

Alaska Commission on Judicial Conduct

Meeting of June 27, 2025

Public Session

10:30 a.m. - 12:00 p.m.

Anchorage

AGENDA *(draft as of 6/5/2025)*
COMMISSION ON JUDICIAL CONDUCT
June 27, 2025
Public Session
Anchorage

		TAB
10:30-10:40	Determine Quorum/Review Agenda/Approve Prior Minutes	A
10:40-11:00	Director's Report <ul style="list-style-type: none">• FY25 Current Budget/FY26 Budget to Governor• Status of Complaint Processing/Advisory Opinions• Professional Activities• Commission Member Status	B
11:00-11:20	Proposed Rule Change – Public Participation	C
11:20-11:30	New Business/Set Next Meeting Date	
11:30-12:00	Public Comments	

Meeting of June 27, 2025

PUBLIC SESSION

Table of Contents

PUBLIC SESSION

TAB A - Public Session Minutes

Draft Public Session Minutes from 7 March 2025 Quarterly Meeting	7
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TAB B - Director's Report

Budget

FY25 Budget: Current Status	<i>handout</i>
FY25 Budget: Projected	<i>handout</i>
FY26 Budget: Status	
Enrolled Allocation Totals	14
Enrolled Transaction Change Details	17
FY26 Requested Budget.....	21

Professional Activities

April 2025 Magistrate Judge Conference Agenda	47
PowerPoint: "Judicial Outreach and Community Involvement"	53
June 2025 Thomson Reuters Institute Judicial Advisory Committee Meeting Notice	63
Travel Report & Request Memo	65
Commission Member Status: Update on Commissioner Terms	67

TAB C – Proposed Rule Change: 1(h) Public Participation

Recommended New Language: Rule 1 (h)	71
Recommended New Language: Compared	72
2/12/2025 Memo	73

PUBLIC SESSION INFORMATIONAL

Supreme Court Order No. 2038

March 12, 2025: "Order regarding pending criminal cases filed before January 1, 2023 and Criminal Rules 45 and 16(e)(1)"	78
--	----

News Article – Kodiak Daily Mirror

March 6, 2025: "Wallace leaves legacy of fairness, service"	83
---	----

Judicial Appointment Letters

April 14, 2025: Colleen Baxter – Kodiak Superior Court.....	85
---	----

April 14, 2025: Glenn Shidner – Palmer District Court	86
April 14, 2025: Marika Athens – Anchorage Superior Court	87
April 16, 2025: Patrick McKay, Jr. – Palmer District Court	88
<u>PowerPoint – Thomson Reuters Institute Judicial Advisory Committee Meeting</u>	
June 2, 2025: “Maintaining Public Trust in a Changing World”	90
<u>Publications</u>	
<i>Judges’ Journal</i> Vol. 64, No.2 Spring 2025. “State Constitutions Anchor Judicial Conduct Commissions” by Marla N. Greenstein.....	97

CONSTITUTIONAL AND STATUTORY PROVISIONS GOVERNING THE COMMISSION

ALASKA CONSTITUTION. Article 4, Section 10 – Article 4, Section 14	100
ALASKA STATUTES. AS 22.30.010 – AS 22.30.080.....	105

Public Session

Tab A

Draft Public Session Minutes

DRAFT

COMMISSION ON JUDICIAL CONDUCT

March 7, 2025

Anchorage & Zoom

Public Session

Vice-Chair McClintock called the public session to order at 9:35 a.m. Present were judge members Temple and Wheelles, attorney members Mores and Satterberg, and public members Fletcher and Kilbourn. Commission Chair Judge Amy Mead was unavailable for the beginning of public session. Commissioner Sheldon was unavailable for the meeting. Also present was the Commission's Executive Director, Marla Greenstein and Administrative Assistant Aleta Bartimmo.

Before proceeding with the agenda, Vice-Chair McClintock administered the oath of office to newly appointed attorney member William Satterberg. There were no changes to the agenda. The Commission then reviewed the prior public session meeting minutes. Commissioner Temple moved approval of the December 6, 2024 public meeting minutes. Commissioner Mores seconded the motion and the minutes were approved unanimously.

Executive Director Greenstein presented the director's report. Ms. Greenstein reported on the current year FY25 budget. The Commission will continue to have no overnight stays for months where the hotels are not providing government rates.

Complaint processing is current, with 3 complaints currently needing investigation after this meeting. Ms. Greenstein also reported on the informal advisory opinions she gave since the last meeting. At this point, Commissioner Mead joined the meeting. There were a total of 47 since the December meeting: 40 of which were given to judges, 2 to magistrates, 3 to pro tem judges, 1 to a court administrator, and 1 to a fully retired judge.

Ms. Greenstein next reported on her professional activities. The Code Revision Committee is completing their review with the Alaska Supreme Court. She also reported on her communications with the Court Rules Attorney and as the previous Code Revision Committee had a public member, there should not be a barrier to a future committee having one. 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 is working on a committee attempting to draft a Code of Conduct for law clerks. She also continues her ethics column for the Judges Journal. In her state activities she presented with Judge Wollenberg for the Newer Judge Conference on Workplace Conduct and presented for two "Bench/Press" programs. Ms. Greenstein will also be doing a program at the April Magistrates Conference on "Engaging in your Community while Preserving Impartiality".

The Commission next considered a proposed change to the Commission's current Rule 1(h) that addresses how to handle speaking requests. The proposal would seek to adopt formally the changes that the Commission has been using over the past year that requires less notice from speakers than the Rule currently requires.

After some discussion concerning the specific changes that the Commission may want to adopt, the matter was deferred, to be reconsidered at a future meeting. The Commission will continue to operate under its temporary adjustments.

The Commission discussed possible dates in June for the next Commission meeting. A specific date could not be identified and would be determined later. Commissioner Mead left the meeting to rejoin later for Closed Session.

A draft 2024 Annual Report was reviewed. There were some minor changes suggested and noted. With those changes, Commissioner Mores moved to approve the 2024 Annual Report. Commissioner Temple seconded the motion and the report was approved unanimously.

Two members of the public gave spoken comments to the Commission, Ms. Moore and Mr. Martin.

Public Session adjourned at 11:02 a.m.

Tab B

Director's Report

Budget

FY25 Budget: Current Status

(Will be a Handout)

FY25 Budget: Projected

(Will be a Handout)

FY26 Budget: Status

2025 Legislature - Operating Budget
Allocation Totals - Enrolled Structure

2025 Legislature - Operating Budget Allocation Totals - Enrolled Structure

Numbers and Language
Agencies: Judiciary

Agency: Judiciary

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

	[1] 25MgtPIn	[2] AdjBase+	[3] GovAmd+	[4] House	[5] Senate	[6] ConfCom	[7] Enrolled	[7] - [1] 25MgtPIn to Enrolled		[7] - [2] AdjBase+ to Enrolled		[7] - [3] GovAmd+ to Enrolled		[7] - [4] House to Enrolled		[7] - [5] Senate to Enrolled		[7] - [6] ConfCom to Enrolled
Total	546.2	569.4	613.9	613.9	569.4	577.9	577.9	31.7	5.8 %	8.5	1.5 %	-36.0	-5.9 %	-36.0	-5.9 %	8.5	1.5 %	0.0
<u>Objects of Expenditure</u>																		
1 Personal Services	444.7	467.9	467.9	467.9	467.9	467.9	467.9	23.2	5.2 %	0.0		0.0		0.0		0.0		0.0
2 Travel	22.0	22.0	53.0	53.0	22.0	22.0	22.0	0.0		0.0		-31.0	-58.5 %	-31.0	-58.5 %	0.0		0.0
3 Services	67.5	67.5	81.0	81.0	67.5	76.0	76.0	8.5	12.6 %	8.5	12.6 %	-5.0	-6.2 %	-5.0	-6.2 %	8.5	12.6 %	0.0
4 Commodities	7.0	7.0	7.0	7.0	7.0	7.0	7.0	0.0		0.0		0.0		0.0		0.0		0.0
5 Capital Outlay	5.0	5.0	5.0	5.0	5.0	5.0	5.0	0.0		0.0		0.0		0.0		0.0		0.0
7 Grants, Benefits	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0		0.0		0.0		0.0		0.0
8 Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0		0.0		0.0		0.0		0.0
<u>Funding Sources</u>																		
1004 Gen Fund (UGF)	546.2	569.4	613.9	613.9	569.4	577.9	577.9	31.7	5.8 %	8.5	1.5 %	-36.0	-5.9 %	-36.0	-5.9 %	8.5	1.5 %	0.0
<u>Positions</u>																		
Perm Full Time	2	2	2	2	2	2	2	0		0		0		0		0		0
Perm Part Time	0	0	0	0	0	0	0	0		0		0		0		0		0
Temporary	0	0	0	0	0	0	0	0		0		0		0		0		0
<u>Funding Summary</u>																		
Unrestricted General (UGF)	546.2	569.4	613.9	613.9	569.4	577.9	577.9	31.7	5.8 %	8.5	1.5 %	-36.0	-5.9 %	-36.0	-5.9 %	8.5	1.5 %	0.0

Column Definitions

25MgtPln (FY25 Management Plan) - Authorized level of expenditures at the beginning of FY25 plus Position Adjustments and transfers (made at an agency's discretion) within appropriations.

AdjBase+ (AdjBase+) - FY26 Adjusted Base plus University structural transfers received with the February 19, 2025 Governor's Amended operating request.

GovAmd+ (GovAmd Plus Amds Rec'd Late) - The Governor's amended FY26 operating budget, including all amendments received by the statutory deadline of February 19, 2025 (GovAmd), as well as any Governor's amendments received after the deadline.[GovAmd 4/25+GovAmd 5/2+GovAmd 5/7+GovAmd 5/12+GovAmd+GovAmd 3/5+GovAmd 3/13]

House (House Operating Budget) - House substitute for the operating budget.

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

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

Enrolled (Enrolled Operating) - Enrolled operating budget.

2025 Legislature - Operating Budget

Transaction Change Detail - Enrolled Structure

2025 Legislature - Operating Budget Transaction Change Detail - Enrolled Structure

Numbers and Language

Agency: Judiciary

Appropriation: Commission on Judicial Conduct

Allocation: Commission on Judicial Conduct

Transaction Title	Trans Type	Total Expenditure	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants	Misc	PFT	PPT	TMP
* * * FY25 Management Plan * * *												
FY25 Enrolled Numbers	25Enroll	521.6	414.6	27.5	67.5	7.0	5.0	0.0	0.0	2	0	0
1004 Gen Fund (UGF)		521.6										
L FY25 Enrolled Language	25LangEn	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Compensation for Certain State Employees Ch5 SLA2024 (SB259) (Sec2 Ch7 SLA2024 P57 L12 (HB268))	FisNot25	30.1	30.1	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund (UGF)		30.1										
Add Travel Cost Adjustment	Veto	-5.5	0.0	-5.5	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund (UGF)		-5.5										
FY25 Management Plan Total		546.2	444.7	22.0	67.5	7.0	5.0	0.0	0.0	2	0	0
* * * Changes from FY25 Management Plan to AdjBase+ * * *												
L Reverse FY2025 Special Counsel Costs Sec29 Ch7 SLA2024 P98 L6 (HB268)	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 FY2026 Special Counsel Costs Related to Unanticipated Investigations, 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										
FY2026 Transfers and Salary Adjustments	SalAdj	23.2	23.2	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund (UGF)		23.2										
AdjBase+ Total		569.4	467.9	22.0	67.5	7.0	5.0	0.0	0.0	2	0	0
* * * Changes from AdjBase+ to GovAmd Plus Amds Rec'd Late * * *												
Increasing Costs of Leases, Document Archive Storage Fees, and Software Licensing	Inc	8.5	0.0	0.0	8.5	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund (UGF)		8.5										
Increased Travel and Conference Expenses	IncOTI	36.0	0.0	31.0	5.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund (UGF)		36.0										
GovAmd Plus Amds Rec'd Late Total		613.9	467.9	53.0	81.0	7.0	5.0	0.0	0.0	2	0	0
* * * Changes from GovAmd Plus Amds Rec'd Late to House Operating Budget * * *												
House Operating Budget Total		613.9	467.9	53.0	81.0	7.0	5.0	0.0	0.0	2	0	0
* * * Changes from House Operating Budget to Senate * * *												
Increasing Costs of Leases, Document Archive Storage Fees, and Software Licensing	Inc	8.5	0.0	0.0	8.5	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund (UGF)		8.5										
Increased Travel and Conference Expenses	IncOTI	36.0	0.0	31.0	5.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund (UGF)		36.0										
Senate Total		569.4	467.9	22.0	67.5	7.0	5.0	0.0	0.0	2	0	0
* * * Changes from Senate to Conference Committee * * *												
Conference Committee Total		577.9	467.9	22.0	76.0	7.0	5.0	0.0	0.0	2	0	0

2025 Legislature - Operating Budget Transaction Change Detail - Enrolled Structure

Numbers and Language

Agency: Judiciary

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

Transaction Title	Trans Type	Total Expenditure	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants	Misc	PFT	PPT	TMP
* * * Changes from Conference Committee to Enrolled Operating * * *												
Enrolled Operating Total		577.9	467.9	22.0	76.0	7.0	5.0	0.0	0.0	2	0	0

Column Definitions

25MgtPln (FY25 Management Plan) - Authorized level of expenditures at the beginning of FY25 plus Position Adjustments and transfers (made at an agency's discretion) within appropriations.

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FY26 Budget Request

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.



Marla N. Greenstein, Executive Director



Date

Agency Cover Page
Form A1

FY 2026

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 2026

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 2026

CONTACT:				
Marla N. Greenstein, Executive Director, 272-1033				
COMPONENT GOALS:	EXPENDITURE:			
	Personal Services	401.4	414.6	467.9
	Other Program Costs	151.8	101.5	146.0
	TOTAL	553.2	516.1	613.9
	FUNDING SOURCES:			
	Constit. Bdgt. Reserve			
	General Fund Match			
	General Fund	553.2	516.1	613.9
	GF Program Receipts			
	GF Mental Health			
	Other Funds	-	-	-
	TOTAL	553.2	516.1	613.9
	STAFFING:			
	Permanent Full-Time	2	2	2
	Permanent Part-Time	-	-	-
Non Permanent	-	-	-	
DESCRIPTION OF COMPONENT SERVICES:				
<p>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 state-wide participation.</p>				

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 2025 Conference Committee Report	516.1	1004	516.1	PFT	2							
				PPT		414.6	22.0	67.5	7.0	5.0		
2. Fiscal Notes/Other Appropriation Bills				PFT								
				PPT								
3. Vetoes				PFT								
				PPT								
4. COLA & Other Adjustments				PFT								
				PPT								
5. FY 2025 Authorized	516.1	1004	516.1	PFT	2							
				PPT		414.6	22.0	67.5	7.0	5.0		
6. One-Time Items				PFT								
				PPT								
7. FY 2025 Adusted Base	516.1	1004	516.1	PFT	2							
				PPT		414.6	22.0	67.5	7.0	5.0		
8. HB259 Adjustment				PFT								
	30.1	1004	30.1	PPT		30.1						
9. FY 2026 Base	546.2	1004	546.2	PFT	2							
				PPT		444.7	22.0	67.5	7.0	5.0		
10. Transfers/Salary Adj. (see C2 Continuation)				PFT								
	23.2	1004	23.2	PPT		23.2						
11. FY 2026 Adjusted Base	569.4	1004	569.4	PFT	2							
				PPT		467.9	22.0	67.5	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 2026

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

FY2026 PERS Increase from 26.76% to 28.33%	4.5
FY2026 SBS Max Increase from \$168,600 to \$176,100	0.5
FY2026 Health Insurance Increase from \$1,908.00/mo to \$2,030.11/mo	2.9
FY2026 3% Salary Increase	<u>15.3</u>
Total Line 10 Adjustments	<u><u>23.2</u></u>

**Adjusted Base
Continuation
Form C2**

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

FY 2026

TITLE:**Increased Travel and Conference 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 FY2026. An additional \$5,000 for in-state travel will provide for four in-person quarterly Commission meetings.

The largest portion of our travel increment, \$31,000, will provide for increased out-of-state travel costs, largely for Commission member registration and participation in the only national training for judicial conduct commission members that will be held in FY2026. The \$5,000 contractual services line is attributable to the registration fees for that training conference.

CODE	EXPENDITURE	AMOUNT
100	Personal Services	
200	Travel and Moving	31.0
300	Contractual Services	5.0
400	Supplies and Materials	
500	Capital Outlay	
	Total	36.0
	FUNDING SOURCES	
1002	Federal Receipts	
1003	General Fund Match	
1004	General Fund	36.0
1005	GF Program Receipts	
1007	Interagency Receipts	
1037	GF Mental Health	
1092	MHTAAR	
1108	Statutory Designated Program Receipts	
	Total	36.0
	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 2026

TITLE: Increased Operational Maintenance Expenses																																																																				
DESCRIPTION: This \$8,500 increment will provide for increasing costs of leases, document archival storage fees, and software licensing.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">CODE</th> <th style="text-align: left;">EXPENDITURE</th> <th style="text-align: right;">AMOUNT</th> </tr> </thead> <tbody> <tr><td>100</td><td>Personal Services</td><td></td></tr> <tr><td>200</td><td>Travel and Moving</td><td></td></tr> <tr><td>300</td><td>Contractual Services</td><td style="text-align: right;">8.5</td></tr> <tr><td>400</td><td>Supplies and Materials</td><td></td></tr> <tr><td>500</td><td>Capital Outlay</td><td></td></tr> <tr><td colspan="2"></td><td></td></tr> <tr><td colspan="2" style="text-align: right;">Total</td><td style="text-align: right;">8.5</td></tr> <tr><td colspan="3" style="text-align: center;">FUNDING SOURCES</td></tr> <tr><td>1002</td><td>Federal Receipts</td><td></td></tr> <tr><td>1003</td><td>General Fund Match</td><td></td></tr> <tr><td>1004</td><td>General Fund</td><td style="text-align: right;">8.5</td></tr> <tr><td>1005</td><td>GF Program Receipts</td><td></td></tr> <tr><td>1007</td><td>Interagency Receipts</td><td></td></tr> <tr><td>1037</td><td>GF Mental Health</td><td></td></tr> <tr><td>1092</td><td>MHTAAR</td><td></td></tr> <tr><td>1108</td><td>Statutory Designated Program Receipts</td><td></td></tr> <tr><td colspan="2" style="text-align: right;">Total</td><td style="text-align: right;">8.5</td></tr> <tr><td colspan="3" style="text-align: center;">STAFFING</td></tr> <tr><td colspan="2">Permanent Full-Time</td><td></td></tr> <tr><td colspan="2">Permanent Part-Time</td><td></td></tr> <tr><td colspan="2">Non-Permanent</td><td></td></tr> </tbody> </table>	CODE	EXPENDITURE	AMOUNT	100	Personal Services		200	Travel and Moving		300	Contractual Services	8.5	400	Supplies and Materials		500	Capital Outlay					Total		8.5	FUNDING SOURCES			1002	Federal Receipts		1003	General Fund Match		1004	General Fund	8.5	1005	GF Program Receipts		1007	Interagency Receipts		1037	GF Mental Health		1092	MHTAAR		1108	Statutory Designated Program Receipts		Total		8.5	STAFFING			Permanent Full-Time			Permanent Part-Time			Non-Permanent			
CODE	EXPENDITURE	AMOUNT																																																																		
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**Increment/Decrement
Request
Form C5**

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

Page 1 of 1

FY 2026

CODE	PERSONAL SERVICES CLASSIFICATION	FY 2024 ACTUAL	FY 2025 AUTHORIZED	FY 2026 ADJUSTED BASE	CHANGE	FY 2026 REQUEST
1000	TOTAL PERSONAL SERVICES	401.4	414.6	467.9		467.9
	INTERAGENCY TRANSFERS (NON-ADD)					

1001	Constitutional Budget Reserve					
1002	Federal Receipts					
1003	General Fund Match					
1004	General Fund	401.4	414.6	467.9	-	467.9
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 2026

Type	Permanent Positions							Non-Permanent Positions					
	PFT	PPT	Mo.	Salary	Benefits	FY 2025 Total	FY 2026 Total	NPP	Mo.	Salary	Benefits	FY 2025 Total	FY 2026 Total
Classified Positions	2	-	24	289,692	156,161	445,853	467,854						
Total Salary and Benefits (Permanent & Non-Permanent Positions)						445,853	467,854						
Authorized Funding (FY25 Enacted and HB259)						445,300	467,900						
Balance						(553)	46						

**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 2026

PCN	BU	Title	Type	COLA Step	Range / Step	Bi-Weekly Salary	Months	FY 2025			FY 2026
								Salary	Benefits	Total	Salary & Benefits
410021	XJ	Executive Director	PFT	0	27R	8,649.00	12	224,874	107,799	332,673	347,218
410022	XJ	Administrative Assistant	PFT	0	12G	2,493.00	12	64,818	48,362	113,180	120,636
<u>Classified positions</u>											
		Permanent full-time	2				24	289,692	156,161	445,853	467,854
		Permanent part-time	-				-	-	-	-	-
		Total	2				24	289,692	156,161	445,853	467,854

**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 2026

CODE	TRAVEL CLASSIFICATION	FY 2024 ACTUAL	FY 2025 AUTHORIZED	FY 2026 ADJUSTED BASE	CHANGE	FY 2026 REQUEST
2000	TOTAL TRAVEL	35.4	22.0	22.0	31.0	53.0
	INTERAGENCY TRANSFERS (NON ADD)					

1001	Constitutional Budget Reserve					
1002	Federal Receipts					
1003	General Fund Match					
1004	General Fund	35.4	22.0	22.0	31.0	53.0
1005	GF/Program Receipts					
1037	GF/Mental Health Trust					
1007	I-A Receipts					

2000	In-State Travel	7.4	14.0	14.0	5.0	19.0
2001	Out-of-State Travel	28.0	8.0	8.0	26.0	34.0

**Travel
Form C200**

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

Page 1 of 2

FY 2026

CODE	DESCRIPTION	FY 2025 AUTHORIZED	FY 2026 ADJUSTED BASE	FY 2026 REQUEST
2000	In-State Travel 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. FY 2025 Authorized <u>14,000</u> Increment: 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 FY2026. An additional \$5,000 for in-state travel will provide for four in-person quarterly Commission meetings. <u>5,000</u>	14.0	14.0	19.0
2001	Out-of-State Travel This expenditure classification includes the transportation and per diem costs of Commission members and staff to attend out-of-state meetings. FY 2025 Authorized <u>8,000</u>	8.0	8.0	34.0
			-	-

Travel (Continued)
Form C200

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

Page 2 of 2

FY 2026

CODE	DESCRIPTION	FY 2025 AUTHORIZED	FY 2026 ADJUSTED BASE	FY 2026 REQUEST
	<p>Increment:</p> <p>Travel costs have increased over the years, especially since coming after the pandemic travel limitations. This request for \$26,000, will provide for increased out-of-state travel costs, largely for Commission member participation in the only national training for judicial conduct commission members that will be held in FY2026.</p> <p style="text-align: right;"><u>26,000</u></p>			

Travel (Continued)
Form C200

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

Page 3 of 3

FY 2026

CODE	SERVICES CLASSIFICATION	FY 2024 ACTUAL	FY 2025 AUTHORIZED	FY 2026 ADJUSTED BASE	CHANGE	FY 2026 REQUEST
3000	TOTAL SERVICES	113.2	67.5	67.5	13.5	81.0
	INTERAGENCY TRANSFERS (NON-ADD)					

1001	Constitutional Budget Reserve					
1002	Federal Receipts					
1003	General Fund Match					
1004	General Fund	113.2	67.5	67.5	13.5	81.0
1005	GF/Program Receipts					
1037	GF/Mental Health Trust					
1007	I-A Receipts					

3000	Education Services	4.1	4.0	4.0	5.0	9.0
3002	Legal & Judicial Services	59.8	-	-	-	-
3004	Telecommunications	4.4	5.2	5.2	-	5.2
3006	Delivery Services	0.7	1.9	1.9	-	1.9
3007	Advertising and Promotions	0.4	2.0	2.0	-	2.0
3009	Building Rentals / Leases	43.4	51.0	51.0	5.0	56.0
3010	Equipment Repairs / Maintenance	-	3.2	3.2	-	3.2
3011	Other Services	0.4	0.2	0.2	3.5	3.7

**Services
Form C300**

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

Page 1 of 4

FY 2026

CODE	DESCRIPTION	FY 2025 AUTHORIZED	FY 2026 ADJUSTED BASE	FY 2026 REQUEST
3000	Educational Services This classification provides for fees for training and conferences, agency memberships and employee tuition. FY 2025 Authorized <u>4,000</u> Increment: This \$5,000 increment provides for increases in Commission membership and conference registrations, including the NCSC Judicial Ethics College (Commission member training conference). <u>5,000</u>	4.0	4.0	9.0
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 2025 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 2025 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

Page 2 of 4

FY 2026

CODE	DESCRIPTION	FY 2025 AUTHORIZED	FY 2026 ADJUSTED BASE	FY 2026 REQUEST
3006	Delivery Services This category includes expenditures for mailing fees and postage. The cost of postage and shipping continues to increase yearly. FY 2025 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 2025 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 2022 - August 2025. FY 2025 Authorized <u>51,000</u> Increment: This increment will provide for increased costs of leases and document archival storage fees. <u>5,000</u>	51.0	51.0	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 2026

CODE	DESCRIPTION	FY 2025 AUTHORIZED	FY 2026 ADJUSTED BASE	FY 2026 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 2025 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 2025 Authorized <u>200</u> Increment: This increment will provide for increased costs of software licensing. <u>3,500</u>	0.2	0.2	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 2026

CODE	COMMODITIES CLASSIFICATION	FY 2024 ACTUAL	FY 2025 AUTHORIZED	FY 2026 ADJUSTED BASE	CHANGE	FY 2026 REQUEST
4000	TOTAL COMMODITIES	2.6	7.0	7.0	-	7.0
	INTERAGENCY TRANSFERS (NON-ADD)					

1001	Constitutional Budget Reserve					
1002	Federal Receipts					
1003	General Fund Match					
1004	General Fund	2.6	7.0	7.0	-	7.0
1005	GF/Program Receipts					
1037	GF/Mental Health Trust					
1007	I-A Receipts					

4000	Office and Library Supplies	2.6	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 2026

CODE	DESCRIPTION	FY 2025 AUTHORIZED	FY 2026 ADJUSTED BASE	FY 2026 REQUEST
4000	Office and Library Supplies This expenditure classification provides for general office supplies, stationery, educational books, directories, manuals and state forms. FY 2025 Authorized <u><u>7,000</u></u>	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 2026

CODE	CAPTIAL OUTLAY CLASSIFICATION	FY 2025 ACTUAL	FY 2025 AUTHORIZED	FY 2026 ADJUSTED BASE	CHANGE	FY 2026 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 2026

CODE	CAPTIAL OUTLAY CLASSIFICATION	FY 2025 ACTUAL	FY 2025 AUTHORIZED	FY 2026 ADJUSTED BASE	CHANGE	FY 2026 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 2026

CODE	DESCRIPTION	FY 2025 AUTHORIZED	FY 2026 ADJUSTED BASE	FY 2026 REQUEST
5002	Infrastructure and Equipment over \$5,000 This expenditure classification provides for replacement office equipment. FY 2025 Authorized <u><u>5,000</u></u>	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

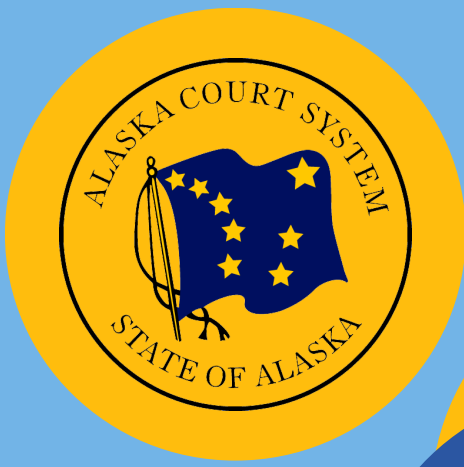
Page 2 of 2

FY 2026

Professional Activities

2025 Magistrate Judge Conference

Conference Agenda



ALASKA COURT SYSTEM

**MAGISTRATE
JUDGE
CONFERENCE**

April 1-4, 2025

**SNOWDEN TRAINING
CENTER**

**ALASKA COURT SYSTEM
2025 MAGISTRATE JUDGE CONFERENCE
TUESDAY, APRIL 1**

8:30 AM

WELCOME

Chief Justice Susan Carney, Alaska Supreme Court
Judge Earl Peterson, Superior Court, Fairbanks

8:45 AM

**DOMESTIC VIOLENCE WORKSHOP PRESENTED BY:
THE NATIONAL COUNCIL OF JUVENILE AND FAMILY
COURT JUDGES**

NCJFCJ Workshop Faculty:

Judge Berryl Anderson, Chief Magistrate Judge, Dekalb County Court

Judge H. Lee Chitwood, Pulaski Juvenile and Domestic Relations Court,
Pulaski, VA

Judge Michael Long, Grand Traverse Band of Ottawa and
Chippewa Indians

Judge Zuberi Williams, Associate Judge, District Court of Maryland
Darren Mitchell, JD, NCJFCJ Fellow

Bridgett Ortega, MA, JD, DM (Ret.), Associate Dean of Experiential
Learning, John Marshall School of Law

Maureen Reid, MSW, RSW, Social Work Consultant

9:00 AM

**VICTIM/SURVIVOR AND ABUSIVE PARTNER
BEHAVIOR**

Using videos, brief lectures highlighting the newest research/information available, and facilitated discussion, this segment will help participants identify the impact of domestic abuse on adult and child victims, including their protection and restoration requirements.

10:30 AM

BREAK

10:45 AM

**VICTIM/SURVIVOR AND ABUSIVE PARTNER
BEHAVIOR - CONTINUED**

**ALASKA COURT SYSTEM
2025 MAGISTRATE JUDGE CONFERENCE**

TUESDAY, APRIL 1

12:15 PM

LUNCH WITH COLLEAGUES

Attendees will go out to lunch in assigned groups.

1:30 PM

**VICTIM/SURVIVOR AND ABUSIVE PARTNER
BEHAVIOR AND THE EFFECTS ON CHILDREN**

3:00 PM

BREAK

3:15 PM

**VICTIM/SURVIVOR AND ABUSIVE PARTNER
BEHAVIOR AND THE EFFECTS ON CHILDREN -
CONTINUED**

3:45 PM

INFORMATION AND CONTEXT

This segment will connect the previous discussions on identifying the nature and context of domestic violence and its effects with discussions around information sharing and fact-finding to assist with decision making.

4:15 PM

WRAP-UP AND EVALUATIONS

4:30 PM

ADJOURN

**ALASKA COURT SYSTEM
2025 MAGISTRATE JUDGE CONFERENCE
WEDNESDAY, APRIL 2**

8:30 AM

NCJFCJ'S DV WORKSHOP - CONTINUED

ACCESS TO JUSTICE

This segment focuses on the role of the judicial officer in advancing access to justice in the court and personal wellness. Faculty will facilitate an exercise based on a real case and identify the role of various system professionals in creating responses to domestic abuse. Participants will also have an opportunity to explore the impact of domestic abuse cases on personal wellness and access to justice.

10:30 AM

BREAK

10:55 AM

ACCESS TO JUSTICE - CONTINUED

12:00 PM

LUNCH ON YOUR OWN

1:15 PM

ENHANCING ACCESS TO JUSTICE

This segment includes conversation and exercises to discuss language access, cultural responsiveness, procedural justice, and opportunities to engage in peer-to-peer discussions of strategies for promoting access to the justice system and creating meaningful responses to survivors and abusive partners.

2:30 PM

BREAK

2:45 PM

**ENHANCING ACCESS TO JUSTICE -
CONTINUED**

4:20 PM

WRAP-UP AND EVALUATIONS

4:30 PM

ADJOURN

**ALASKA COURT SYSTEM
2025 MAGISTRATE JUDGE CONFERENCE
THURSDAY, APRIL 3**

8:30 AM

NCJFCJ'S DV WORKSHOP - CONTINUED

**FACT FINDING: GETTING INFORMATION AND
SETTING EXPECTATIONS FOR PRACTITIONERS**

This segment focuses on the connection between information processing and decision-making. Participants will analyze scenarios to determine strategies for identifying missing information and determining relevancy and context for decision-making.

10:30 AM

BREAK

10:45 AM

DECISION-MAKING

This segment focuses on how judicial officers can apply the law to the facts in cases involving domestic abuse. Using hypothetical cases and facilitated discussions, participants will practice making decisions in a variety of criminal and civil proceedings.

12:00 PM

NCJFCJ'S DV WORKSHOP ADJOURNS

12:00 PM

**LUNCH & MAGISTRATE JUDGES PROFESSIONAL
ASSOCIATION MEETING**

1:15 PM

MINDFULNESS

Tara Lampert, Alaska Center for Mindfulness

2:15 PM

BREAK

2:30 PM

GUARDIANSHIP

Judge Una Gandbhir, Superior Court, Anchorage

Lisa Wawrzonek, Guardianship Compliance Officer & Court Visitor Administrator

3:30 PM

BREAK

3:45 PM

JUDICIAL OUTREACH & COMMUNITY INVOLVEMENT

Marla Greenstein, Executive Director, Alaska Commission on Judicial Conduct

4:45 PM

ADJOURN

6:00 PM

DINNER AT JUDGE PETER RAMGREN'S HOUSE

5

**ALASKA COURT SYSTEM
2025 MAGISTRATE JUDGE CONFERENCE**

FRIDAY, APRIL 4

8:30 AM

WELCOME BACK

APPELLATE UPDATE

Senior Justice Joel Bolger, Alaska Supreme Court

10:00 AM

BREAK

10:15 AM

**TOUR OF THE ALASKA SUPREME COURT,
ALASKA COURT OF APPEALS & OFFICE OF
THE APPELLATE CLERK**

11:45 AM

**DISTRICT MEETINGS - LUNCH PROVIDED
LOCATIONS TBA**

1:30 PM

**EFFECTIVE JUDICIAL WRITING - THE DO'S
AND DON'TS OF MASTERS REPORTS**

Justice Jennifer Henderson, Alaska Supreme Court

Judge Jason Gist, Superior Court, Kenai

2:30 PM

BREAK

3:00 PM

EVIDENCE CRANIUM

Hosted by Judge Leslie Dickson, District Court, Anchorage &
Magistrate Judge Spenser Ruppert, Fairbanks

4:30 PM

ADJOURN

2025 Magistrate Judge Conference

Judicial Outreach and Community Involvement

Judicial Outreach and Community Involvement



**GETTING OUT THERE WHILE PRESERVING
YOUR IMPARTIALITY**

Reassuring the Public



- The public is afraid of the court system and its power
- Being an accessible face of the court system can reduce the public's anxiety

Judicial Outreach Canon 4 B



- “Judges have a professional responsibility to educate the public about the judicial system and the judicial office”

Giving Voice to concerns over threats to Judicial Integrity and Independence



- Mass. CJE Opinion 2017-01
- Judges may reassure the public that the courts are committed to the rule of law....
- Judges may respond to statements made by public officials and others that appear to reflect misconceptions about the role of an independent judiciary

Personal Community Involvement



- Connects you with the community you serve
- Allows members of your community to relate to you as a fellow community member
- Supports your family and friends
- Personally rewarding for yourself...you are more than the impartial decision-maker for the Alaska Court System

Maintaining Impartiality



- Canon 2 -- Avoiding Appearance of Impropriety
- Canon 4-- Activities cannot cast reasonable doubt on capacity to act impartially; demean the judicial office; or interfere with the proper performance of judicial duties

Activities to Avoid



- Activities where litigants are likely to attend
- Activities that support organizations that are related to court functions
- “Undignified” events

Activities to Enjoy



- Participate in local creek cleanup
- Provide items for local bake sale
- If have a talent, use it: Paint, play music, lead a yoga session
- Participate in local fun run
- Help with scouting event
- Organize books for the book sale

Unsure? Just Ask



- Your training judge
- Marla Greenstein

Thomson Reuters Institute
Judicial Advisory Committee
Meeting

Meeting Notice E-mail

From: "Martin, Mark"

Date: April 17, 2025 at 6:35:26 AM PDT

Subject: **SAVE THE DATE—Judicial Advisory Committee meeting**

Dear Colleague,

Tom Leighton and I are pleased to announce that our next **Thomson Reuters Judicial Advisory Committee** meeting is scheduled for **Monday, June 2nd, at 4:00 p.m.** Eastern Time.

Over the years, the Committee has explored a wide range of timely and important topics impacting the administration of justice — from blockchain technology and access to justice to artificial intelligence, judicial security, and the effects of the COVID-19 pandemic on the courts. I was particularly moved by our most recent discourse on judicial security and left that meeting determined to do my part to help improve security for both federal and state judges.

At our upcoming meeting, we're honored to welcome two distinguished national experts on judicial ethics best practices:

- Carolyn Dubay, Chief Counsel for the Federal Judiciary Rules Committee Staff at the Administrative Office of the United States Courts; and
- Marla Greenstein, Executive Director of the Alaska Commission on Judicial Conduct.

We will send Zoom coordinates closer in time to June 2nd. For now, please save the date!

Best regards,

Mark



Chief Justice Mark Martin (fmr)

Founding Dean and Professor of Law

One University Parkway, High Point, NC 27268

Choose to be Extraordinary!*

Travel Report & Request



Alaska Commission on Judicial Conduct


510 L Street, Suite 585, Anchorage, Alaska 99501-1959
(907) 272-1033 In Alaska 800-478-1033 FAX (907) 272-9309

Marla N. Greenstein
Executive Director
E-Mail: mgreenstein@acjc.state.ak.us

June 3, 2025

MEMORANDUM

TO: Commission Members

FROM: Marla N. Greenstein 
Executive Director

RE: Trip Report/Annual Outside Professional Travel request

The Commission has a policy of allowing staff annual professional meeting travel, with the expenses covered by the Commission's operating budget. This year the AJDC meeting is in Washington, D.C. from July 23rd to 25th. While I typically also attend the ABA annual meeting that occurs the following week, given the FY2026 travel budget constraints and the fact that this year's meeting will be held in Toronto, I have decided to not attend. Consequently, I am requesting approval for this summer's annual professional travel to attend the Association of Judicial Disciplinary Counsel meeting that reviews recent disciplinary cases and addressed current issues in judicial ethics and commission administration.

In February and March of this year I attended the ABA Mid-year meeting and the AJDC Mid-year board meeting. Both meetings were extremely valuable. At the ABA Mid-year meeting I attended programs on access to justice responses that included a valuable study of the Alaska Community Justice Workers program and participated in ethics programs. I also co-chaired a meeting of the ABE Judicial Ethics and Professionalism Committee where we discussed current issues and planned future programs and webinars. The AJDC meeting also focused on discussing current issues facing judicial conduct commissions, resources for commissions, and programs and speakers for the annual meeting.

Commissioner Member Status

Commission Members Terms

Commission Members' Terms

Attorney Members (terms expired or expiring)

Jane Mores

Term expired March 1, 2024
Nominated for Re-Appointment

Donald McClintock

Term expired March 1, 2025
Nominated for Re-Appointment

Public Members (terms expired or expiring)

Aldean Kilbourn

Term expired March 1, 2025
Applying for Re-Appointment

Tab C

Proposed Rule Change

1(h) Public Participation

Recommended new language:

(h) Public Participation. The public meetings shall be ordered to encourage attendance by the public. To facilitate productive and effective meetings, any member of the public who wishes to address the Commission, shall notify Commission staff by 4:00 p.m. the day before the public meeting and have their contact information verified by staff. Comments should concern, and be limited to, public matters within the scope of the Commission's jurisdictional authority, functions and purposes under the Alaska Constitution and Alaska Statutes. Repetitive public testimony on an issue by the same speaker is not allowed and may be terminated by the Commission. Public comments shall be limited to 3 minutes per speaker, unless extended by the Commission. Written public comments concerning public matters within the scope of the Commission's authority as described above will be accepted at any time.

Recommended new language:

(h) Public Participation. The public meetings shall be ordered to encourage attendance by the public. To facilitate productive and effective meetings, any member of the public who wishes to address the Commission shall notify Commission staff by 4:00 p.m. the day before the public meeting and have their contact information verified by staff. Comments should concern, and be limited to, public matters within the scope of the Commission's jurisdictional authority, functions and purposes under the Alaska Constitution and Alaska Statutes. Repetitive public testimony on an issue by the same speaker is not allowed and may be terminated by the Commission. Public comments shall be limited to 3 minutes per speaker, unless extended by the Commission. Written public comments concerning public matters within the scope of the Commission's authority as described above will be accepted at any time.

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Deleted: , where public matters are considered.

Deleted: speak at a public meeting of

Deleted: commission

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Deleted: request to the executive director at least 48 hours

Deleted: commencement of the meeting. All new requests will be honored, but comments public meeting and have their

Deleted: a public matter related to the commission's function, and be limited to, public matters within the scope

Deleted: the statutes of the state.

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Alaska Commission on Judicial Conduct


510 L Street, Suite 585, Anchorage, Alaska 99501-1959
(907) 272-1033 In Alaska 800-478-1033 FAX (907) 272-9309

Marla N. Greenstein
Executive Director
E-Mail: mgreenstein@acjc.state.ak.us

February 12, 2025

MEMORANDUM

TO: Commission Members

FROM: Marla N. Greenstein
Executive Director 

RE: Proposed Commission Rule Revision

Below is our current Rule 1 (h) outlining public participation at Commission regular meetings.

(h) Public Participation. The meetings shall be ordered to encourage attendance by the public, where public matters are considered. To facilitate productive and effective meetings, any member of the public who wishes to speak at a public meeting of the commission shall make the request to the executive director at least 48 hours before the commencement of the meeting. All new requests will be honored, but comments should concern a public matter related to the commission's function under the Alaska Constitution and the statutes of the state. Written public testimony will be accepted at any time, concerning any matter relating to the commission's function.[Amended May 28, 2021]

To facilitate public participation that is not planned in advance of the meeting, the Commission adopted a modified practice on a trial basis at its April 28, 2023 meeting. This modification eliminated the 48 hour notice to the Commission and replaced that requirement with notice to Commission staff no later than 30 minutes before the scheduled meeting time. The policy also provided for a total of 30 minutes at the end of

Public Session to accommodate the speaking requests and limited each request to 5 minutes to allow for up to 6 speakers at each meeting. As the modified policy has not presented any practical difficulties and the Rule's remaining requirements that the requests be "new" and related to the commission's function remain in place, it seems appropriate to formalize the policy.

Below is suggested language to accomplish the change in policy and to clarify that any written comments are not "testimony."

Proposed:

(h) Public Participation. The meetings shall be ordered to encourage attendance by the public, where public matters are considered. To facilitate productive and effective meetings, any member of the public who wishes to speak at a public meeting of the commission shall make the request to ~~the executive director~~ Commission staff at least ~~48 hours~~ 30 minutes before the ~~commencement~~ scheduled start of the meeting. All new requests will be honored, but comments should concern a public matter related to the commission's function under the Alaska Constitution and the statutes of the state. The Commission will allow 5 minutes for each speaker and will allocate up to 30 minutes at the end of each regular public session to accommodate speakers. Written public ~~testimony~~ comments will be accepted at any time, concerning any matter relating to the commission's function.[Amended March 7, 2025]

Public Session Informational

Supreme Court Orders

No. 2038 - March 12, 2025

Regarding Pending Criminal Cases filed before
January 1, 2023 and Criminal Rules 45 and 16(e)(1)

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 2038

Order regarding pending criminal cases filed before January 1, 2023 and Criminal Rules 45 and 16(e)(1).

This court entered Order No. 2007, terminating previous COVID-19 related orders and providing procedures to address persistent backlogs in criminal cases, effective May 16, 2023. Those efforts have led to some decrease in the number of pending criminal cases. This order is intended to facilitate the further reduction in the time to disposition of these older criminal cases without undue delay.

IT IS ORDERED:

For all criminal cases filed in 2022 and prior years, the provisions of Criminal Rule 45 and Criminal Rule 16(e)(1) are amended as follows:

1. Beginning with the effective date of this order, no more than a total of 90 days may be excluded for continuances granted at the request of the defense under Criminal Rule 45(d)(2), regardless of the number of continuances requested;
2. No more than a total of 90 days may be excluded for continuances granted at the request of the prosecution under Criminal Rule 45(d)(3), regardless of the number of continuances requested;
3. No more than a total of 90 days may be excluded for other periods of delay for good cause under Criminal Rule 45(d)(7), regardless of the number of other periods of delay;

4. The court may make further exclusions under the above-named provisions only upon a showing that extraordinary circumstances exist and that the delay is indispensable to the interest of justice;
5. The limited exclusions provided in this order are in addition to exclusions for continuances previously granted; and
6. If a continuance has previously been granted for failure to comply with a discovery rule or order, then the court should consider other sanctions under Criminal Rule 16(e)(1), including dismissing the affected charges or precluding the delinquent party from using the involved evidence at trial.

Judges shall make findings regarding the bases for granting any request for a continuance, including but not limited to: identifying the implicated section of Rule 45(d); addressing relevant considerations pursuant to the rule; and identifying and explaining the reasons for any finding that extraordinary circumstances exist and that delay is indispensable to the interest of justice.

DATED: March 12, 2025

EFFECTIVE DATE: May 12, 2025

/s/ _____
Chief Justice Carney

/s/ _____
Justice Borghesan

/s/ _____
Justice Henderson

/s/ _____
Justice Pate

/s/ _____
Justice Oravec

News Articles

Wallace leaves legacy of fairness, service

Kodiak Daily Mirror - March 6, 2025



TOP STORY

Wallace leaves legacy of fairness, service

By STEVE WILLIAMS Kodiak Daily Mirror Mar 6, 2025 0



DEREK CLARKSTON/Kodiak Daily Mirror

Kodiak Superior Court judge Stephen Wallace speaks at the 2023 Kodiak Teen Court swearing-in ceremony at the Kodiak Courthouse.

Kodiak Superior Court Judge Stephen Wallace is retiring after a long career in law enforcement and the state judiciary. He'll be guest of honor at a reception planned for 6 to 11 p.m. Saturday at Kodiak Marketplace. He talked with KDM reporter Steve Williams this week about his career and his future.

Judicial Appointment Letters

STATE CAPITOL
P.O. Box 110001
Juneau, AK 99811-0001
907-465-3500



550 West Seventh Avenue, Suite 1700
Anchorage, AK 99501
907-269-7450

Governor Mike Dunleavy
STATE OF ALASKA

April 14, 2025

Ms. Colleen Baxter
P.O. Box 1371
Kotzebue, AK 99752

Dear Ms. Baxter:

I am pleased you have accepted an appointment to the Kodiak Superior Court.

Your outstanding qualifications and your record of public service are a positive testament to your ability to serve the people of the State of Alaska as a member of Alaska's Judiciary.

Best wishes in your new endeavor.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Dunleavy".

Mike Dunleavy
Governor

cc: The Honorable Peter J. Maassen, Chief Justice, Alaska Supreme Court
Susanne DiPietro, Executive Director, Alaska Judicial Council
Stacy Marz, Administrative Director, Alaska Court System

STATE CAPITOL
P.O. Box 110001
Juneau, AK 99811-0001
907-465-3500



550 West Seventh Avenue, Suite 1700
Anchorage, AK 99501
907-269-7450

Governor Mike Dunleavy
STATE OF ALASKA

April 14, 2025

Mr. Glenn Shidner
188 North Pasture Place
Palmer, AK 99645

Dear Mr. Shidner:

I am pleased you have accepted an appointment to the Palmer District Court.

Your outstanding qualifications and your record of public service are a positive testament to your ability to serve the people of the State of Alaska as a member of Alaska's Judiciary.

Best wishes in your new endeavor.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Dunleavy", is written over a horizontal line.

Mike Dunleavy
Governor

cc: The Honorable Peter J. Maassen, Chief Justice, Alaska Supreme Court
Susanne DiPietro, Executive Director, Alaska Judicial Council
Stacy Marz, Administrative Director, Alaska Court System

STATE CAPITOL
P.O. Box 110001
Juneau, AK 99811-0001
907-465-3500



550 West Seventh Avenue, Suite 1700
Anchorage, AK 99501
907-269-7450

Governor Mike Dunleavy
STATE OF ALASKA

April 14, 2025

Ms. Marika Athens
1810 Parkside Drive
Anchorage, AK 99501

Dear Ms. Athens:

I am pleased you have accepted an appointment to the Anchorage Superior Court.

Your outstanding qualifications and your record of public service are a positive testament to your ability to serve the people of the State of Alaska as a member of Alaska's Judiciary.

Best wishes in your new endeavor.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Dunleavy", with a stylized flourish extending from the end.

Mike Dunleavy
Governor

cc: The Honorable Peter J. Maassen, Chief Justice, Alaska Supreme Court
Susanne DiPietro, Executive Director, Alaska Judicial Council
Stacy Marz, Administrative Director, Alaska Court System

STATE CAPITOL
P.O. Box 110001
Juneau, AK 99811-0001
907-465-3500



550 West Seventh Avenue, Suite 1700
Anchorage, AK 99501
907-269-7450

Governor Mike Dunleavy
STATE OF ALASKA

April 16, 2025

Mr. Patrick McKay
4962 East Chick Circle
Wasilla, AK 99654

Dear Mr. McKay:

I am pleased you have accepted an appointment to the Palmer District Court.

Your outstanding qualifications and your record of public service are a positive testament to your ability to serve the people of the State of Alaska as a member of Alaska's Judiciary.

Best wishes in your new endeavor.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Dunleavy".

Mike Dunleavy
Governor

cc: The Honorable Susan Carney, Chief Justice, Alaska Supreme Court
Susanne DiPietro, Executive Director, Alaska Judicial Council
Stacy Marz, Administrative Director, Alaska Court System

PowerPoint Presentation:

Thomson Reuters Institute
Judicial Advisory Committee Meeting

*"Maintaining Public Trust in a Changing
World"*

Thomson Reuters Institute Judicial Advisory Committee Meeting

June 2, 2025

Maintaining Public Trust in a Changing World

- Perceptions of Financial Influence
- Perceptions of Political Influence or Bias
- Addressing Conduct of Others That Impacts Public Trust

ABA Model Code of Judicial Conduct & Code of Conduct for U.S. Judges

General Principles

ABA Model Code

CANON 1: A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety . . .

Rule 1.2: A judge shall act at all times in a manner that promotes public confidence in the independence,* integrity,* and impartiality* of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Code of Conduct for U.S. Judges

CANON 1: A Judge Should Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should maintain and enforce high standards of conduct and should personally observe those standards, so that the integrity and independence of the judiciary may be preserved

CANON 2: A Judge Should Avoid Impropriety and the Appearance of Impropriety in all Activities

Canon 2(A): A judge should . . . act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary . . .

Perceptions of Financial Influence

ABA Model
Code

Code of Conduct
for U.S. Judges



Perceptions of Political Influence or Bias

**ABA Model Code Canon 4:
A Judge Or Candidate For Judicial Office Shall Not
Engage In Political Or Campaign Activity That Is
Inconsistent With The Independence, Integrity, Or
Impartiality Of The Judiciary.**

**Code of Conduct for U.S. Judges Canon 5:
A Judge Should Refrain from Political Activity**

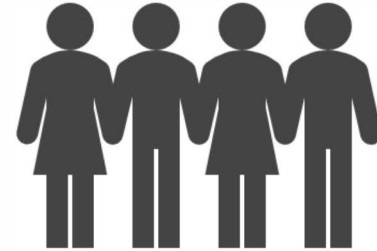


Addressing Conduct of Others

ABA Model Code - Rule 2.12: Supervisory Duties

(A) A judge shall require court staff, court officials, and others subject to the judge's direction and control to act in a manner consistent with the judge's obligations under this Code.

(B) A judge with supervisory authority for the performance of other judges shall take reasonable measures to ensure that those judges properly discharge their judicial responsibilities, including the prompt disposition of matters before them.



Code of Conduct for U.S. Judges – Canons 3B(4) & 3B(6)

Canon 3B(4). A judge should neither engage in, nor tolerate, workplace conduct that is reasonably interpreted as harassment, abusive behavior, or retaliation for reporting such conduct

Canon 3B(6). Public confidence in the integrity and impartiality of the judiciary is promoted when judges take appropriate action based on reliable information of likely misconduct . . .

Publications

THE JUDGES' JOURNAL

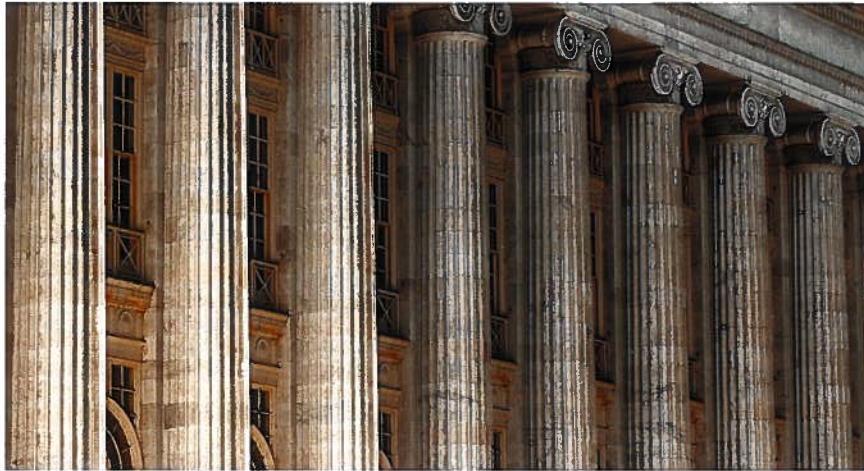
A PUBLICATION OF THE AMERICAN BAR ASSOCIATION | JUDICIAL DIVISION

THE IMPORTANCE OF STATE CONSTITUTIONS



State Constitutions Anchor Judicial Conduct Commissions

By Marla N. Greenstein



Perhaps one of the most remarkable movements in amending state constitutions occurred in the 1960s and '70s: establishing independent commissions to enforce judicial ethics. While a handful of states chose to establish commissions by court rule or statute, the enshrining of a conduct commission in the state constitution provides a foundation of continuity, importance, and independence that court creation or legislation cannot.

The initial momentum leading to establishing judicial conduct commissions arose out of frustration by various users of the courts that there was inadequate redress for judicial misconduct. Typically, these first iterations maintained a majority of judge members while maintaining distinct separation from the court system itself. Over time, even those commissions established by amendments to state constitutions were subject to further amendment to allow for a greater presence of nonjudicial members. In this way, state constitutions continue to reflect the need to enshrine the goals and independence of judicial conduct commissions while ensuring public confidence in them through greater public membership on them. For example, in my state of Alaska, the first commission, created in 1968,

originally had five judge members, two lawyer members, and two nonlawyer public members. In 1982, an amendment changed that membership to three judge members, three lawyer members, and three public members. Similarly, California's original commission had five judges, two lawyers, and two citizen members in 1960. In 1994, by proposition, their commission composition changed to three judges, two lawyers, and six citizen members.

Typically, judicial conduct commissions created by state constitutions are considered independent agencies within the judicial branch. Usually, they present their own budget to their state legislature for funding, balancing their independence from the courts themselves with their independence from the other branches. So too, by carefully confining their purpose to judicial conduct as defined by the Code of Judicial Conduct, judicial conduct commissions can avoid the often politically divisive questions over the substantive decisions that judges make. This is not to say that these commissions have been able to avoid attempts to manipulate the judicial disciplinary system for political purposes. However, the fact that state constitutions remain more difficult to change than

statutes provides some protection from these outside pressures.

Recently, voters in Louisiana approved amendments to their state constitution to add five members: two appointed by the speaker of the House, two appointed by the president of the Senate, and one to be appointed by the governor. The legislatively created North Carolina and Montana commissions recently revised statutes, changing their membership provisions.

As with all institutions at this time in our country, and especially those that provide a "watchdog" or accountability function, judicial conduct commissions can receive extra scrutiny and pressure to address challenges to their independence from the courts and others. Some recent changes reflect an increasing role of state legislatures in appointing members of commissions or requiring more detailed reports of their activities. Others have merely required increased transparency by mandating public charges and public hearings following the confidential investigations of judicial misconduct. While state constitutions also may be used as vehicles for change, they provide a foundational structure and fundamental statement of the states' values. This foundation provides a degree of stability and independence for those judicial conduct commissions that rely on them for their authority. ■



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.

COLIN LLOYD VIA UNSPLASH

**CONSTITUTIONAL AND
STATUTORY PROVISIONS
GOVERNING THE
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

- 10. Commission on Judicial Conduct
- 11. Powers and duties of the commission
- 15. Term of office
- 20. Employment and compensation generally
- 30. Travel expenses and per diem
- 40. Preparation of budget
- 50. Validity of acts of the commission

Section

- 60. Rules and confidentiality
- 66. Inquiry
- 68. Minority Reports
- 70. Disqualification, suspension, removal, retirement and censure of judges
- 80. Definitions

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).