

STATE OF ALASKA
COMMISSION ON JUDICIAL CONDUCT



2013 ANNUAL REPORT

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**ALASKA COMMISSION ON
JUDICIAL CONDUCT
2013 Roster**

Judge Members

Judge Keith Levy
Alaska District Court
P.O. Box 114100
Juneau, Alaska 99811-4100
(Term expires February 1, 2015)
(Chairperson)

Judge Philip R. Volland
Alaska Superior Court
825 W. 4th Avenue
Anchorage, Alaska 99501-2004
(Term expires February 1, 2015)

Judge Eric Smith
Alaska Superior Court
435 S. Denali Street
Palmer, Alaska 99645
(Term expires February 1, 2016)

Attorney Members

Robert Groseclose
714 4th Avenue, Suite 200
Fairbanks, Alaska 99701
(Term expires March 1, 2016)

Amy Gurton Mead
155 S. Seward Street
Juneau, Alaska 9980
(Term expires March 1, 2016)

Marc W. June
807 G Street, Suit 150
Anchorage, Alaska 99501
(Term expires March 1, 2017)

Public Members

Amy L. Demboski
510 L Street, Suite 585
Anchorage, Alaska 99501
(Term expires March 1, 2015)

Robert Sheldon
510 L Street, Suite 585
Anchorage, Alaska 99501
(Term expires March 1, 2016)

Chris Brown
510 L Street, Suite 585
Anchorage, Alaska 99501
(Term expires March 1, 2017)
(Vice Chair)

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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 (2013)

HONORABLE KEITH B. LEVY was appointed to the District Court in 2005. He chairs the Newer Judge Development Committee and presides over the Juneau Therapeutic Court, a program for the rehabilitation of individuals convicted of felony driving under the influence of alcohol. He graduated from the State University of New York at Binghamton and received his law degree from the University of Santa Clara Law School. Before being appointed to the bench he worked in private practice and held a variety of public service positions including staff attorney to the Alaska Court of Appeals, legal counsel to the Alaska Legislative Affairs Agency, and assistant attorney general with the Alaska Department of Law. He served on the Board of Governors of the Alaska Bar Association, including a term as president.

HONORABLE PHILIP R. VOLLAND is the Deputy Presiding Judge for Criminal Matters for the Third Judicial District in Anchorage, Alaska. Judge Volland was appointed to the bench in 2002 following nearly 30 years in private practice. He is presently Chair of the Criminal Rules Committee and is a former president of the Alaska Bar Association. Judge Volland formerly served on the Civil Rules Committee, the Special Committee to Review the Code of Judicial Conduct, the Law Related Education Committee, the Sentencing Commission and the Alaska Public Offices Commission. Judge Volland received his legal training at New York University School of Law where he was a Root-Tilden Scholar. He was admitted to state and federal practice in Alaska in 1977.

HONORABLE ERIC SMITH was appointed to the Superior Court in Palmer in 1996. He is presently Chair of the Criminal Pattern Instructions Committee and Vice Chair of the Fairness and Diversity Committee. He also is a member of the Judicial Wellness Committee, and served for many years as a Training Judge and a Mentor Judge. He graduated from Swarthmore College and received his law degree from Yale University. Before being appointed to the bench he worked in private practice, in the public interest sector, and for the federal government. He was admitted to state and federal practice in Alaska in 1982.

Attorney Members (2013)

JAN OSTROVSKY (January 2013 - October 2013) is the Clerk of the Bankruptcy Court for the District of Alaska. He has been an attorney since 1975 practicing in small and large firms and as an appointed official of the U.S. Department of Justice. Mr. Ostrovsky has previously served as a board member of the Consumer Education and Training Services (CENTS Project) in Seattle, as the United States Trustee for the northwest states, and as a professional fee examiner in the Enron bankruptcies. He is a contributing author to the Collier Bankruptcy Treatise and co-author of the "Collier Compensation, Employment and Appointment of Trustees and Professionals" volume.

MARC W. JUNE (October 2013 - Present) has practiced law in Anchorage since 1980. He received a Bachelor of Arts with Distinction from Stanford University in 1977. He received his law degree from UCLA School of Law in 1980. He has been in the private practice of law since being admitted to the Alaska Bar in 1990, first at the law firm of Birch, Horton, Bittner and Cherot and, since 1996, at The Law Office of Marc June. His past and current professional activities include the Alaska Bar Association Board of Governors (1992-1995), the Alaska Bar Association Fee Arbitration Panel, the Alaska Bar Association Disciplinary Panel, the Ethics Committee, the Alaska Court System Civil Rules Committee, the United States District Court, Local Civil Rules Committee, and the Board of Directors of Alaska Legal Services Corporation.

AMY GURTON MEAD currently practices law in Juneau as the City and Borough Attorney. She holds a J.D. Degree from Tulane Law School and a B.A. in Psychology from Boston University. Ms. Mead has served as a judicial clerk for the Hon. Thomas A. Jahnke, an Assistant District Attorney in Ketchikan (1996-1998), an Assistant Attorney General in Juneau (2000-2001) and as the City and Borough Attorney for Wrangell (2008-2010). She was in private practice with Robertson, Monagle & Eastaugh (now Hoffman Blasco) from 1998 – 2000 and from 2001 – 2010, when she joined the City and Borough of Juneau Law Department as an Assistant City Attorney. She's been a member of the Alaska Bar Association since 1997.

ROBERT "BOB" GROSECLOSE has practiced law in Fairbanks since 1976. He received a Bachelor of Arts in Economics from the University of Oregon in 1971, including his completion of a course of study at the Netherlands International School of Business (currently known as Nyenrode University). He received his law degree from the Columbus School of Law, Catholic University of America, in December 1975. Other than a 1974 summer clerkship with the Alaska Superior Court in Fairbanks, Bob has been in private practice since 1976. He is a shareholder with COOK SCHUHMANN & GROSECLOSE, Inc. in Fairbanks. Bob served on the Alaska Judicial Council (2000-2006) and has served in various Alaska Bar Association committee capacities since receiving his bar license in 1976.

Public Members (2013)

JAMES C. (CHRIS) BROWN has lived in Alaska since 2004, and has a 30+ year career in the telecommunications industry. Mr. Brown was born in Canada and grew up in the Southeastern US, where he received an electrical engineering degree from the University of South Florida and an MBA from Emory University in Atlanta, Georgia. Mr. Brown's professional career spans both domestic and international telecommunications, including senior management positions with Sprint, British Telecom and currently AT&T Alaska. Chris and Margaret, his wife of 34 years have one son, Matthew, who is a student at the University of Alaska - Anchorage. Chris's interests include amateur radio, photography, and music. He was appointed to the Commission in 2009.

AMY DEMBOSKI was raised in a military family and moved to Eagle River in 1989. She graduated from Chugiak High School in 1994. Amy has Bachelor degrees in Justice and History from UAA, and an MBA in finance from Columbia Southern University. Amy's professional career began in the healthcare industry, where she focused on business development and management. She is currently serving on the Anchorage Assembly representing Chugiak, Eagle River, and JBER. Amy and her husband, Ben, have two children. Their daughter, Kennedy, is a senior at Chugiak High School and son, Riley, is an 8th-grader at Mirror Lake Middle School. In addition to her service on the Assembly, Amy spends her time volunteering in the Chugiak-Eagle River area as a member of the Sleeping Lady Mountain Lions Club.

ROBERT D. SHELDON is a lifelong Alaskan who was raised in Talkeetna. He has a Bachelor of Science Degree 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 and finance. He also is a volunteer in the business community facilitating, financing and encouraging relationships and is a member of Omicron Delta Epsilon, an international economics society. His broad interest in finance and economics extends into understanding interconnections with the judiciary. Robert has been married to Marne Sheldon for 18 years and has three sons. Robert was appointed to the Conduct Commission in 2008. His interests include family, remote rafting, exploration, and coaching.

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 Trevor Stephens
Alaska Superior Court
415 Main Street, Room 400
Ketchikan, Alaska 99901

Second Judicial District

Honorable Michael Jeffery
Alaska Superior Court
Box 270
Barrow, Alaska 99723

Third Judicial District

Honorable Sen Tan
Alaska Superior Court
825 W. Fourth Avenue
Anchorage, Alaska 99501

Fourth Judicial District

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

Complaints against attorneys can be directed to:

Stephen J. Van Goor, 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.

3. 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, recommend counseling or 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,* or admonishment.

*The 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*.*

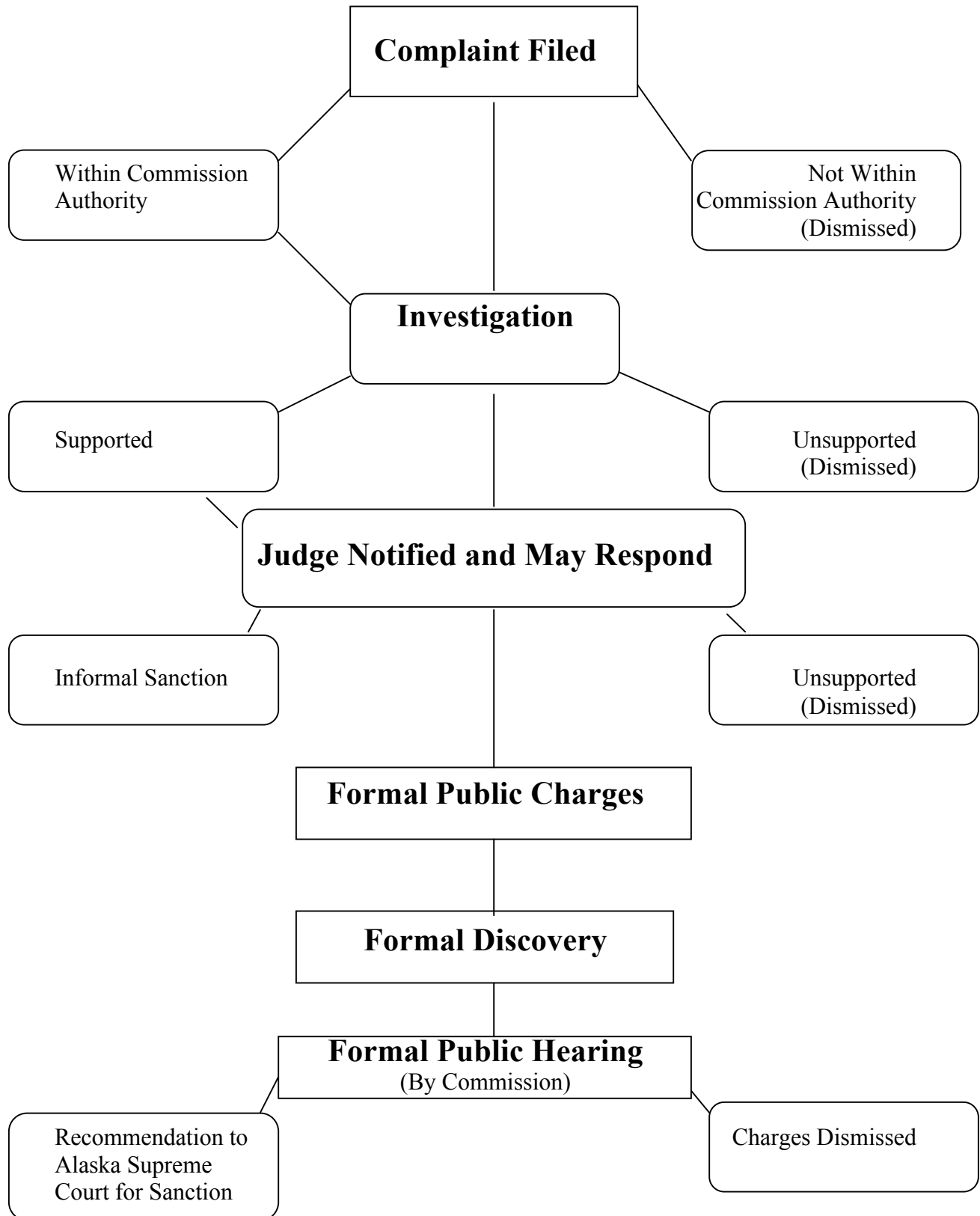
If the Commission determines that the complaint has enough substance to warrant action, the *judge in question is notified and given an opportunity to respond*. During this stage, the judge may receive a private *informal adjustment*, *private discipline*, or, after a determination of probable cause, *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.

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

Commission Complaint Process



III. CALENDAR YEAR 2013 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 2013, staff responded in writing to 75 inquiries and approximately 150 verbal and e-mail inquiries.

In 2013, staff continued to make a concerted effort to screen many complaints before they actually were filed with the Commission. Thirteen new jurisdictional complaints were filed this year. Of those jurisdictional complaints, nine were eventually dismissed, leaving four 2013 jurisdictional complaints that will require investigation. In addition to the 2013 jurisdictional complaints, eight jurisdictional complaints from previous years were acted on.

The Commission opens approximately two complaints a month that require 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

2013 Complaint Filings

Complaint Filings

Within the Commission's Authority	<i>Jurisdictional</i>	13
Not Within the Commission's Authority	<i>Non-Jurisdictional</i>	62
Total New Complaints		75

Figure 1

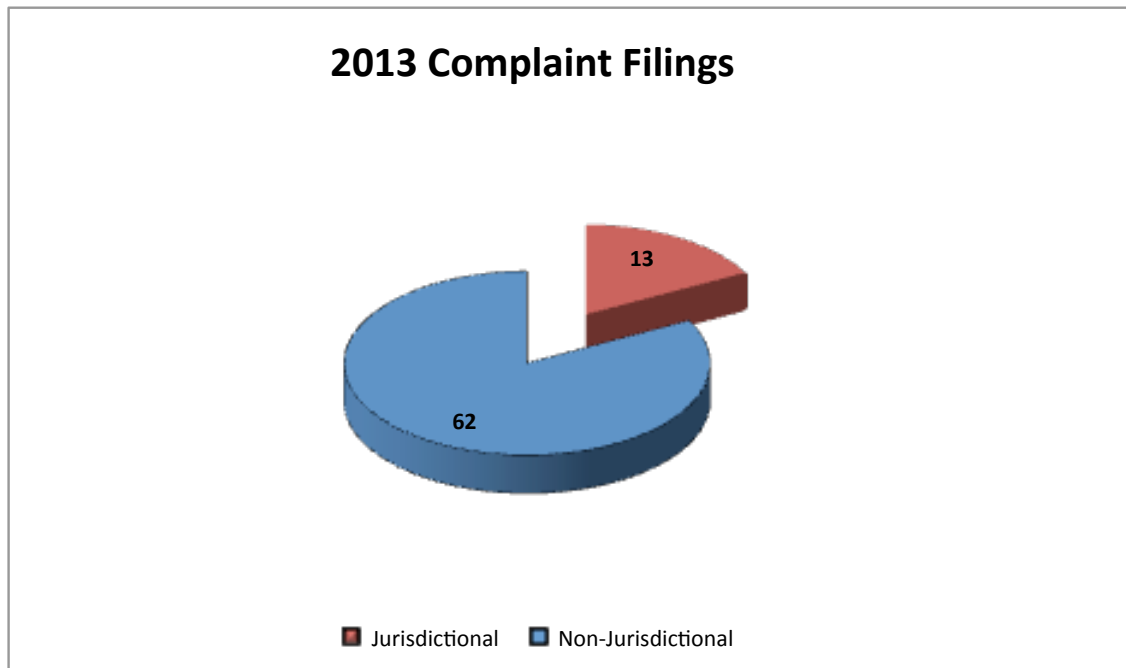


Table 2

Comparison With Previous Years' Total Accusations Filed by Calendar Year

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

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
1990	38

* Beginning in 1990, Commission staff have made a concerted 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

Comparison with Prior Years' Filings

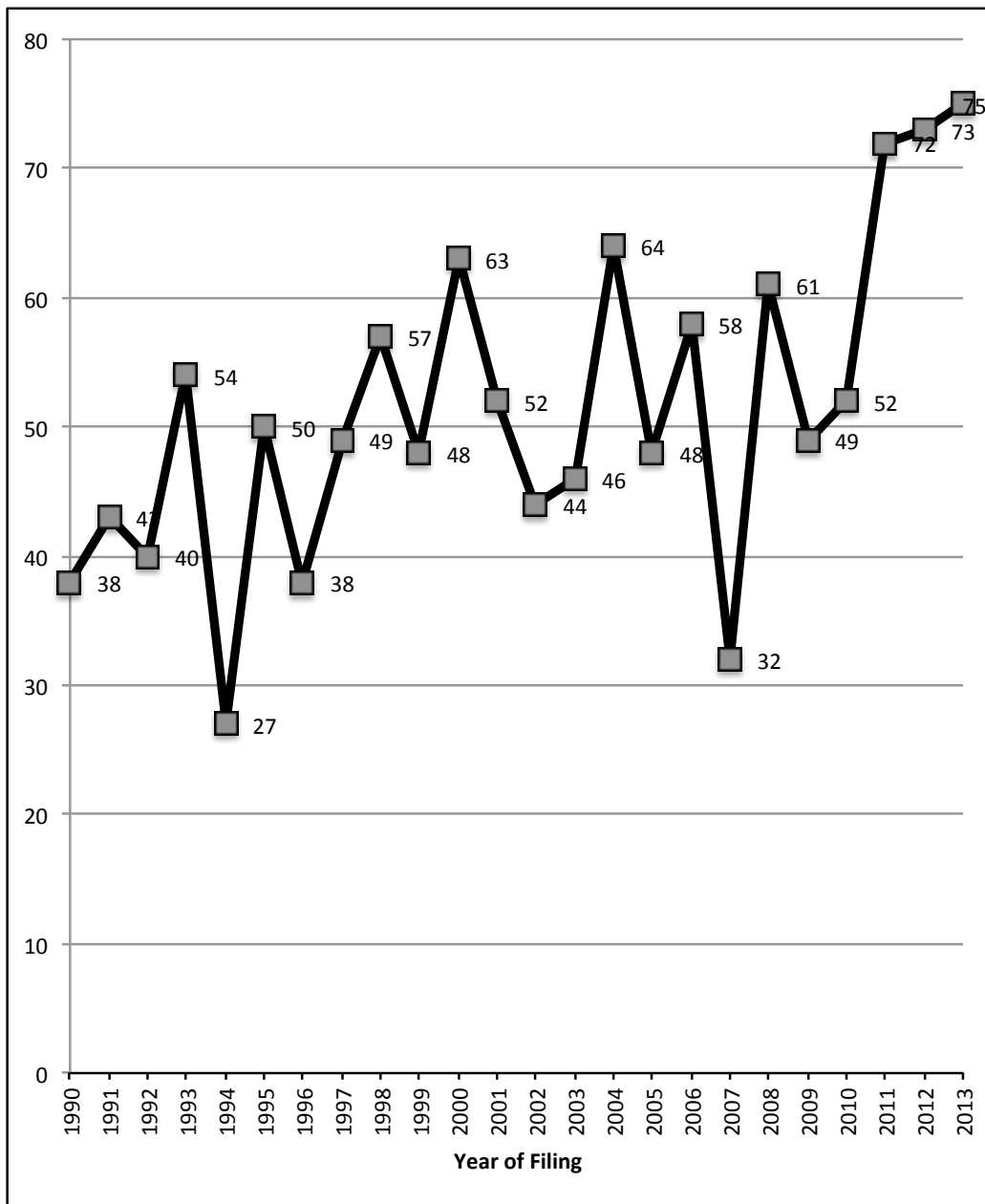


Table 3

Complaint Sources 2009-2013

(Jurisdictional and Non-Jurisdictional)

Complaint Sources	2009	2010	2011	2012*	2013**
Litigants	44	55	62	67	67
Non-Litigants	2	6	4	4	7
Attorneys/Judges	1	1	4	0	1
Commission Initiated	1	1	2	1	2
Court Personnel	1	1	0	0	0

*In 2012: One complaint was filed by an unidentified complaint source.

**In 2013: Three litigants filed the same complaint.

Figure 3

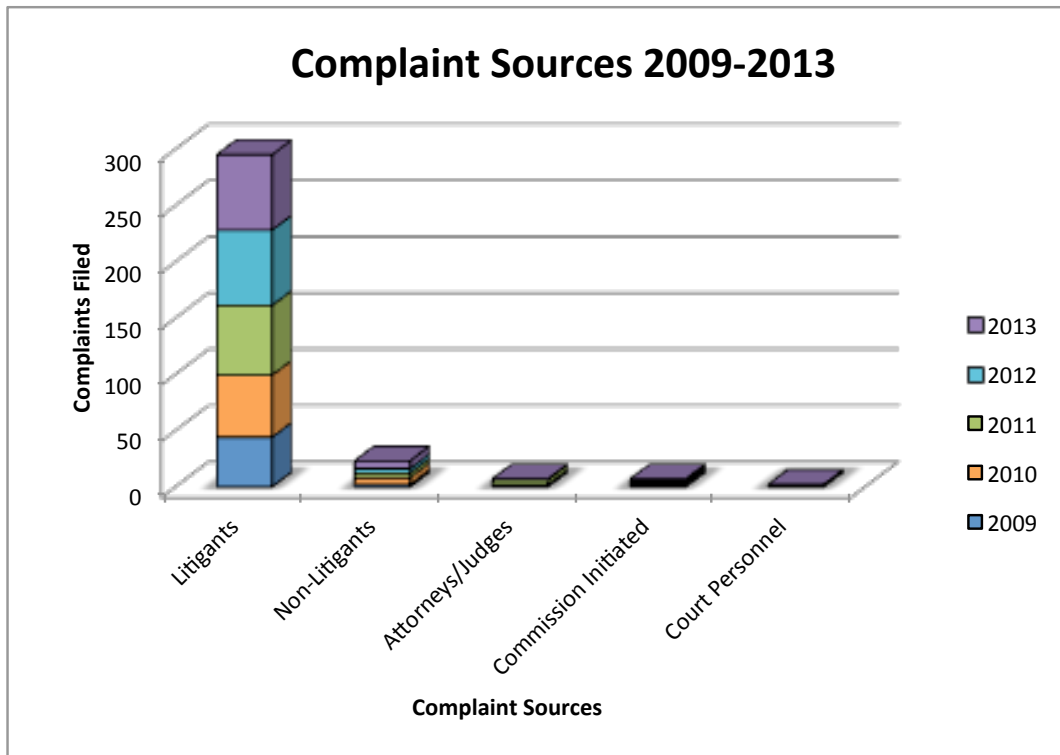


Table 4

2013 Complaint Closures

2011	1
2012	7
2013	9

Figure 4



Table 5

2013 Complaint Dispositions

Complaints Outside the Commission's Authority

Dissatisfaction with Legal Ruling	62
Complaints Against a Magistrate or Master	0
Complaints Against an Attorney	1
Other	10
Total Non-Jurisdictional Complaints Processed	73

Complaints Within the Commission's Authority

Complainant Did Not Provide Further Information	0
Complainant Withdrew Complaint	0
Investigated then Dismissed	14 *
Other Commission Action	3 *
Total Jurisdictional Complaints Processed	17 *

* 2 were filed in 2011, 6 were filed in 2012 and were acted on in 2013

Figure 5A

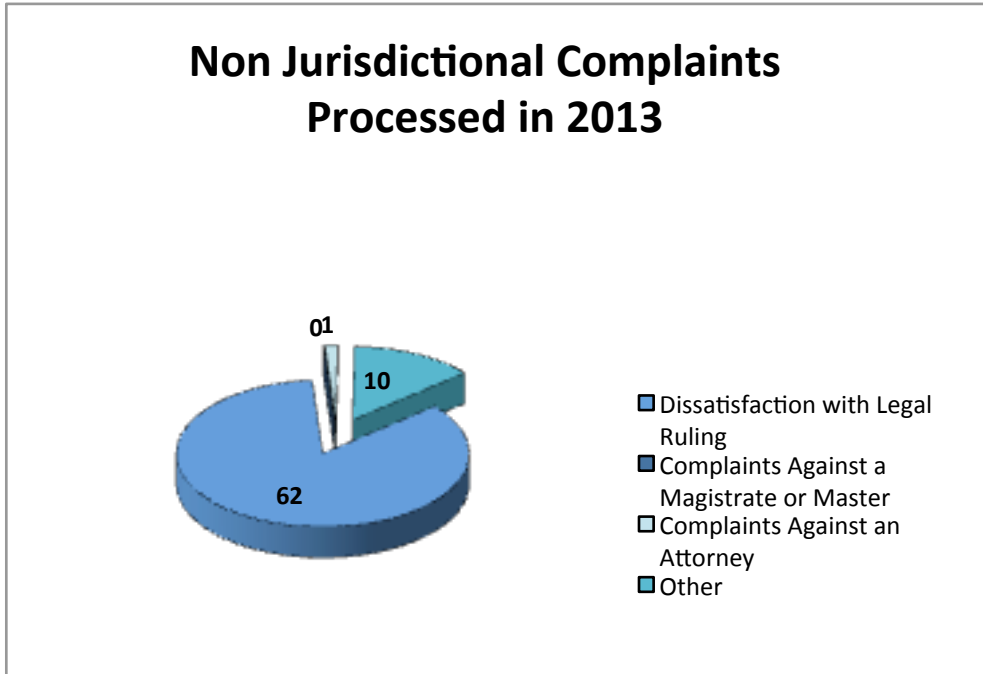


Figure 5B

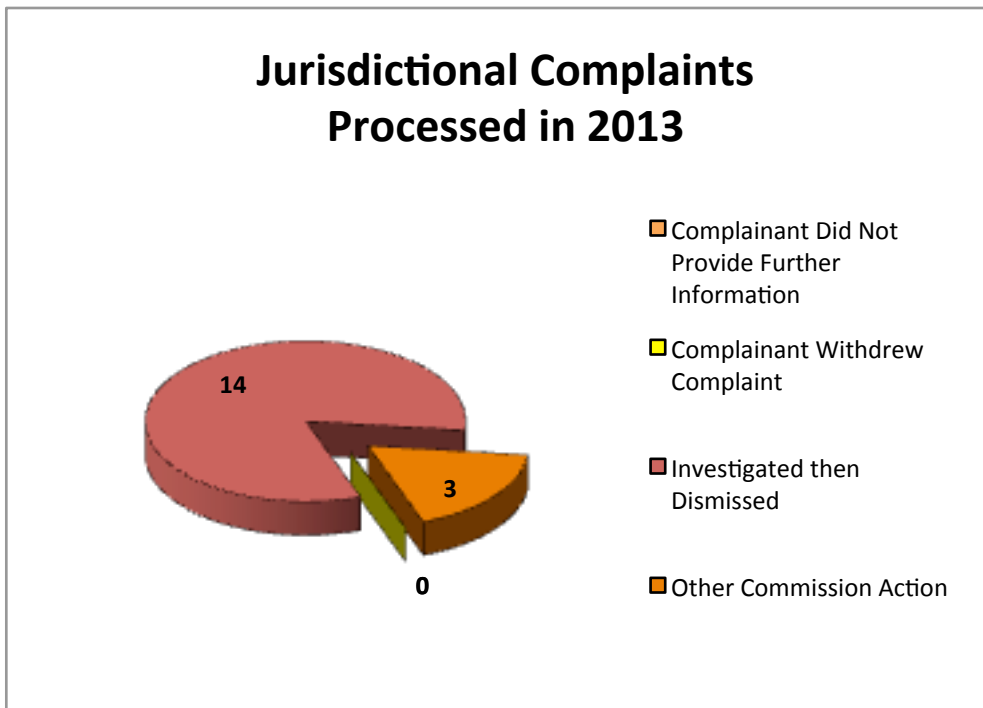


Table 6

Comparison With Previous Years Closures*

Total Jurisdictional Complaints Closed

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
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 during 1989 and after.

Figure 6

Jurisdictional Complaints Closed Compared to Prior Years

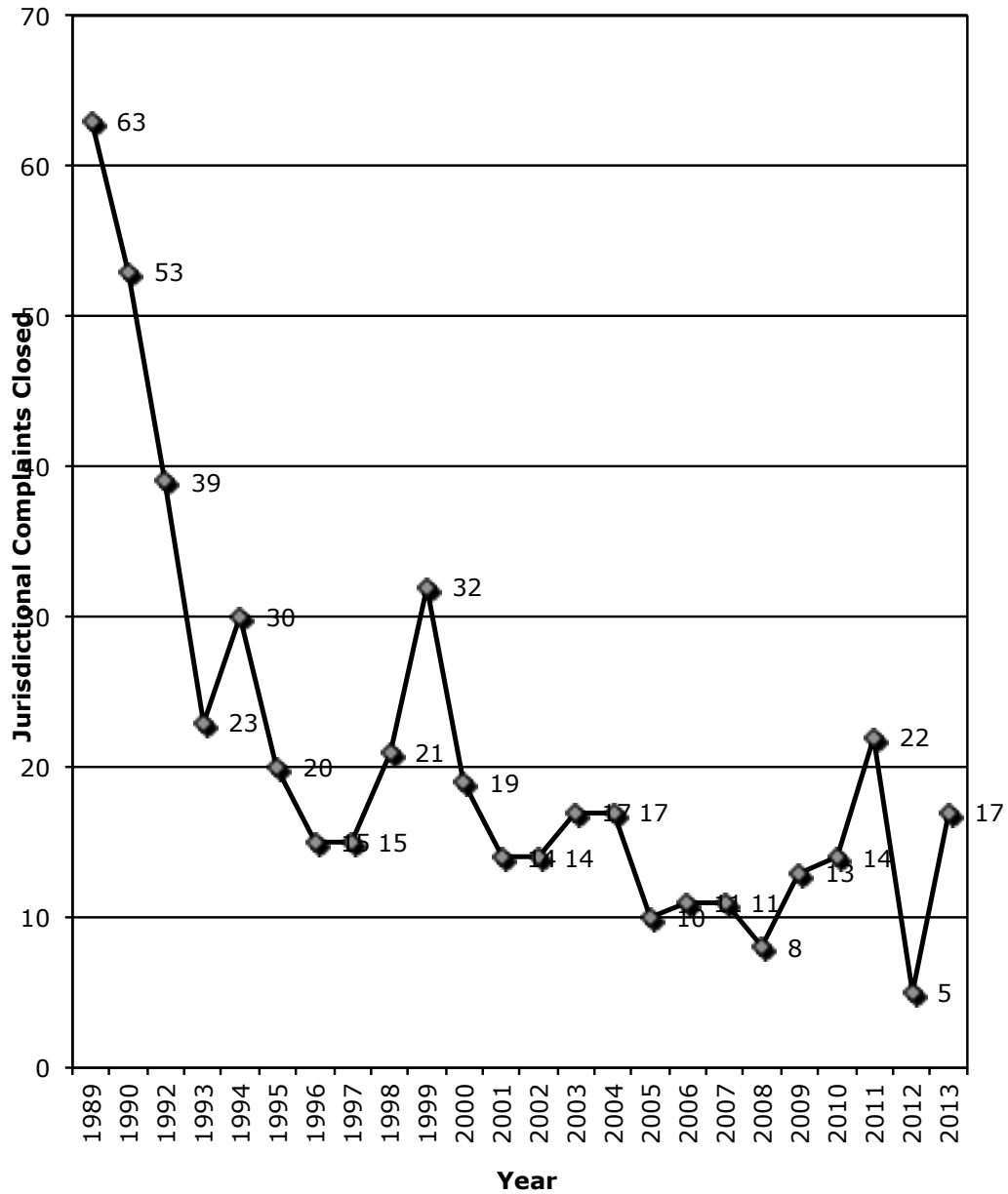


Table 7

Pending Jurisdictional Complaints By Year Filed

(As of December 31, 2013)

2013	4
2012	2
2011	1

Table 8

Actions Taken 2008-2013

Actions Taken	2008	2009	2010	2011	2012	2013
Complaints Investigated	9	13	14	22	14	10
Judges asked to Respond in writing to alleged misconduct	1	1	4	3	1	4
Judges summoned to explain alleged Misconduct	1	2	3	0	2	3
Cases Dismissed before formal hearing	0	0	0	0	0	0
Cases dismissed as unsubstantiated	0	0	0	0	0	0
Cases dismissed for lack of jurisdiction	14	33	53	62	61	72
Cases dismissed for insufficient evidence after investigation	8	10	11	20	1	4
Private censures, admonishments, reprimands and cautionary letters	0	1	1	2	1	2
Discipline recommended to the Alaska Supreme Court	1	0	2	0	1	0

Figure 8

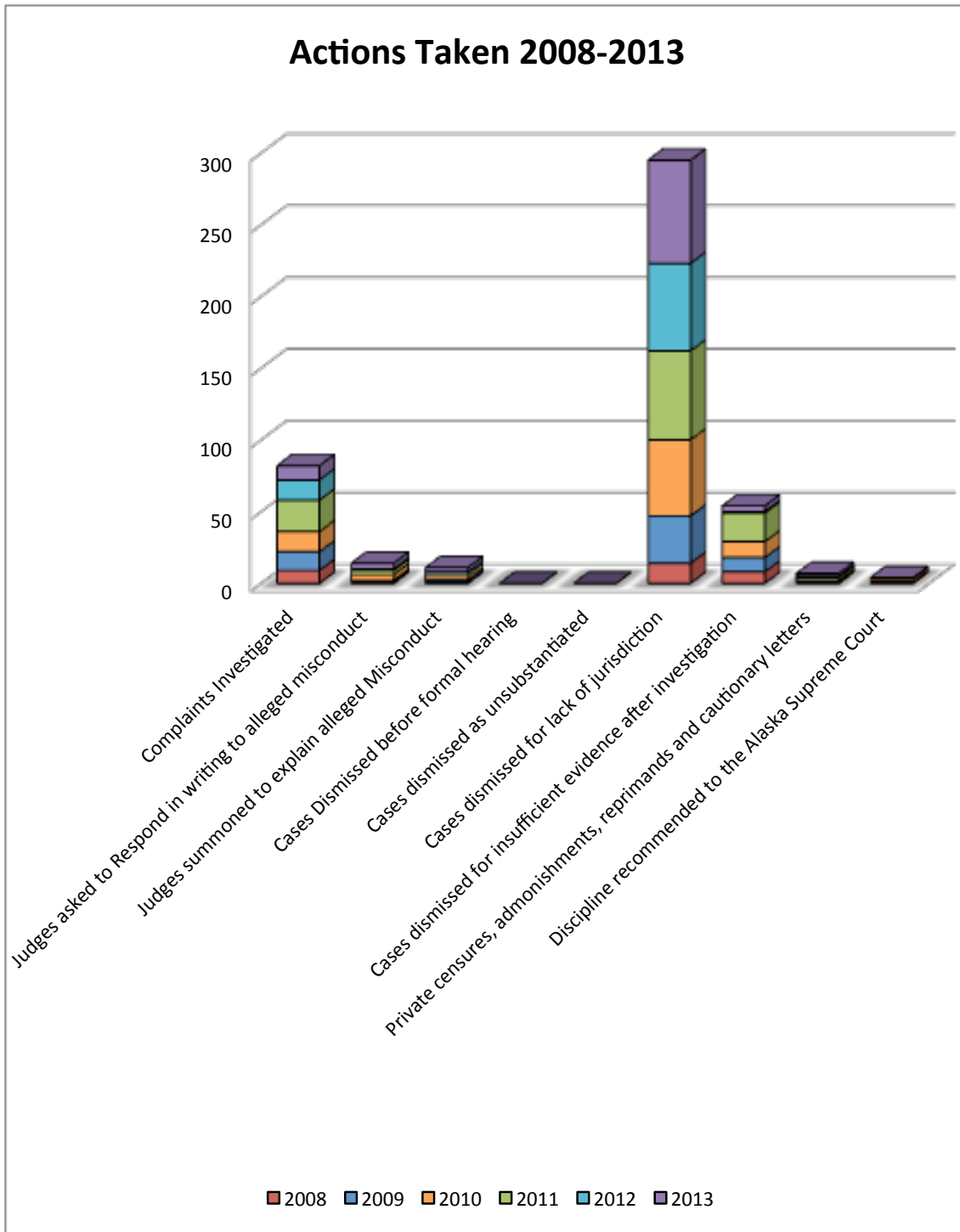


Table 9

Court Levels Involved Jurisdictional Complaints 2008-2013

Court Levels Involved	2008*	2009*	2010*	2011*	2012*	2013*
District Court Judges	4	4	6	6	2	3
Superior Court Judges	13	6	8	16	8	10
Court of Appeals Judges	0	0	0	0	0	0
Supreme Court Justices	0	0	0	0	1	0
Pro-Tem Judges	0	0	1	0	1	1

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

Figure 9

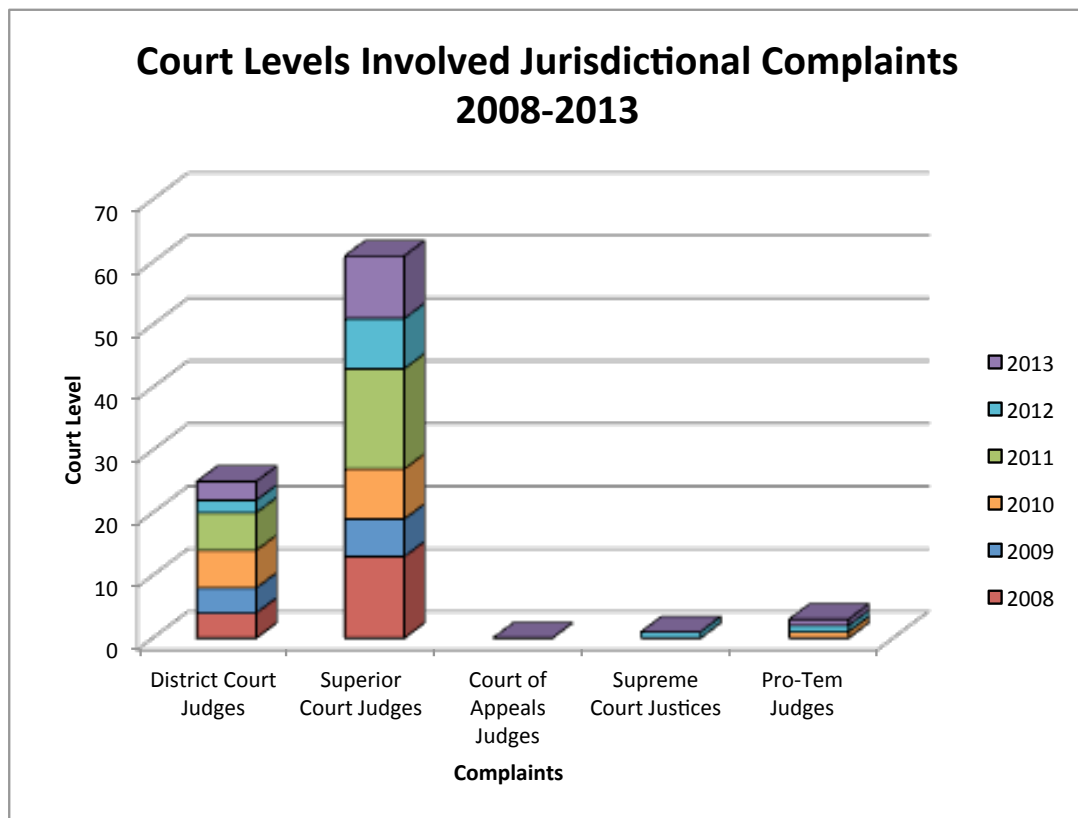


Table 10

Types of Allegations Filed in 2013

(Jurisdictional and Non-Jurisdictional)

Types of Allegations	2013
Dissatisfaction with Legal Ruling	54
Racial, Ethnic, or Gender Bias	2
Ex Parte Communications	3
Abuse of Judicial Power	1
Injudicious Courtroom Decorum	4
Administrative Inefficiency	2
Conflict of Interest/Failure to Disqualify	5
Criminal Activity	0
Personal Misconduct Off the Bench	0
Appearance of Impropriety	0
Other/General Misconduct/Non-Judges	1
Demeanor	1
General Bias	6
Delay	3
Vague Assertion of Bias	1
Complaint Against Custody Investigator	0
Disability	0
Administrative Failure	1

* some complaints have more than one type of allegation

Figure 10

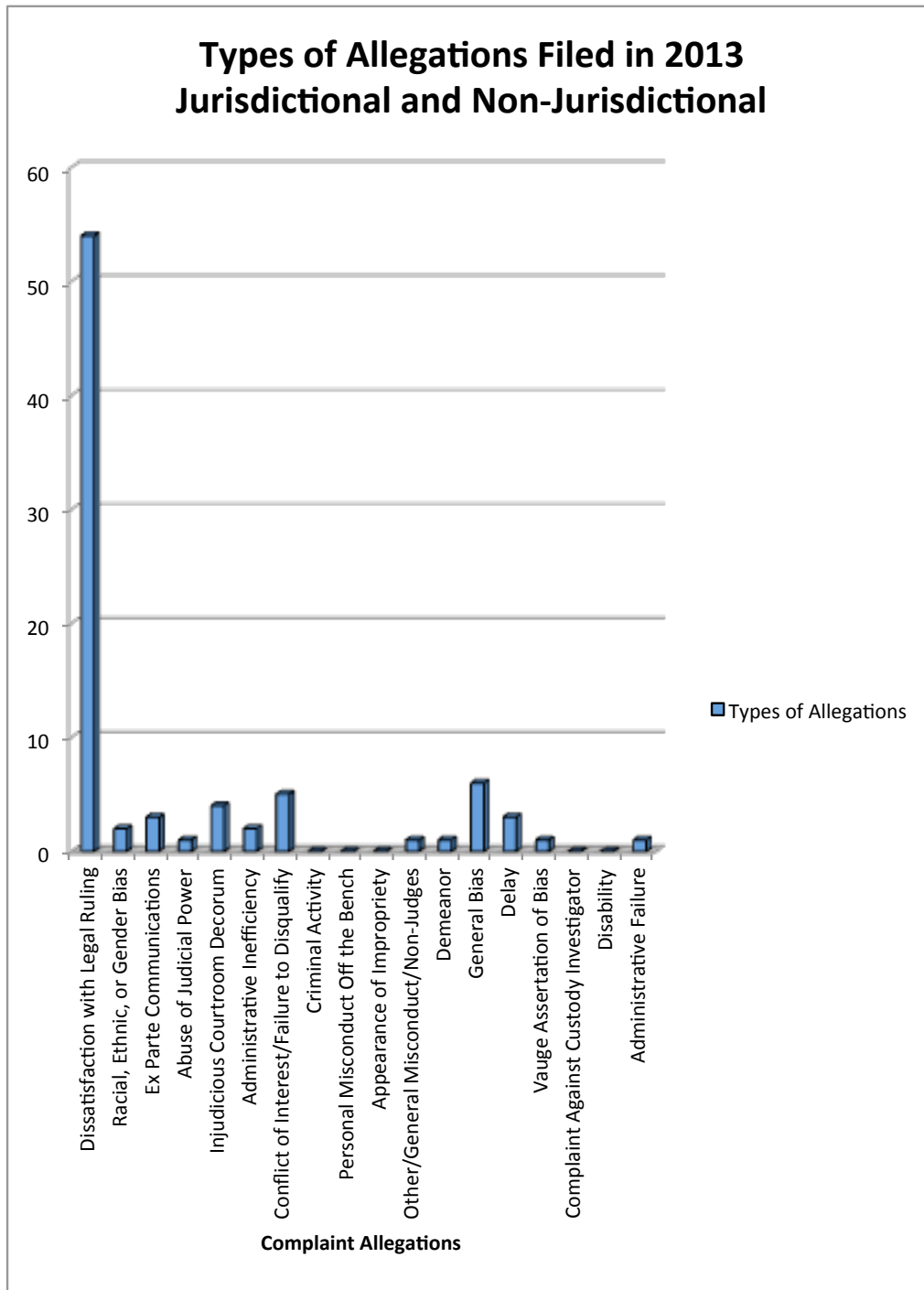


Table 11

2013 Recusals By Commissioners and Staff

Total Complaints Voted on in 2013 **89**

Judge Member Recusals	10
Attorney Member Recusals	1
Public Member Recusals	0
Staff Member Recusals	0

B. Commission Meetings

During 2013, the Commission held four regular meetings. 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.

2013 Regular Meeting Locations

January 18, 2013	Anchorage
April 26, 2013	Anchorage
August 19, 2013	Anchorage
November 22, 2013	Anchorage

2013 Special Meetings Locations

No special meetings were held in 2013

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 American Judicature Society's Center for Judicial Conduct Organizations.

D. Formal Proceedings

There were no formal hearings in 2013, but the Commission issued Formal Charges in August 2013 that will be resolved by ongoing formal proceedings in 2014.

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 rules 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 2014 Budget

In FY 2014, the legislature appropriated \$403,700.00 to the commission. This money enables the Commission to operate a staff of one executive director and one administrative assistant.

B. Fiscal Year 2013 Activity

All but three of the previous year's pending complaints were closed in 2013; however, four 2013 complaints are pending investigation.

V. FUTURE ACTIVITIES

A. Commission Meetings

February 21, 2014	Anchorage
April 17 th & 18 th , 2014	Anchorage
August 2014	Anchorage
November 2014	Anchorage

B. Caseload

In 2014, the Commission anticipates receiving approximately 70 complaints against judicial officers, of which 20 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 the 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 2013, the Commission did not adopt any new advisory opinions. Advisory opinions are included in **Appendix H**.

Staff also provided over 100 informal ethics opinions to judicial officers and court personnel.

F. Other Activities

In 2014, 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 2013, 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 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.