STATE OF ALASKA

COMMISSION ON JUDICIAL CONDUCT

2020 ANNUAL REPORT

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Alaska Commission On Judicial Conduct
2019 Roster

Judge Members

Judge William B. Carey
Alaska Superior Court
415 Main Street, Rm 400
Ketchikan, Alaska 99901
(Term expires February 1, 2023)

Judge Erin B. Marston
Alaska Superior Court
825 W. 4th Avenue
Anchorage, Alaska 99501
(Term expires February 1, 2023)
(Chairperson)

Judge Paul Roetman
Alaska Superior Court
PO BOX 317
Kotzebue, Alaska 99752
(Term expires February 1, 2020)

Attorney Members

Karla Taylor-Welch
510 L Street, Suite 585
Suite 585
Anchorage, Alaska 99501
(Term expires March 1, 2020)

Jane Mores
510 L Street
Suite 585
Anchorage, Alaska 99501
(Term expires March 1, 2020)

Donald W. McCintock
1227 W. 9th Avenue, Suite 200
Anchorage, Alaska 99501
(Term expires March 1, 2021)

Public Members

Todd Fletcher
510 L Street
Suite 585
Anchorage, Alaska 99501
(Term expires March 1, 2023)

Robert Sheldon
510 L Street
Suite 585
Anchorage, Alaska 99501
(Term expires March 1, 2020)

Jeannine Jabaay
510 L Street
Suite 585
Anchorage, Alaska 99501
(Term expires March 1, 2021)

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INTRODUCTION

Alaska's Commission on Judicial Conduct was created by amendment to the state constitution in 1968. The Commission is composed of three state court judges, three attorneys who have practiced law in the state for at least ten years, and three members of the public. This group of nine individuals from differing backgrounds and geographical areas addresses problems of judicial conduct and disability. Complaints alleging judicial misconduct may be filed by any person.

COMMISSIONER BIOGRAPHIES

Judicial Members (2020)

HONORABLE ERIN B. MARSTON is a Superior Court Judge in the Third Judicial District in Anchorage. Judge Marston was born and raised in Anchorage, Alaska. He graduated from West Anchorage High School and Colby College. He received his legal education from the University of the Pacific, McGeorge School of Law. He was admitted to state and federal practice in Alaska in 1985. Judge Marston was appointed to the bench in 2012 following nearly 30 years of private practice in Anchorage including time as an Assistant District Attorney. Judge Marston is assigned to the criminal docket. He was appointed to the Commission in 2015.

HONORABLE WILLIAM B. CAREY was born and raised in Framingham, Massachusetts. He came to Alaska in 1980 to work as a legal intern at Cook Inlet Native Association in Anchorage. After 27 years in general private practice, he was appointed to the Superior Court bench in Ketchikan. He also presides in the Petersburg and Kake courts and in other cases in Southeast Alaska when necessary. He is a member of the Criminal rules committee. Judge Carey is a graduate of Brown University and the University of Denver College of Law. He was appointed to the Commission in 2016.

HONORABLE PAUL A. ROETMAN moved to Alaska in 1972 and has lived in Kotzebue 14 years. He was appointed to the superior court in 2010. He earned a B.A. in Economics from the University of Alaska, Anchorage and received his law degree from Regent University School of Law in Virginia. Prior to law school he worked out of Port Valdez as a commercial fisherman and as Executive Director of the Prince William Sound Economic Development Council. After law school, he worked for a civil law firm, the Alaska Legislature, and as a prosecutor for the State of Alaska. Judge Roetman currently serves on the Alaska Fairness and Access Commission, the Civil Rules Committee, the Statewide Security and Emergency Preparedness Committee. Judge Roetman is the Presiding Judge for the Second Judicial District. He was appointed to the Commission in 2018.

Attorney Members (2020)

DON MCCLINTOCK is an attorney in private practice with the law firm of Ashburn & Mason, PC., where he focuses on real estate and corporate transactions and finance, as well as eminent domain and land use litigation. Don worked as a law clerk for Justice Warren Matthews of the Alaska Supreme Court, and as an assistant attorney general for the State of Alaska. Don served on the Alaska Bar Association Board of Governors from 2008 to 2014, and has volunteered for many civic organizations over the years. He is a graduate of Stanford University (AB '76) and Harvard Law School (JD '80). He was appointed to the Commission in 2017.

KARLA TAYLOR-WELCH was born and raised in Fairbanks, Alaska. She received her bachelors ('77), masters ('78) and juris doctorate ('83) from Baylor University in Waco, Texas. Ms. Taylor-Welch worked for the Department of Law from 1984-2005 as an Assistant District Attorney and an Assistant Attorney General. She spent 11 years total in the DOA and 10 years in the AGO handling children and juvenile cases, as well as adult protection cases. From 2005, until her retirement in 2017, she worked for the Fairbanks civil section of OPA, the last two and a half years as the supervisor of the Fairbanks office. She remains an active bar member, working occasionally for private firms. Since retirement from the State of Alaska, she has been enjoying her time traveling, biking, skiing, swimming, and playing with her grandchildren. Because 2020 curtailed travel plans, she spent her time improving her skills in the fiber and quilting arts. She was appointed to the Commission in 2016.

JANE MORES was born in Canton, Ohio and moved to Southeast Alaska as a teenager. She is a graduate of Auburn University (BS '86) and the Ohio State College of Law (JD '90). Her legal career began with a firm in Anchorage, followed by nine years of private practice in Haines. In 2007, Jane joined the City and Borough of Juneau Law Department's Civil Section, where she worked until retiring from the city in 2019. Jane returned to private practice and opened the Law Office of Jane Mores, LLC, in 2020. She is a member of the Alaska Municipal Attorneys Association, and served on the Alaska Bar Association Ethics Committee from 2002 to 2008. She was appointed to the Commission in 2019.

Public Members (2020)

JEANNINE JABAAY is a 4th generation Alaskan living in the rural community of Hope, Alaska, where she owns and operates Hope Alaska's Bear Creek Lodge and Dirty Skillet. In 2016, Jeannine was named a Top 40 Under 40 by ProRemodeling, and in 2017 she was a finalist for the Anchorage Chamber of Commerce Gold Pan Awards. Jeannine has been recognized by the American Marketing Association with the "Marketing Department of One" award and by Qualified Builder as a Top 500 Remodeler in the nation award. Jeannine is a charter member of the North American Deck and Railing organization and worked to create the University of Alaska's Construction Management Development program. Jeannine and her husband, Derrick, have six children, and they have been actively involved in foster care and foster-adoption since 2000. Jeannine is a board member of the Alaska Humanities Forum, and she was a co-founder and the vice-president of Beacon Hill, a nonprofit organization established to provide for and protect Alaska's most vulnerable residents. Jeannine served on Alaska's Board of Barbers and Hairdressers for four years, and in 2007, she was selected as Mrs. Alaska United States. She was appointed to the Commission in 2017.

ROBERT D. SHELDON is a lifelong Alaskan who was raised in Talkeetna. He has a Bachelor of Science in Finance and a minor in Economics from Colorado State University. Robert has served as a director or partner for privately held organizations in aviation, banking, finance, oil & gas, and tourism. He also is active in the business community facilitating, financing, and encouraging relationships across the high latitudes and is a member of Omicron Delta Epsilon, an international economics society. His broad interest in finance extends into understanding interconnections with the judiciary. Robert has been married to Marne Sheldon for 26 years and they raised three sons. He was appointed to the Commission in 2008.

TODD FLETCHER was born and raised in Anchorage, Alaska. He graduated from Service High School in 1983 and received his BA in Accounting from Western Washington University. Todd has been married to Lisa for over 25 years and they have two teenagers, Logan, who attends Dixie State in St. George, Utah, and Lauren who attends Dimond High School. He is the Branch Manager and a Senior Vice President-Investment Officer for Wells Fargo Advisors in Anchorage. He is an Eagle Scout and enjoys travel, music, camping, and softball. He was appointed to the Commission in 2019.

I. THE COMMISSION'S ROLE AND FUNCTION

A. Judicial Officers Who Come Under the Commission's Authority

Alaska's Commission on Judicial Conduct oversees the conduct of justices of the Alaska Supreme Court, judges of the state court of appeals, state superior court judges, and state district court judges. The commission may not handle complaints against magistrates, masters, attorneys, or federal judicial officers.

Complaints against state magistrates and masters are handled by the presiding superior court judge for their respective judicial districts:

First Judicial District

Honorable Amy G. Mead
Alaska Superior Court
415 Main Street, Room 400
Ketchikan, Alaska 99901

Second Judicial District

Honorable Paul A. Roetman
Alaska Superior Court
Box 317
Kotzebue, Alaska 99752

Third Judicial District

Honorable William F. Morse
Alaska Superior Court
825 W. Fourth Avenue
Anchorage, Alaska 99501

Fourth Judicial District

Honorable Michael A. MacDonald
Alaska Superior Court
101 Lacey Street
Fairbanks, AK 99701

Complaints against attorneys can be directed to:

Phil Shanahan, Bar Counsel
Alaska Bar Association
Box 100279
Anchorage, Alaska 99510

Complaints against federal judges in Alaska are handled by:

Assistant Circuit Executive
United States Court of Appeals
P.O. Box 193939
San Francisco, California 94119
Telephone (415) 556-6100

B. Types of Complaints the Commission May Address

1. Misconduct

The broadest category of conduct complaints against judges falls under the term "misconduct." Judicial misconduct has a very specific meaning under the Code of Judicial Conduct. The Code of Judicial Conduct generally governs the activities of judges both on and off the bench. It is a comprehensive statement of appropriate judicial behavior and has been adopted by the Alaska Supreme Court as part of the Rules of Court. Judicial misconduct can be divided into several categories.

(a) Improper Courtroom Behavior

At times complaints against judges allege improper behavior in the courtroom during a trial. Allegations of improper courtroom behavior may include: improper consideration and treatment of attorneys, parties, witnesses, and others in the hearing; improper physical conduct; or persistent failure to dispose of business promptly and responsibly.

Examples of improper courtroom behavior include: racist or sexist comments by a judge, and sleeping or drunkenness on the bench. Judges can also be disciplined for administrative failures such as taking an excessive amount of time to make a decision.

(b) Improper or Illegal Influence

Judges must be independent from all outside influences that may affect their abilities to be fair and impartial. Consequently, judges are restricted as to the types of activities in which they can participate. At a minimum, judges cannot allow family, social, or political relationships to influence any judicial decision. Judges also should not hear a matter in which the judge has a personal interest in the outcome. Extreme examples of improper influence would include the giving or receiving of gifts, bribes, loans, or favors. To help assure judicial independence, judges are required to file financial disclosure statements with the court and other financial statements with the Alaska Public Offices Commission.

(c) Impropriety Off the Bench

Judges are required to live an exemplary life off the bench, as well. Consequently, the Commission has the authority and responsibility to look at judges' activities outside of the courtroom. Complaints dealing with off-the-bench conduct might allege: misuse of public employees or misappropriation of property or money for personal purposes; improper speech or associations; interference with a pending or impending lawsuit; lewd or corrupt personal life; or use of the judicial position to extort or embezzle funds. Clearly, off-the-bench conduct includes a wide range of behavior from merely inappropriate actions to criminal violations.

(d) Other Improper Activities

Judges are also subject to restrictions in other aspects of their positions. These include prohibitions against: conducting proceedings or discussions involving one party to a legal dispute; interfering with the attorney-client relationship; bias; improper campaign activities; abusing the prestige of the judicial office; obstructing justice; and criminal behavior.

2. Physical or Mental Disability

Apart from allegations of misconduct in office, the Commission also has the authority and responsibility to address allegations of judges' physical and mental disabilities. Disabilities may include: alcohol or drug abuse, senility, serious physical illness, or mental illness.

The Commission can require medical examinations as part of its investigation and also can recommend counseling when appropriate.

C. Complaints the Commission May Not Address

The most common complaints that the Commission has no authority to address involve questions of law. Frequently, complaints allege dissatisfaction with decisions that judges make in their judicial capacity. For example, individuals often complain of wrong child custody awards or sentences that judges impose in criminal cases. The Commission may not enter into cases or reverse judicial decisions. That role belongs to the appellate courts.

II. HOW THE COMMISSION OPERATES

A. Filing a Complaint

While the Commission may initiate its own investigation, any person may also file a complaint against a state judge with the Commission. A blank complaint form is in **Appendix F** of this report. A form is not necessary, but the complaint should be in writing and should include enough information to enable the Commission staff to begin an investigation. Necessary information includes: the judge's name, the conduct complained of, a case number if it involves a court case, and the names of others present or aware of the facts. Complaints should be sent to:

Alaska Commission on Judicial Conduct
510 L Street, Suite 585
Anchorage, Alaska 99501

Commission staff will be happy to assist anyone in writing a complaint.

B. Complaint Investigation

Soon after a complaint is filed, the Commission will review the accusation. Commission staff will often interview the person who filed the complaint to determine the facts giving rise to the complaint. After the initial inquiry, the Commission may conduct a full investigation. All complaints within the Commission's legal authority are investigated further. If the charge is found to be without merit, an accusation against a judge may be dismissed by the Commission during the investigation. If a preliminary investigation supports the complaint, a formal investigation begins. It is at this stage that the judge involved is informed of the complaint. A formal investigation includes an interview with the judge.

Complaints filed with the Commission and all Commission inquiries and investigations are confidential. If the Commission finds that probable cause exists that a judge has committed misconduct that warrants action more serious than a private admonishment or counseling, a formal statement of charges is issued. The statement of charges is public information. Some time after the formal charges issue, the Commission will hold an open public formal hearing on the matter. At that hearing, Special Counsel (hired by the Commission) presents the case against the judge. The judge is often represented by an attorney who presents that judge's defenses. The full Commission usually sits as decision-makers in the matter and renders a decision that may include recommendations to the Alaska Supreme Court for sanctions against the judge. The results of a Commission proceeding are public when Commission recommendations are made to the supreme court.

The Commission's decision may be to exonerate the judge of the charge or charges, to recommend counseling, or to recommend that the supreme court take formal action. The Alaska Supreme Court may impose one of the following sanctions against the judge: suspension, removal, retirement, public or private censure, reprimand[1], or admonishment.

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[1] The Alaska Commission on Judicial Conduct originally had statutory authority to issue reprimands without action by the Alaska Supreme Court. That power was held to be unconstitutional by Inquiry Concerning a Judge, 762 P.2d 1292 (1988).

COMMISSION COMPLAINT PROCESS

The complaint process begins when a written complaint is received by Commission staff. If the complaint falls *outside the Commission's authority,* such as a complaint about an attorney or about a judge's legal decision, the complaint is *dismissed*[*]. If the complaint appears to be *within the Commission's authority,* a case number is assigned to the complaint and an initial *investigation* is begun.

During the initial *investigation* stage, a complaint is examined to determine if there is enough evidence to warrant a further investigation. Generally, this process includes close examination of the written complaint (including any evidence or explanation attached), and an inspection of any relevant court documents.

If the Commission determines that there is no reliable evidence supporting the complaint, it is *dismissed*[*].

If the Commission determines that the complaint has enough substance to warrant action, the *judge in question is notified* and *given an opportunity to respond*. During this stage, the judge may receive a private *informal adjustment, private discipline,* or, after a determination of probable cause, *formal charges* may issue. If the investigation reveals that the complaint was unfounded, the complaint will be *dismissed*[*]. The *issuing* of formal charges by the Commission starts a period of *formal discovery,* where both the Special Counsel hired by the Commission and the accused judge gather evidence and information to support their respective positions.

After the formal discovery period, a *public hearing* is held. The hearing is usually conducted by the Commission (but it is possible that a Special Master could be appointed). Special Counsel presents the case against the judge and the judge will often hire an attorney for his or her defense. There are two possible outcomes from the public hearing; either the charges are dismissed, or the Commission finds the judge guilty of misconduct and *recommends sanctions to the Alaska Supreme Court*.

The Alaska Supreme Court may carry out the Commission's recommended sanctions, modify them, or overturn the Commission's decision.

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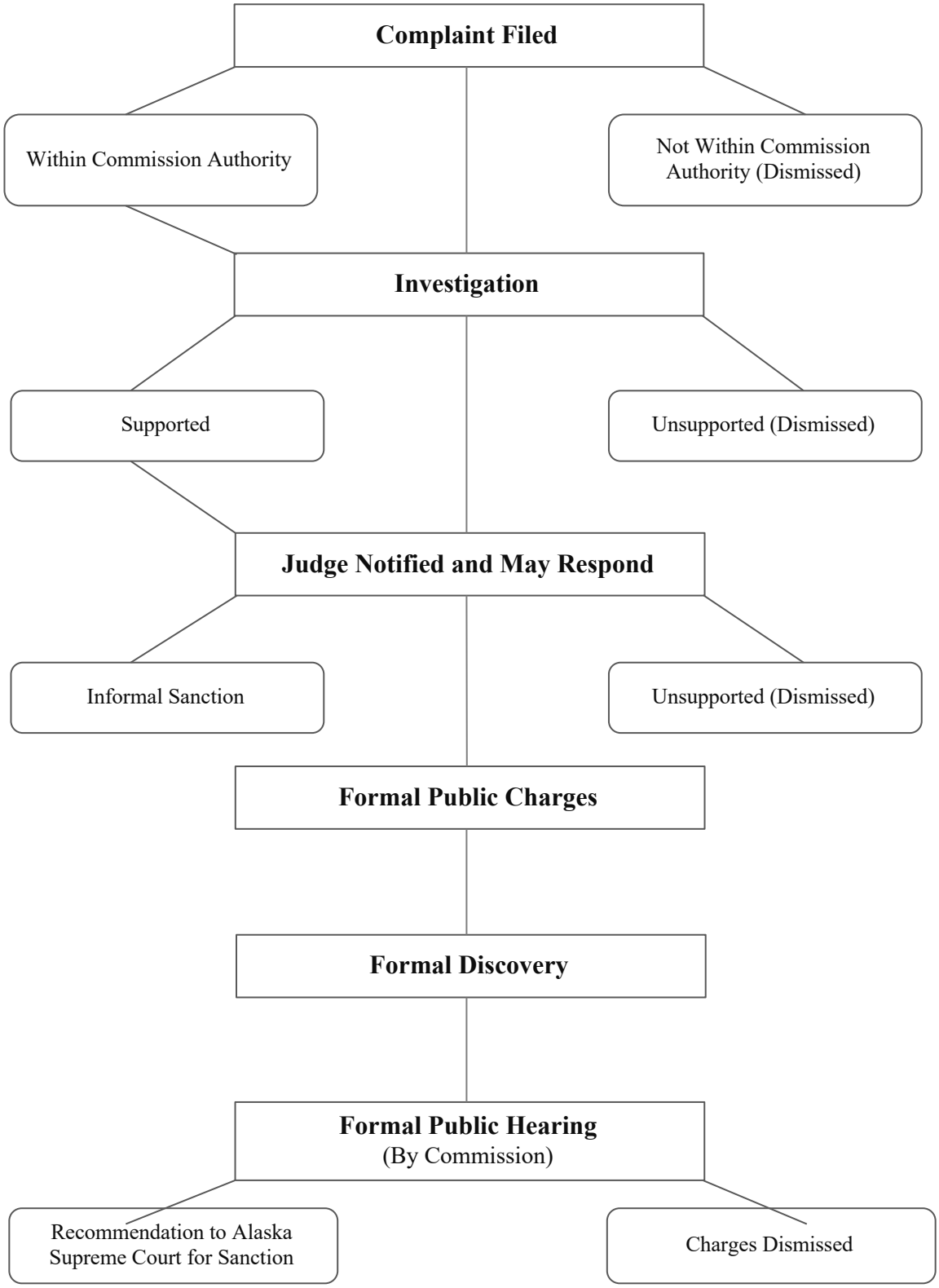
[*] Prior to dismissal by the Commission, staff notifies the complainant in writing of the staff recommendation to dismiss.

Commission Complaint Process



III. CALENDAR YEAR 2020 ACTIVITIES

A. Summary of Complaints

The tables that follow summarize the current Commission caseload. Complaint filing numbers reflect only written complaints received by the Commission and do not reflect the numerous telephone inquiries staff receives. In 2020, staff responded in writing to 52 inquiries and approximately 200 verbal and e-mail inquiries.

In 2020, staff continued to make a concentrated effort to screen many complaints before they actually were filed with the Commission. Eight new jurisdictional complaints were filed this year. Of those jurisdictional complaints, eight were eventually dismissed. Of five remaining jurisdictional complaints from 2019, four were dismissed and one continued into a Formal Hearing and a recommendation for discipline to the Supreme Court.

The Commission opens approximately one complaint every month and a half that requires staff investigation. In August of 1991, the Commission adopted a policy of processing all new incoming complaints within 90 days. In addition, the Commission established a minimum goal of fully investigating three complaints per month.

Table 1

2020 Complaint Filings

Within the Commission's Authority	*Jurisdictional*	8
Not Within the Commission's Authority	*Non-Jurisdictional*	32
	Total New Complaints	**40**

Not included are complaints received against attorneys and magistrate or federal judges, which were forwarded to the appropriate disciplinary authority

Figure 1

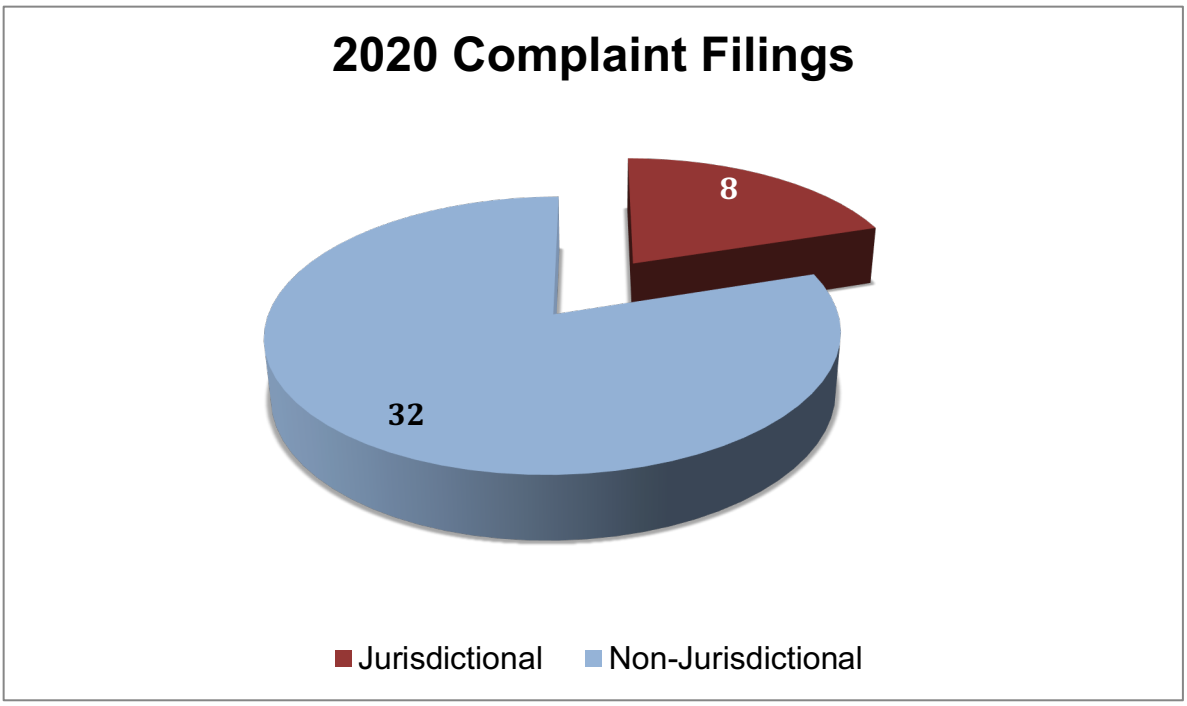


Table 2

Comparison with Previous Years' Filings

Total Accusations Filed by Calendar Year

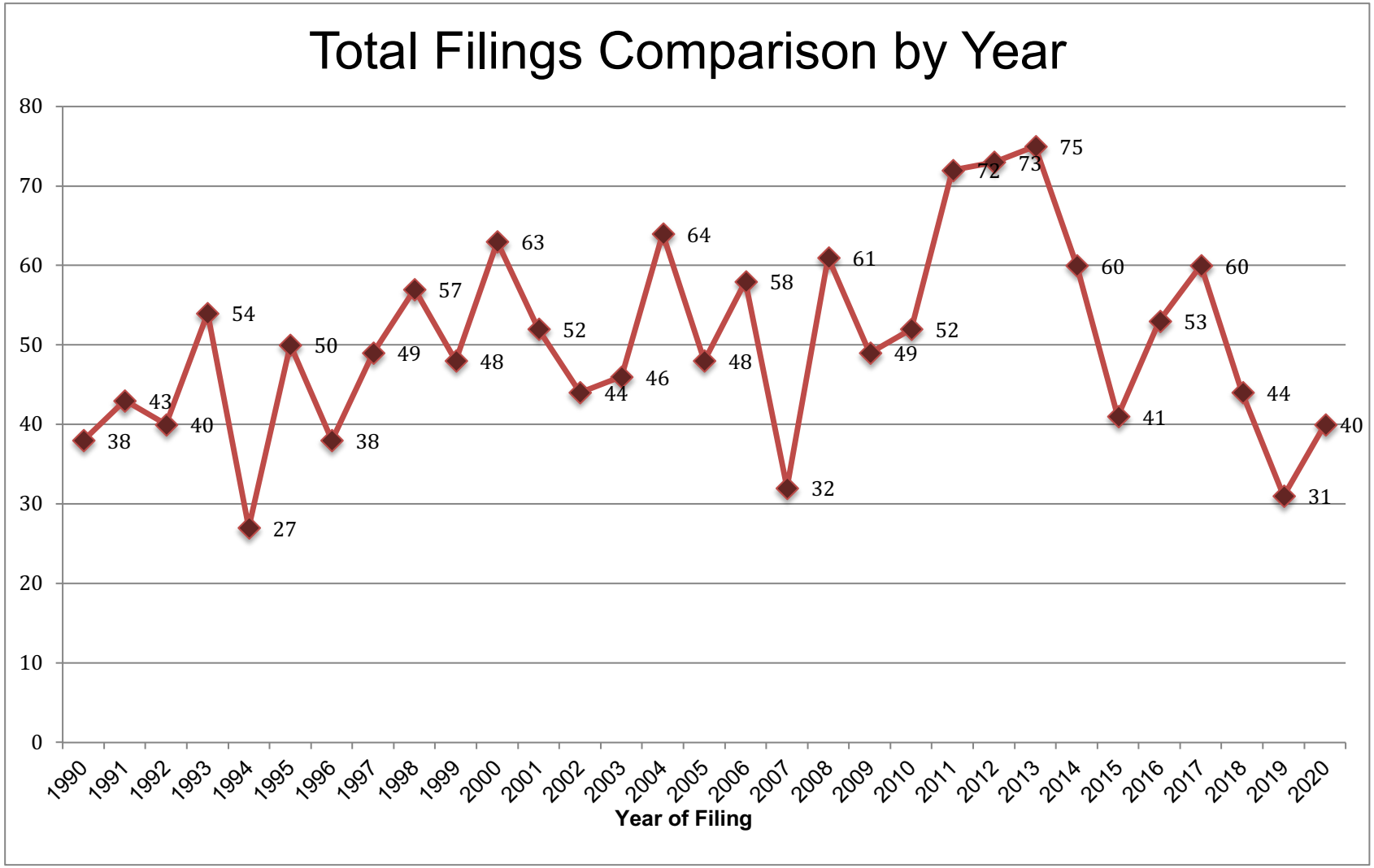
(Includes complaints both within the Commission's authority, and those not within the Commission's authority that were not screened out prior to receipt)

2020	***40***
2019	31
2018	44
2017	60
2016	53
2015	41
2014	60
2013	75
2012	73
2011	72
2010	52
2009	49
2008	61
2007	32
2006	58

2005	48
2004	64
2003	46
2002	44
2001	52
2000	63
1999	48
1998	57
1997	49
1996	38
1995	50
1994	27
1993	54
1992	40
1991	43

*Beginning in 1990, Commission staff have made a concentrated effort to actively screen accusations that are outside the Commission's authority prior to filing. This active screening process accounts for the apparent drop in accusation filings since 1989.

Figure 2


Total Filings Comparison by Year
80
70
60
50
40
30
20
10
0
38
43
40
54
27
50
38
49
57
48
63
52
44
46
64
48
58
32
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72
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2016
2017
2018
2019
2020
Year of Filing

Table 3

Complaint Sources

(Jurisdictional and Non-Jurisdictional 2016 - 2020)

Complaint Sources	2016	2017	2018	2019*	2020*
Litigants	46	51	40	28	38
Non-Litigants	3	5	0	5	1
Attorneys/Judges/Court Personnel	2	3	3	2	0
Commission Initiated	2	1	1	0	0

*Some complaints had multiple sources &/or some complainants filed multiple complaints

Figure 3

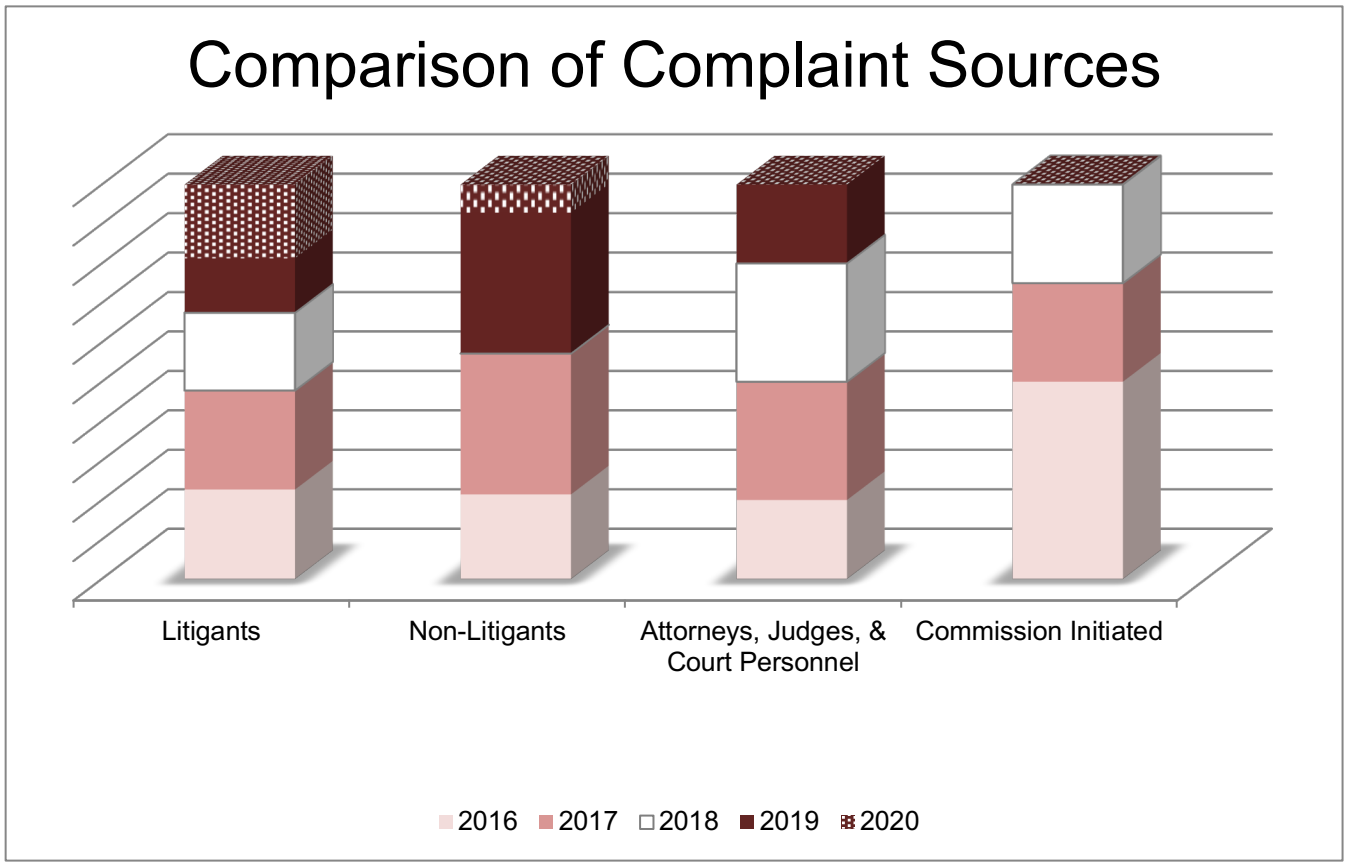


Table 4

2020 Jurisdictional Complaint Closures

Complaints Initiated in 2019	5
Complaints Initiated in 2020	8

Figure 4

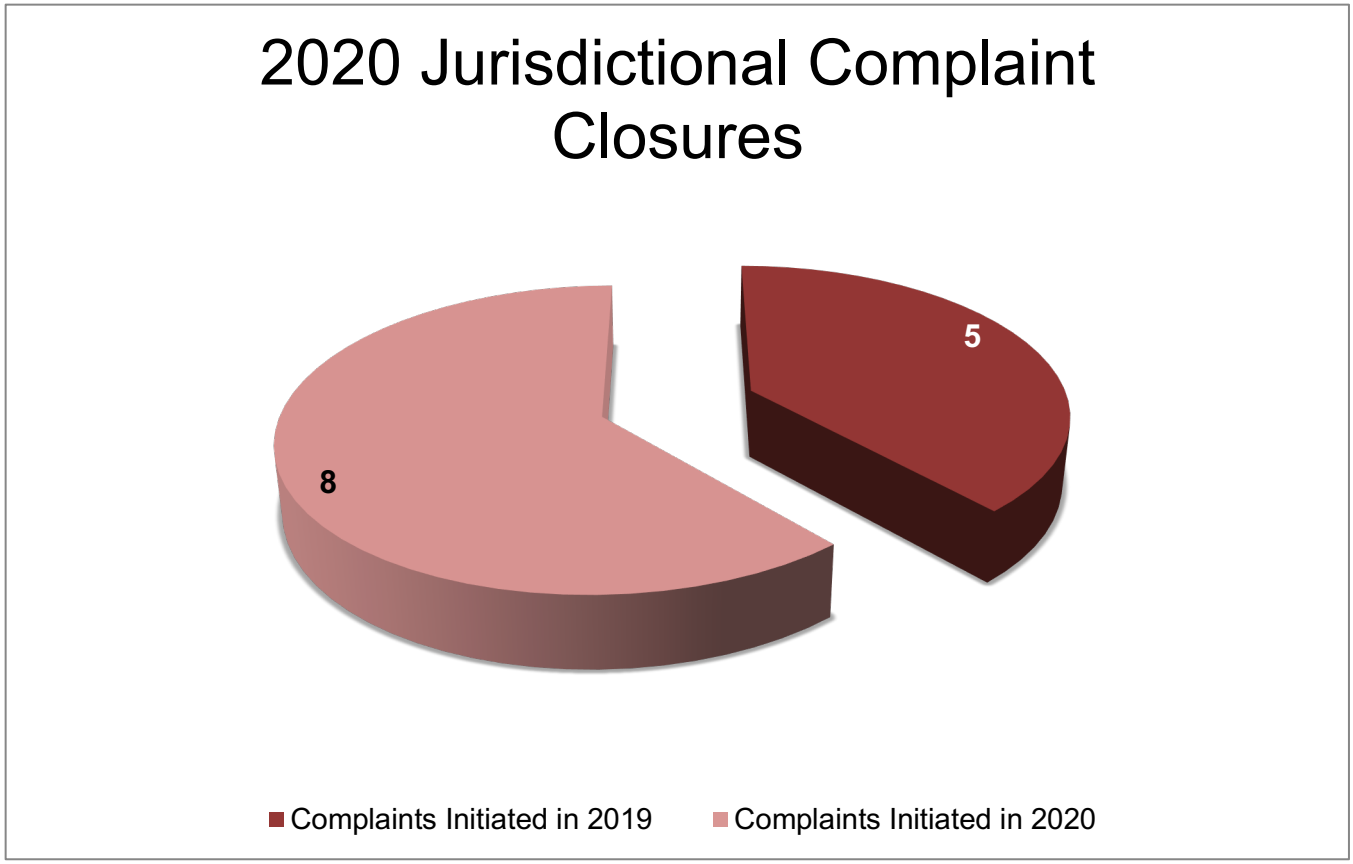


Table 5

2020 Complaint Dispositions

Complaints Outside the Commission's Authority

Dissatisfaction with Legal Ruling	26
Other	2
Total Non-Jurisdictional Complaints Processed	**28***

Complaints Within the Commission's Authority

Complainant Did Not Provide Further Information	0
Complainant Withdrew Complaint	0
Investigated then Dismissed	12
Other Commission Action	1
Total Jurisdictional Complaints Processed	**13**

Not included are complaints received against attorneys and magistrate or federal judges, which were forwarded to the appropriate disciplinary authority

*A total of 25 filed in 2020, and 3 filed in 2019 were acted on in 2020

Figure 5

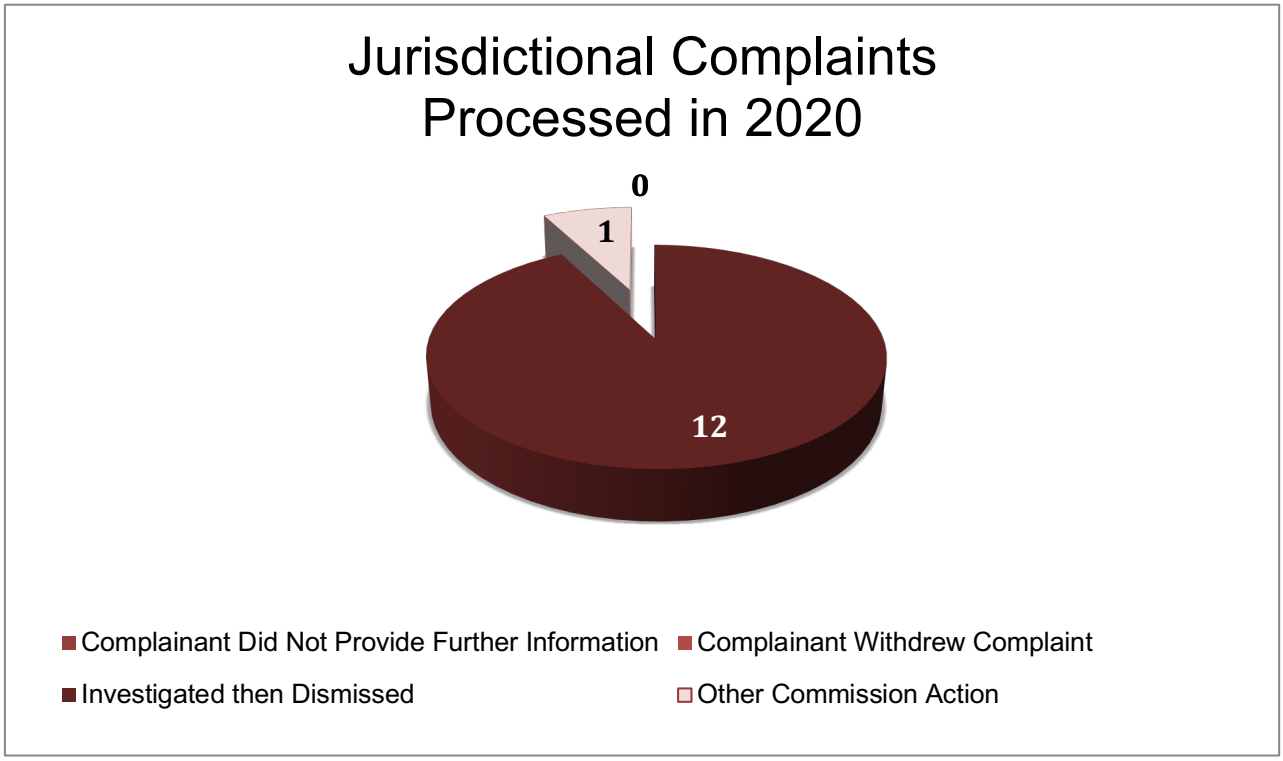

Jurisdictional Complaints
Processed in 2020
0
1
12
Complainant Did Not Provide Further Information
Complainant Withdrew Complaint
Investigated then Dismissed
Other Commission Action

Table 6

Comparison with Previous Years' Closures*

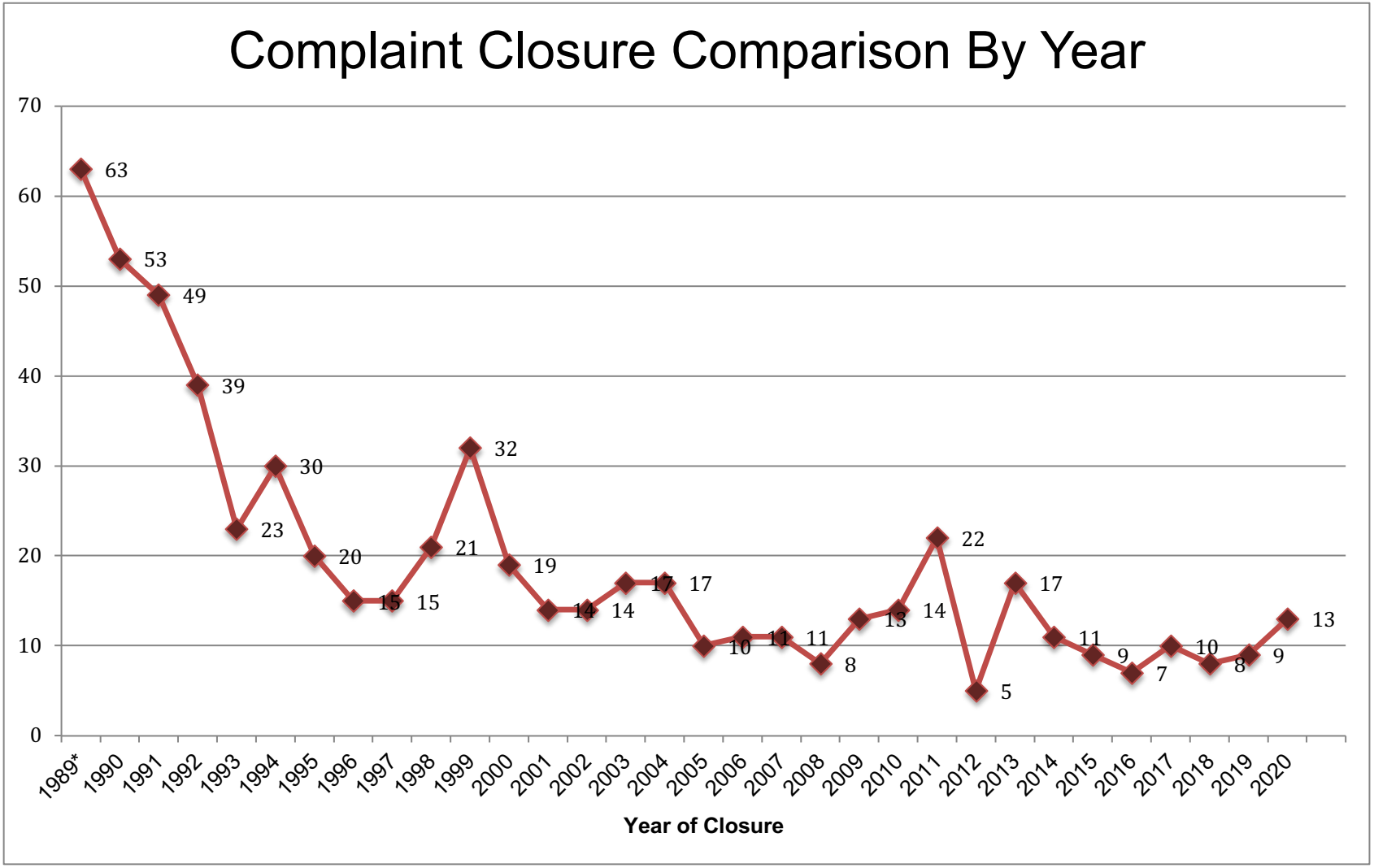
Total Jurisdictional Complaints Closed

2020	***13***
2019	9
2018	8
2017	10
2016	7
2015	9
2014	11
2013	17
2012	5
2011	22
2010	14
2009	13
2008	8
2007	11
2006	11
2005	10

2004	17
2003	17
2002	14
2001	14
2000	19
1999	32
1998	21
1997	15
1996	15
1995	20
1994	30
1993	23
1992	39
1991	49
1990	53
1989*	63

*Prior to 1989, it was the Commission's policy to open a complaint for every inquiry made with the Commission's office. After 1989, the Commission opened files only for those matters that, on their face, were within the Commission's authority. Therefore, the numbers **before** 1989 are not directly comparable to those **after** 1989.

Figure 6


Complaint Closure Comparison By Year
70
60
50
40
30
20
10
0
63
53
49
39
23
30
20
15
15
21
32
19
14
14
17
17
10
11
11
8
13
14
22
5
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2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
Year of Closure

Table 7

Actions Taken: 2016 - 2020

Actions Taken	2016	2017	2018	2019	2020
Complaints investigated	7	9	8	9	11
Judges asked to respond in writing to alleged misconduct	2	0	1	1	0
Judges summoned to explain alleged misconduct	1	0	0	0	0
Cases dismissed before formal hearing	0	1	0	0	0
Cases dismissed as unsubstantiated	0	6	5	5	12
Cases dismissed for lack of jurisdiction	33	48	40	25	27
Cases dismissed for insufficient evidence after investigation	6	1	0	0	0
Private admonishments, counseling, and cautionary letters	0	1	2	2	0
Discipline/disability recommended to the Alaska Supreme Court	1	1	1	0	1

Figure 7

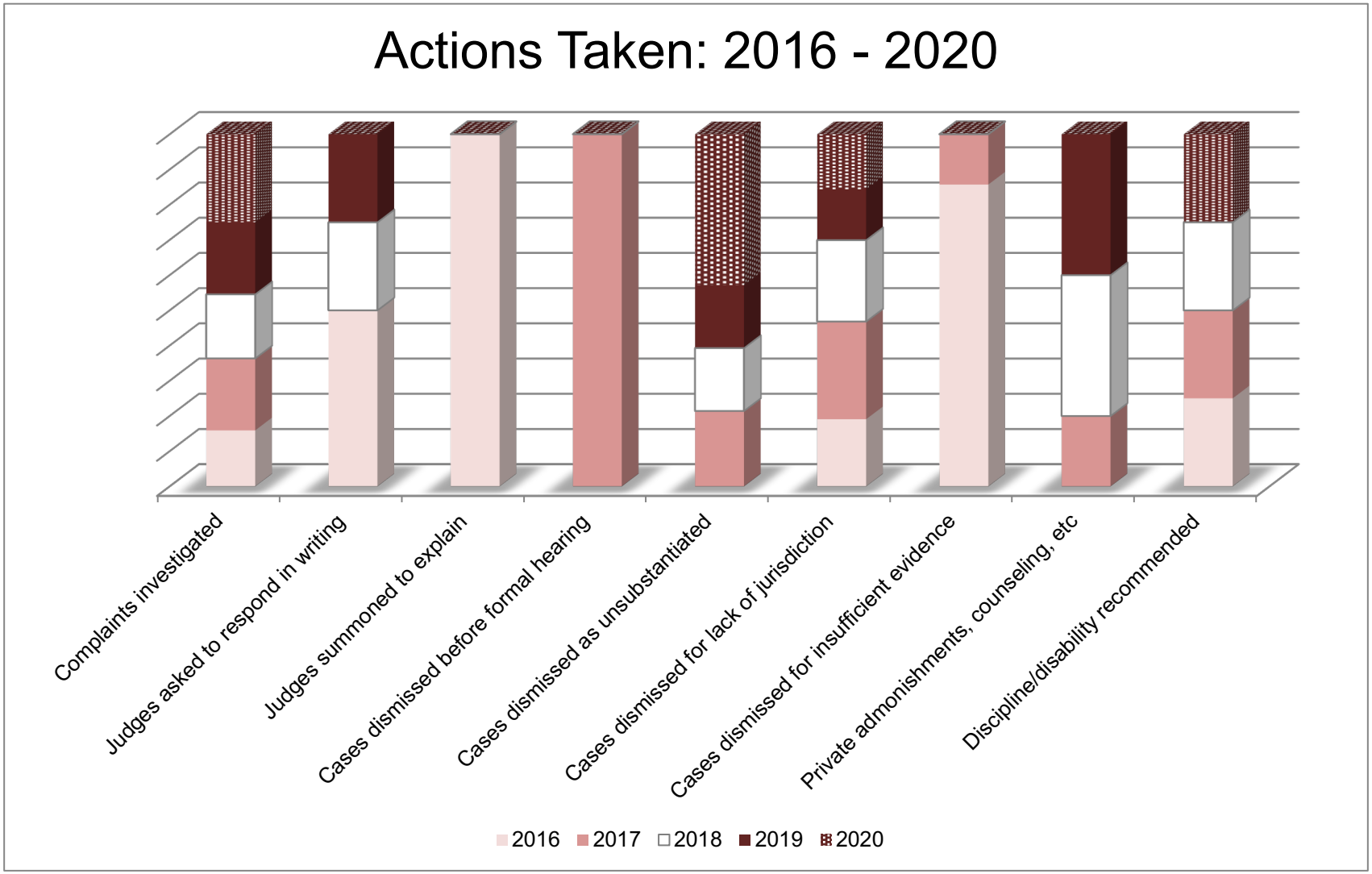
Actions Taken: 2016 - 2020
Complaints investigated
Judges asked to respond in writing
Judges summoned to explain
Cases dismissed before formal hearing
Cases dismissed as unsubstantiated
Cases dismissed for lack of jurisdiction
Cases dismissed for insufficient evidence
Private admonishments, counseling, etc
Discipline/disability recommended
2016
2017
2018
2019
2020

Table 8

Court Levels Involved

Jurisdictional Complaints 2016 - 2020

Court Levels Involved	2016	2017	2018*	2019*	2020*
District Court Judges	0	2	3	0	8
Superior Court Judges	8	10	12	8	30
Court of Appeals Judges	1	0	0	0	0
Supreme Court Justices	0	0	0	0	7
Pro-Tem Judges	0	0	0	1	0

*Not a total of the category. Some complaints include more than one judge/justice.

Figure 8

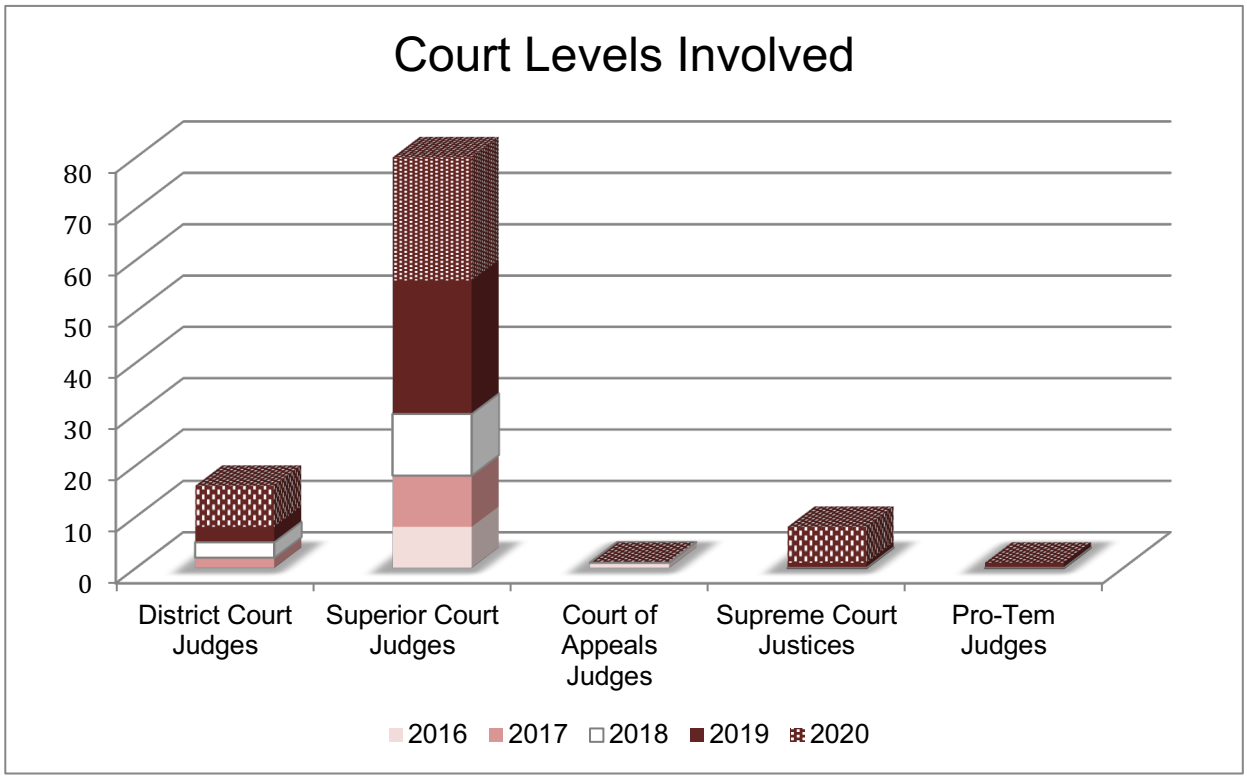

Table 9

Pending Jurisdictional Complaints by Year Filed

(As of December 31, 2020)

2019	0
2020	0

Table 10

Types of Allegations*
Filed in 2020
(Jurisdictional and Non-Jurisdictional)

Types of Allegations	2020
Dissatisfaction with Legal Ruling	32
Racial, Ethnic, or Gender Bias	0
Ex Parte Communications	1
Injudicious Courtroom Decorum	6
Administrative Inefficiency	0
Conflict of Interest/Failure to Disqualify	1
Criminal Activity	0
Personal Misconduct Off the Bench	0
Appearance of Impropriety	0
Other/General Misconduct/Non-Judges	0
Demeanor/Abuse of Authority	0
General Bias	0
Delay	1
Vague Assertion of Bias	0
Complaint Against Custody Investigator	0
Disability/Competence	0
Administrative Failure	0

*Some complaints have more than one type of allegation

Figure 10

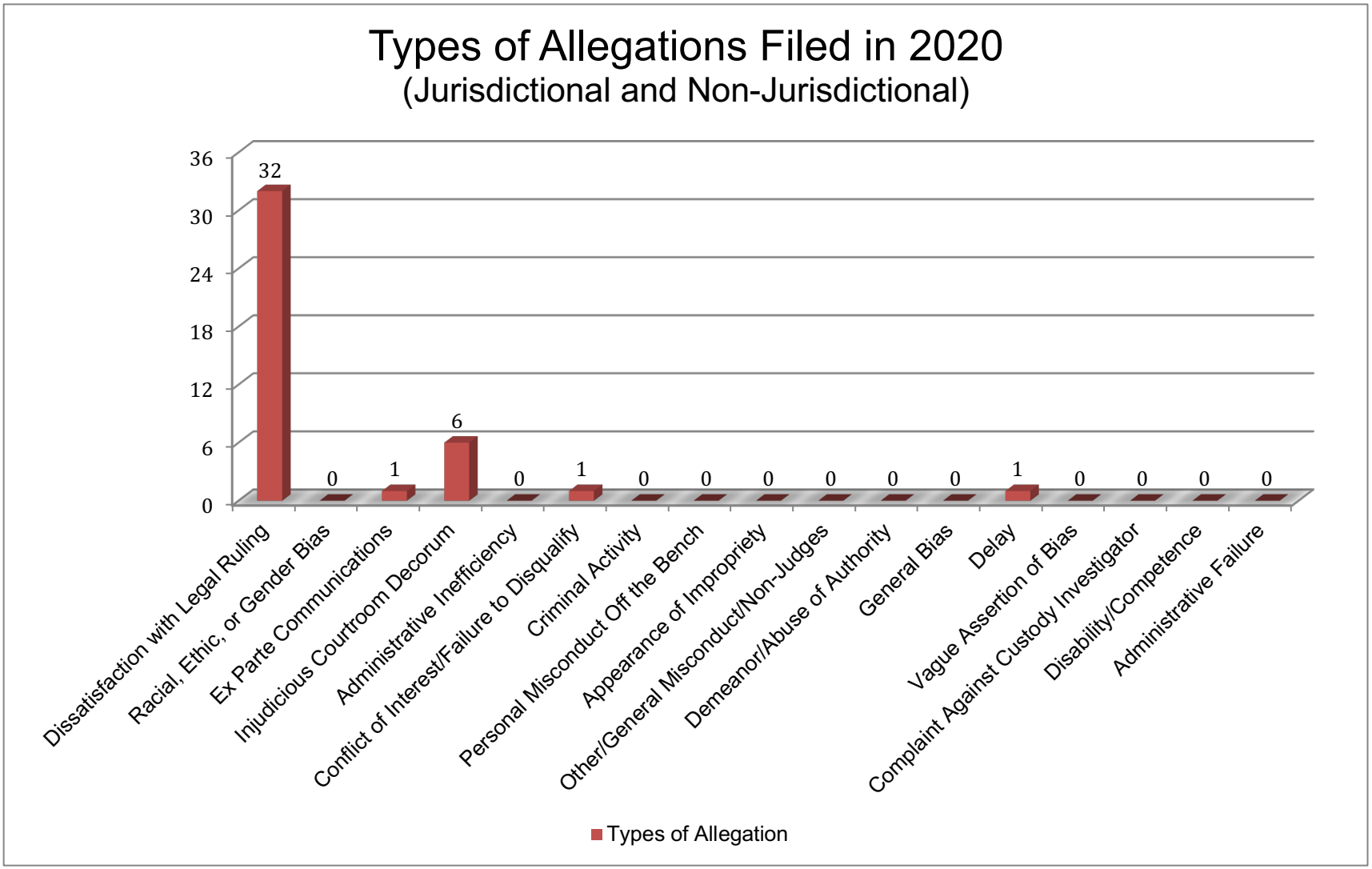
Types of Allegations Filed in 2020
(Jurisdictional and Non-Jurisdictional)
36
30
24
18
12
6
0
32
0
1
6
0
1
0
0
0
0
0
0
1
0
0
0
0
Dissatisfaction with Legal Ruling
Racial, Ethic, or Gender Bias
Ex Parte Communications
Injudicious Courtroom Decorum
Administrative Inefficiency
Conflict of Interest/Failure to Disqualify
Criminal Activity
Personal Misconduct Off the Bench
Appearance of Impropriety
Other/General Misconduct/Non-Judges
Demeanor/Abuse of Authority
General Bias
Delay
Vague Assertion of Bias
Complaint Against Custody Investigator
Disability/Competence
Administrative Failure
Types of Allegation

Table 11

2020 Recusals by Commissioners and Staff

Total Complaints Voted on in 2020	
Judge Member Recusals	7
Attorney Member Recusals	2
Public Member Recusals	0
Staff Member Recusals	0

B. Commission Meetings

During 2020, the Commission held three regular meetings, one Formal Hearing, and one Special Meeting. With a full-time staff of two, the Commission continues to increase its case processing and fine-tune its procedures. Staff consistently works to increase staff responsiveness. Increased responsiveness increases the Commission's accessibility and has resulted in increased interaction with the public. Current funding levels allow for four regular meetings a year in Anchorage.

2020 Regular Meeting Locations

January 10, 2020	Anchorage
May 27, 2020	Teleconference
August 28, 2020	Teleconference
December 11, 2020	Teleconference

2020 Special Meeting Locations

December 22, 2020	Teleconference

C. Outreach

Commission brochures inform the public of its purpose and functions. Brochures are available to the general public free of charge through the Commission's office. In addition, Commission members and staff address bar associations, court administrators, local community groups, and judicial programs. The Commission also maintains membership in the National Center for State Courts, Center for Judicial Ethics.

D. Formal Proceedings

The Commission held a Formal Hearing and forwarded a recommendation of discipline to the Supreme Court in one matter in 2020.

E. Rules of Procedure

The Commission's operations are governed by its own Rules of Procedure. While the statutes relating to the Commission broadly outline the Commission's responsibilities, the Rules of Procedure define how the Commission operates. In 1991, the Commission revised its rules clarifying many rules and increasing their scope. In 1998, a committee consisting of four commission members, one attorney member, one public member, and two judge members, was established for the purpose of refining and modifying the Rules of Procedure. The Commission adopted this revision on December 1, 2000.

The Rules Revision Committee's work focused on enhancing the rules in the areas such as discovery, evidence, motions, role of the chair, executive director's role and authority, standards for reopening complaints, deliberative process, the formal hearing, and settlement. In June 2003, the Notice Rule was revised to allow notice to a judge in anticipation of action at an upcoming meeting. Rule 5(e) was revised to specify the form that information would be released pursuant to a waiver in 2009. Most recently (August 2013), the Commission amended Rule 11 to allow for "informal advice" by the Commission to a judge where there is no misconduct.

Most rule revisions are circulated for public comment prior to their adoption. The Commission's efforts are directed toward improving its public responsiveness, creating the fairest procedures, and fulfilling its directive under the state constitution. The Commission's current Rules of Procedure are included in **Appendix I**.

F. Staffing

The Commission staff currently consists of an executive director and an administrative assistant.

IV. COMMISSION FINANCES AND BUDGET

The Commission's finances are planned according to the state fiscal year (July 1 - June 30). Each year the Commission on Judicial Conduct submits its budget request to the legislature. The Commission's resources are appropriated from the state general operating fund.

A. Fiscal Year 2021 Budget

In FY 2021, the legislature appropriated $453,900.00 to the Commission. This money enables the Commission to operate a staff of one executive director and one administrative assistant.

B. Fiscal Year 2020 Activity

All of the previous year's pending complaints were closed in 2020.

V. FUTURE ACTIVITIES

A. Commission Meetings

April 2021	Anchorage
July 2021	Anchorage
October 2021	Anchorage
December 2021	Anchorage

B. Caseload

In 2021, the Commission anticipates receiving approximately 50 complaints against judicial officers, of which 10 may require staff investigation.

C. Legislation

At the Commission's request, the House Judiciary Committee introduced a bill in 1989 that opened the Commission's formal hearings to the public. House Bill 268, passed in May 1990, also established a standard deadline of six years for complaints against judges to be filed with the Commission. (The former law required a period of not more than six years before the start of the judge's current term; creating different time limits for different judges.) The law also explicitly includes part-time or temporary judges within the Commission's authority. That law's enactment also made all Commission formal hearings and recommendations to the Alaska Supreme Court open to the public. In 1997, the Commission conducted its first public hearing under this legislation.

D. Formal Ethics Opinions

In 1991, the Commission issued its first Formal Ethics Opinions. These opinions are based on actual Commission complaints that resulted in some form of private informal action. Formal Ethics Opinions are reported in a way that protects confidentiality. Only the minimum facts necessary to an understanding of the opinion are reported. The Commission continues to adopt new formal ethics opinions as situations arise. These opinions are included in **Appendix G**.

E. Advisory Opinions

At the March 1, 1996, meeting, the Commission adopted a rule authorizing the issuance of advisory opinions to judges who would like guidance regarding ethical dilemmas. Special committees of the Commission draft opinions in response to written requests. A final opinion issues from the Commission and is confidential unless the requesting judge asks that it be public. In 2020, the Commission adopted one new advisory opinion. Advisory opinions are included in **Appendix H**.

Staff also provided over 200 informal ethics opinions to judicial officers and court personnel.

F. Other Activities

In 2021, the Commission will continue developing and conducting educational programs for judicial officers on various judicial conduct issues. While advisory opinions provide guidance to individual judges addressing specific ethical issues, there is an ongoing need to provide general guidance to all judges in this changing field.

Again in 2020, the Commission provided self-study materials covering a variety of ethics topics for both new and experienced judges. In addition, the Commission continues to participate with the court system's judicial education committee and presents judicial programs periodically addressing a variety of ethical issues.

In 2000, the Commission jointly published Alaska Judicial Applicant Guidelines with the Alaska Judicial Council and the Alaska Bar Association. The publication gives guidance to judicial applicants and their supporters regarding the ethical considerations

when soliciting support from others. There are suggestions for preferred methods and tone of communications as well as an appendix of resource materials. This publication was reprinted in 2003.

Other outreach activities will continue and expand to further general public awareness of the Commission's functions. Staff will continue to address community groups and meet individually with members of the general public. In addition, the Commission will periodically pay for display newspaper advertisements that highlight the Commission's purpose and invite public participation.

The Commission also hopes to continue work with the state and local bar associations to identify areas of concern that attorneys have encountered. A very small percentage of current complaints against judges are filed by attorneys.