 1 ch 213 SLA 1968)

Sec. 22.30.040. Preparation of budget. The commission shall be responsible for preparing and presenting to the legislature its proposed annual budgets. (§ 1 ch 213 SLA 1968; am § 5 ch 160 SLA 1984)

Effect of amendments. — The 1984 amendment rewrote this section, which formerly read "The Alaska court system shall be responsible for preparing and presenting to the legislature proposed annual budgets for the commission."

Sec. 22.30.050. Validity of acts of the commission. An act of the commission is not valid unless concurred in by a majority of the members serving on the commission at the time the act is taken. (§ 1 ch 213 SLA 1968; am § 6 ch 160 SLA 1984)

Effect of amendments. — The 1984 serving on the commission at the time the amendment substituted "the members act is taken" for "its members."

NOTES TO DECISIONS

The appropriate standard to be applied in regard to commission proceedings is that of clear and convincing evidence. In re Hanson, Sup. Ct. Op. No. 1117 (File No. 2311), 532 P.2d 303 (1975).

Sec. 22.30.060. Rules and confidentiality. (a) The commission shall adopt rules implementing this chapter and providing for confidentiality of proceedings.

(b) All proceedings, records, files, and reports of the commission are confidential and disclosure may not be made except

(1) upon waiver in writing by the judge at any stage of the proceedings;

(2) if the subject matter or the fact of the filing of charges has become public, in which case the commission may issue a statement in order to confirm the pendency of the investigation, to clarify the procedural aspects of the proceedings, to explain the right of the judge to a fair hearing, or to state that the judge denies the allegations; or

(3) upon filing of formal charges, in which case only the charges, the subsequent formal hearing, and the commission's ultimate decision and minority report, if any, are public; even after formal charges are filed, the deliberations of the commission concerning the case are confidential. (§ 1 ch 213 SLA 1968; am § 7 ch 160 SLA 1984; am § 6 ch 135 SLA 1990)

Effect of amendments. — The 1990 amendment rewrote paragraph (b)(3).

Sec. 22.30.066. Inquiry. (a) The commission may subpoena witnesses, administer oaths, take the testimony of any person under oath, and require the production for examination of documents or records relating to its inquiry under AS 22.30.011.

(b) In the course of an inquiry under AS 22.30.011 into judicial misconduct or the disability of a judge, the commission may request the judge to submit to a physical or mental examination. If the judge refuses to submit to the examination, the commission shall determine the issue for which the examination was required adversely to the judge. (§ 2 ch 58 SLA 1981; am § 8 ch 160 SLA 1984)

Effect of amendment. — The 1984 amendment added subsection (b).

Collateral references. — Confidentiality of proceedings or reports of judicial board or commission. 5 ALR 4th 730.

Sec. 22.30.068. Minority reports. A member of the commission who believes that the commission failed to impose an appropriate disciplinary measure after a hearing under AS 22.30.011(b) may submit a report recommending a different disciplinary measure. The report shall accompany the majority report and may be submitted by the member to the chief justice of the supreme court, the attorney general, and the chair of the senate and house judiciary committees. (§ 7 ch 135 SLA 1990)

Effective dates.—Section 7, ch. 135, SLA 1990, which enacted this section, took effect on September 12, 1990.

Sec. 22.30.070. Disqualification, suspension, removal, retirement and censure of judges. (a) A judge is disqualified from acting as a judge, without loss of salary, while there is pending (1) an indictment or an information charging the judge in the United States with a crime punishable as a felony under Alaska or federal law, or (2) a recommendation to the supreme court by the commission for the removal or retirement of the judge.

(b) On recommendation of the commission, the supreme court may reprimand, publicly or privately censure, or suspend a judge from office without salary when in the United States the judge pleads guilty or no contest or is found guilty of a crime punishable as a felony under state or federal law or of a crime that involves moral turpitude under state or federal law. If the conviction is reversed, suspension terminates, and the judge shall be paid the judge's salary for the period of suspension. If the judge is suspended and the conviction becomes final, the supreme court shall remove the judge from office.

(c) On recommendation of the commission, the supreme court may (1) retire a judge for disability that seriously interferes with the performance of duties and that is or may become permanent, and (2) reprimand, publicly or privately censure, or remove a judge for action occurring not more than six years before the commencement of the judge's current term which constitutes willful misconduct in the office, willful and persistent failure to perform duties, habitual intemperance, conduct prejudicial to the administration of justice, or conduct that brings the judicial office into disrepute. The effective date of retirement under (1) of this subsection is the first day of the month coinciding with or after the date that the supreme court files written notice with the commissioner of administration that the judge was retired for disability. A duplicate copy of the notice shall be filed with the judicial council.

(d) A judge retired by the supreme court shall be considered to have retired voluntarily. A judge removed by the supreme court is ineligible for judicial office for a period of three years.

(e) A supreme court justice who has participated in proceedings involving a judge or justice of any court may not participate in an appeal involving that judge or justice in that particular matter. (§ 1 ch 213 SLA 1968; am §§ 3, 4 ch 58 SLA 1981; am § 14 ch 38 SLA 1987; am §§ 8, 9 ch 135 SLA 1990)

Effect of amendments. — The 1990 amendment deleted "or after an appeal under AS 22.30.011(e)" after "recommendation of the commission" and inserted "reprimand" before "publicly" and made punctuation changes in the first sentences of subsections (b) and (c).

Sec. 22.30.080. Definitions. In this chapter

(1) "commission" means the Commission on Judicial Conduct provided for in § 10, art. IV, Constitution of the State of Alaska and this chapter;

(2) "judge" means a justice of the supreme court, a judge of the court of appeals, a judge of the superior court, or a judge of the district court who is the subject of an investigation or proceeding under § 10, art. IV, Constitution of the State of Alaska and this chapter, including a justice or judge who is serving in a full-time, part-time, permanent, or temporary position. (§ 1 ch 213 SLA 1968; am § 19 ch 12 SLA 1980; am § 9 ch 160 SLA 1984; am § 10 ch 135 SLA 1990)

Effect of amendments. — The 1990 amendment added the phrase beginning "including a justice" to the end of paragraph (2).