

Alaska Commission on Judicial Conduct

Meeting of September 21, 2026

Public Session

9:30 a.m. - 11:20 a.m.

Anchorage

AGENDA
COMMISSION ON JUDICIAL CONDUCT
September 21, 2026
Public Session
Anchorage

		TAB
9:30-9:40	Determine Quorum/Review Agenda/Approve Prior Minutes	A
9:40-10:00	Director's Report • FY26 End of Year/FY27 Current/FY27 Projected • Status of Complaint Processing/Advisory Opinions • Professional Activities ○ Committee Work ○ Travel Report • Commission Member Status • Update - Logistics of Electing Judges to Commission	B
10:00-10:20	Suggested Updates to Commission Rules • Language Change to Rule 1(a) • Language Change to Rule 1(h) • Sub-Committee on Public Records Policy	C
10:20-10:40	Draft Advisory Opinion – Providing Attorney Evaluation Information	D
10:40-10:50	Set 2027 Year Meeting Schedule/New Business	
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Meeting of September 21, 2026

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Public Session

Tab A

Draft Public Session Minutes

Chair Mead called the public session to order at 10:20am. Present were judge members Temple and Wheelles, attorney members Mores and Satterberg, and public members Kilbourn and Sheldon. Also present were the Commission's outgoing Executive Director Marla Greenstein, incoming Executive Director Michael Schwaiger, and administrative assistant Aleta Bartimmo. Attorney member McClintock and public member Fletcher were unavailable for this meeting.

There were no changes to the agenda. The Commission reviewed the prior public session minutes. Commissioner Temple moved to approve the prior minutes, Commissioner Satterberg seconded the motion, and the minutes were approved unanimously.

Executive Director Greenstein presented the director's report. She reported on the budget, indicating that the budget for next year went through legislative committees as requested, with a \$6,000 increment for travel. Due to the costs of overlapping staff for Mr. Schwaiger's training, she will be reporting fewer working hours than originally anticipated in June. Her last day will be June 30. Ms. Greenstein's computer, laptop, and iPad have not been updated in some time, and a new laptop and iPad are needed for Mr. Schwaiger. As in prior years, a language appropriation has been secured from the legislature to spend up to \$75,000 in FY27 for special counsel.

Ms. Greenstein reported that complaint processing is not current. There are thirteen jurisdictional complaints currently needing investigation. The Commission will be considering action on an additional five jurisdictional complaints and nine non-jurisdictional complaints in the closed session today. Ms. Greenstein gave eleven informal advisory opinions since the last meeting; ten were to judges and one to a fully retired judge. The issues concerned administrative delay, disqualification and disclosure, appearance of impropriety, and ex parte communication.

Ms. Greenstein reported that the Commission is working on a formal advisory opinion on the propriety of a judge speaking with an attorney's supervisor regarding an attorney's performance, potentially expanding to the propriety of a judge speaking to an attorney regarding the attorney's performance. Ms. Greenstein reported that she answered several inquiries from judges up for retention and sent the Alaska Judicial Council a letter on the propriety of a judge answering questions from council members about pending or impending issues.

Ms. Greenstein reported on her professional activities. Her work with the Code Revision Committee has finished, and the Alaska Supreme Court has adopted the revised code, effective in mid-October 2026. The current code will remain effective for alleged conduct occurring before mid-October 2026, so the Commission will continue to apply it for several more years. She participated in supervisor training for judges. She will do three more columns for the Judges Journal. Ms. Greenstein will be paying her own way to attend the AJDC conference, where she will give a presentation on executive directors. Ms. Greenstein will also attend the ABA conference, where she will moderate a panel examining the ethical options for judges when their

personal convictions conflict with judicial obligations. Commissioner Temple moved the Commission for approval for travel for Mr. Schwaiger to attend the AJDC conference, Commissioner Sheldon seconded the motion, and the motion was unanimously approved.

Ms. Greenstein reported that Commissioner Fletcher will be up for re-appointment in March 2027. She asked Chair Mead to contact Commissioner Fletcher about whether he will seek re-appointment and to remind him of the need to contact Boards and Commissions. Commissioner Temple inquired whether the terms of public, lawyer, and judge members were staggered. Ms. Greenstein clarified that the terms are not perfectly staggered but have been consistent over her time with the Commission. Ms. Greenstein reported that she and Mr. Schwaiger will meet with Lesa Robertson at the court system to discuss the logistics of electing judges to the Commission.

In new business, Chair Mead identified September 21 and December 4 as the next Commission meeting dates, and December 3 as the date of a formal hearing.

One member of the public, Edward Martin, addressed the Commission. Chair Mead noted that Mr. Martin had sent a letter dated June 13 and confirmed that Martin's prior public comment in January was retained as part of the public record. Ms. Greenstein confirmed that the minutes for the January meeting should have noted Mr. Martin's public comment and will review and revise the January minutes if necessary. Chair Mead noted that Commission staff has begun to respond to Mr. Martin's requests for records, and no commissioner has asked to re-open an issue Mr. Martin raised over a bond for the Commission. Mr. Martin urged the Commission to make itself more available and transparent to the public. Commissioners Sheldon and Kilbourn responded to Mr. Martin's comments. Chair Mead urged Mr. Martin to put in writing any specific suggestions for making the Commission's processes more transparent or better serve the public so that the Commission can consider them.

The public session of the meeting ended at 11:17am.

Tab B

Director's Report

Budget

(Most of the Budget Updates will be Handouts)

FY27 Budget: Current Status

(as of 08/31/2026

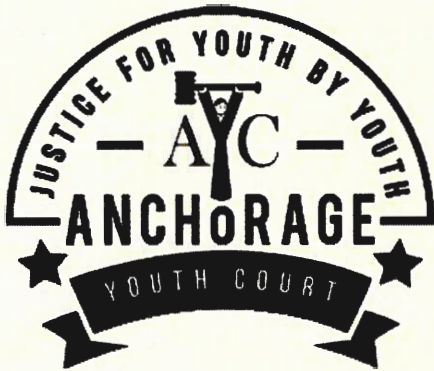
- Approved Budget Totals

Alaska Commission on Judicial Conduct Fiscal Year 2027 Approved Budget				
July 01, 2026 - June 31, 2027				
Budget Fiscal Year	Department (Court System)	Appropriation Unit (ACJC)	Object Type	Current Budget
2027	41	C80001004	1000 - Personnel	\$ 487,200.00
2027	41	C80001004	200 - Travel	\$ 22,000.00
2027	41	C80001004	3000 - Services	\$ 76,000.00
2027	41	C80001004	4000 - Supplies	\$ 7,000.00
2027	41	C80001004	5000 - Capital Outlay	\$ 5,000.00
2027	41	C80001004	3000 - Special Counsel	\$ 75,000.00

Status of Complaint Processing/ Informal Advisory Opinions

Legal Lore

Five Voices. Seven minutes each.
Real stories of justice and transforming lives.



*A storytelling fundraiser
benefitting Anchorage Youth Court*

Saturday, September 26, 2026

5:00 - 9:00 pm

Alaska Native Heritage Center

Support youth empowerment while listening to riveting stories related to the law, enjoying delicious dinner and drinks, and bidding on unique treasures!

Help Support 37 Years of Youth-Lead Justice!

ATTEND

Scan QR code below or visit
www.anchorageyouthcourt.org/legal-lore to purchase
tickets or become an event sponsor today!



DONATE

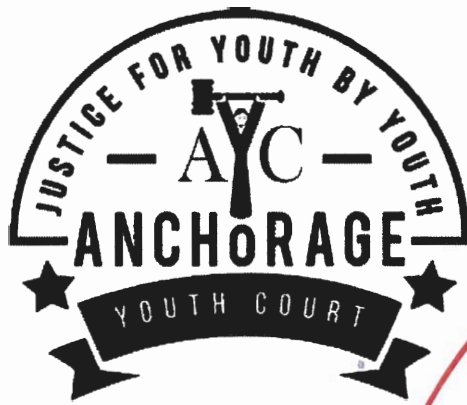
Donate an item, gift certificate, experience, or
basket to our silent or live auction

All donations are tax-deductible
and support our alternative justice
program. Email Jessica Hetzel at
jhetzel@anchorageyouthcourt.org to
support our event auctions.

SPEAK

Do you or someone you know have a rivetting story about
your experience with the justice system, second chances,
or advocacy? We need a few more presenters! Email
info@anchorageyouthcourt.org for more info.

Learn More About



Adult Volunteers Needed! Help teach these classes! You can co-teach with another legal professional. All teachers receive a complete curriculum and teaching manual, and can earn CLE credit for time spent preparing and teaching.

Fall 2026 Legal Studies Classes

REGISTRATION NOW OPEN

Classes meet once a week, over the span of 6 weeks, and are taught by local adult attorneys with the help of current AYC members on:

- **Saturdays** from 11 am - 2 pm at WEST HIGH SCHOOL, starting 9/12 and ending 10/17
(please note this session is **3 hours long** and the rest are 2)
- **Tuesdays** from 6-8 pm at BARTLETT HIGH SCHOOL, starting 9/15 and ending 10/20
- **Wednesdays** from 6-8 pm at DIMOND HIGH SCHOOL, starting 9/16 and ending 10/21
- **Thursdays** from 6-8 pm at HANSHEW MIDDLE SCHOOL, starting 9/17 and ending 10/22
- **Thursdays** from 6-8 pm at EAGLE RIVER HIGH SCHOOL, starting 9/17 and ending 10/22

SCAN FOR MORE INFO & TO REGISTER!
\$75 FEE REQUIRED; WAIVERS AVAILABLE.



Anchorage Youth Court (AYC) is a nonprofit organization founded in 1989, where local teens can volunteer on sentencing hearings to decide appropriate consequences for youth accused of breaking certain laws or that have been placed on a long-term suspension in the Anchorage, Eagle River, & Palmer area, with the guidance of an adult legal advisor.

During the sentencing hearing, three youth judges determine a consequence that is appropriate for the severity and impact of the youth's actions, circumstances of their life, and tools they may need to be successful going forward.

Joining AYC as a youth member:

In order to join the AYC Bar Association and volunteer as a clerk, bailiff, prosecuting attorney, defense attorney, or judge, you must:

- Live in the Anchorage Municipality
- Be currently enrolled in 7-12th grade
- Complete the AYC Legal Studies Course
 - Offered three times a year: Spring Break, Summer, and Fall (registrar for Fall 2026 using QR code on top of page)
- Pass the AYC Bar Exam
- Swear the AYC Oath of Confidentiality



Benefits for clients:

- **Unique Perspective:** The consequences are determined by youth who can relate to the situation & pressures teens face.
- **Privacy:** AYC proceedings are strictly confidential. The peers on your case will not attend the client's school.
- **Support:** AYC provides access to resources, referrals for services, and mentorship to help the student succeed in the future.
- **Clear Record & Second Chance:** the charge(s) will be adjusted/removed from the youth's record so they will not have to disclose it on future applications, once they complete the sentence requirements.

ANY QUESTIONS? PLEASE CONTACT US!

Anchorage Youth Court
838 W 4th Ave
Anchorage, AK 99501

anchorageyouthcourt.org
(907) 274-5986
info@anchorageyouthcourt.org

Office open Monday - Thursday from 12 pm - 5 pm
or by appointment

More

Opportunities to Get Involved

Follow AYC!



IG: @anchyouthcourt

FB: facebook.com/anchorageyouthcourt

anchorageyouthcourt.org



*Scan to join our email
list and receive weekly
updates!*

STOP BY!!!

First Friday Bake Sale & Open House

ALL proceeds from bake sales benefit the AYC Youth Scholarship Fund, granting scholarships to college or trade school for graduating seniors and funding youth travel to the annual United Youth Court of Alaska (UYCA) conference each spring.

**ONLY ONE BAKE
SALES LEFT THIS
YEAR:**

Friday September 4, 2026
4-8 pm
AYC office (838 W 4th Ave)

We accept donations of homemade baked goods, handmade crafts, art, veggies or flowers from your garden, 3D printed creations, jam, and more! Email info@anchorageyouthcourt.org for more info.



ANCHORAGE YOUTH COURT

AYC Creates Economic Value for Our Community &
Invests in Anchorage's Future

A 2025 INDEPENDENT STUDY FOUND AYC CREATES MORE VALUE THAN IT COSTS TO RUN

If AYC prevents even one youth from reoffending in the future, the net benefit to the community after all operating costs is

\$298,200

"Anchorage Youth Court takes a burden off us. We can turn our attention to cases that need more oversight."

— JUVENILE PROBATION OFFICER,
ALASKA DIVISION OF JUVENILE JUSTICE

93%

of youth who completed
AYC had no new conviction
within one year

VALUE CREATED EACH YEAR

Total Value of Community & Volunteer Service **\$233,700**

- Youth member volunteer service **\$201,300**
- Adult volunteer service **\$21,300**
- Defendant community service **\$11,100**

If AYC Prevents Just One Defendant from Recidivating

- Increased earnings potential **\$218,900**
- Quality of life to victim **\$10,400**
- Government & victim services **\$6,000**
- Victim costs (tangible) **\$3,200**

POWERED BY YOUTH

2025 NUMBERS

109

Teen volunteers joined
AYC

110

Youth clients served

6,822

Hours served by
member volunteers

2,499

Hours served by
clients

98%

Of clients successfully
completed their sentence

**REAL
CASES,
REAL
IMPACT**

"Overall, this experience taught me an important lesson about taking accountability and consequences for your actions. I regret the choice I made, but I also believe I have grown from this situation, causing me to be a better version of myself than I was a few months ago." – 2025 client

Professional Activities

Committee Work

- Alaska Bar: Ethics Committee
- Alaska Bar: Fair and Impartial Courts Committee
- Alaska Bar: Historians Committee

Alaska Bar Association:
Ethics Committee

===== Forwarded message =====

From: Cuddy, Kevin M.

Date: Mon, 22 Jun 2026 10:34:17 -0800

Subject: Ethics Committee

===== Forwarded message =====

Hi Ashley and Mike,

Welcome to the Ethics Committee! We're on our usual summer break, so the group won't be meeting until September 3. In the meantime, I wanted to share with you a couple of documents that help explain the Committee's role and function. As the current Chair, I'm happy to answer any questions you may have about the Committee.

Best,
Kevin

Kevin Cuddy | Attorney

STOEL RIVES LLP | 510 L Street, Suite 500 | Anchorage, AK 99501

STANDING POLICIES
OF THE
BOARD OF GOVERNORS

ALASKA BAR ASSOCIATION

X. ETHICS OPINIONS

- A. **Policy.** The issuance of ethics opinions, based upon actual circumstances that are not the subject of a pending disciplinary proceeding, shall be an ongoing program of the Alaska Bar Association. The Association's Ethics Committee is charged with the responsibility of drafting ethics opinions.
- B. **Ex Officio Member.** The Bar Counsel sit on the Ethics Committee as an ex officio member of that Committee.
- C. **Persons Eligible to Request Opinions.** The Ethics Committee may issue opinions to persons authorized to practice law in Alaska who are in good standing, on matters of professional or judicial ethics that deal with the requesting person's own conduct. Bar Counsel may also request an opinion.
- D. **Request Procedures.** Each request for an ethics opinion shall be addressed to the Association's Bar Counsel who will first determine whether the opinion involves conduct relevant to a current disciplinary investigation or a potential discipline matter. If not, the request will be forwarded directly to the chairperson of the Ethics Committee for the Committee's review and opinion. If the request involves disciplinary matters, the request for an opinion will be denied.
- E. **Approval.** No Formal Ethics Opinion shall be published without the approval of the Board of Governors, although the Committee may issue informal letter opinions that are not binding on the Association.
- F. **Distribution.** Once adopted by the Board, an ethics opinion shall be distributed to the Supreme Court, Board members, and Law Libraries throughout the State. Distribution to the membership shall be by publication on the Association's website.
- G. **Opinions Not Adopted.** Opinions either not approved by the Board, or withdrawn by the Board subsequent to initial approval, may be so designated and distributed to the Law Libraries, if determined appropriate by the Board of Governors.
- H. **Removal for Unexcused Absences.** A member shall be removed from the Committee if he or she fails to attend four (4) consecutive Committee meetings in a twelve (12) month period without approval of the absence by the Committee chair. On request by the Committee chair, the Board President will appoint a replacement member to complete the unexpired term of the removed member.

RULES OF PROCEDURE AND OPINION WRITING GUIDELINES

(Adopted April 1992)

1. The Committee may express its opinion on proper professional and judicial conduct. The current Codes of Professional and Judicial Responsibility, as adopted by the Alaska Supreme Court, shall be applied when preparing Ethics opinions.
2. The Committee may issue opinions of two kinds: Formal Opinions and Informal Opinions. Formal Opinions are those presented to the Board of Governors for action and publication. Informal Opinions are letter opinions addressed to the requesting party regarding issues that are determined to be of limited application or which are presented in a context not appropriate for a formal opinion. The Committee shall assign to each Formal Opinion a non-duplicative identifying number.
3. The Committee shall issue a formal opinion to be submitted to the Board for approval upon a request from a member of the bar. The Committee may issue informal letter opinions at the request of any other person or on its own initiative.
4. The Committee is not obligated to issue an opinion as to completed conduct by a member of the Alaska Bar Association unless the request is from an ethics committee, grievance committee, or similar committee of, or from the chief officer of, a bar association having disciplinary jurisdiction over the person whose conduct is the subject of the request, or is from a court, committee, or commission having disciplinary jurisdiction over a judge whose conduct is the subject of the request. The Committee is not obligated to issue an opinion on a question that is pending before a court. The Committee will not issue an opinion on a question of law.
5. As a condition of issuing an opinion, the Committee may require that the request be submitted in writing, with information sufficiently specific to enable adequate consideration by the Committee and to show eligibility under these rules.
6. If the Committee determines that the issuance of a requested opinion is not appropriate under these rules, or that the information submitted is not sufficient, the Committee shall promptly notify the person requesting the opinion.

7. The Committee shall issue an opinion only with concurrence of the greater of either five members or a majority of the members present at a meeting or, with the concurrence of eight members other than at a meeting. If a member specifically requests, the Committee shall not issue an opinion unless approved at a meeting. A member may express a dissent or a special concurrence, which shall be appended to an opinion if specifically requested by the member.
8. The Chairperson may assign to one or more members the responsibility of preparing a proposed opinion for consideration and action by the Committee. The Committee shall issue a requested opinion without undue delay after sufficient information is received.
9. A Formal Opinion overrules an earlier Formal Opinion or Informal Opinion to the extent of conflict.
10. The Committee shall treat its files relating to requests for opinions as confidential except as may be necessary to investigate and respond to the opinion requests.
11. Committee members shall adhere to the following guidelines when preparing ethics opinions:
 - a. Each opinion shall be written in the following format: (1) a succinct statement of the issue or issues to be addressed; (2) the conclusion; (3) statement of facts presented; and (4) analysis and discussion of the issues.
 - b. The Committee shall remove from each opinion, before it is published, information that identifies the person who requested or is the subject of the opinion. Therefore, either avoid identification or place it in an opening paragraph that can be deleted without affecting the sense or symmetry of the opinion. Formal opinions are for the general guidance of bar members and the use of "you" or "your" should be avoided.
 - c. Have concern for style as well as substance. Right words are forceful. Clarity and precision make the message effective.
 - d. Avoid functionless legalese. Do not use "said," "aforesaid," "hereinabove," "therefore," and the like. Do not use a foreign word or phrase unless there is no adequate English alternative.
 - e. Avoid ambiguity. Vagueness and generality may be unavoidable and properly intentional, but ambiguity is always avoidable and seldom intentional.

- f. Prefer the active voice.
- g. Avoid double negatives.
- h. Avoid complex sentences.
- i. Avoid verbal fat. Shortness is not always possible or desirable, but excess is always avoidable and always undesirable.
- j. Make it easy for the reader to understand both the question and answer.
- k. Do not repeat verbatim the requester's statement of facts and questions, unless it leaves no room for improvement. Usually, the submission can be restated with benefit to the reader. Do not recite unnecessary facts.
- l. Include an assumed fact when needed to support or clarify the advice. State what the Committee is not deciding when that will preclude an unintended implication, or will improve clarity, or will preserve a point for later consideration.
- m. Footnotes can be useful for education, clarification, or amplification, but should be used sparingly.
- n. When referring to the Committee, capitalize the word. When referring to the American Bar Association Model Rules of Professional Conduct, the American Bar Association Code of Professional Responsibility or the American Bar Association Code of Judicial Conduct, use the capitalized adjective "Model." Subsequent reference can be simply to the "Model Rules" or "Model Code."

150.02/ID201:WF1MANUL

(Adopted:04/09/92)

Alaska Bar Association: Fair & Impartial Courts

Fair and Impartial Courts Committee

“There has to be someplace where being right is more important than being popular or powerful, and where fairness trumps strength. And in our country, that place is supposed to be the courtroom.” – U.S. Supreme Court Justice Sandra Day O’Connor (Ret.)

Alaska’s Constitution: Selecting Judges Based on Merit

“I believe that an independent and impartial judiciary is essential to our constitutional republic.” – U.S. Supreme Court Justice Brett Kavanaugh

Fair and Impartial Courts Information

What is the Fair and Impartial Courts (FIC) Standing Committee? What does it do?

In 2011, the Standing Committee on Fair and Impartial Courts was created by the Alaska Bar Association Board of Governors in order to explain, promote, and educate about fair and impartial courts. Click [here](#) to view the establishing documents.

Through this website and in person or remote educational opportunities, the Committee provides education on the concept of judicial independence and to educate the public about and promote the concept of judicial independence. This includes educational opportunities that explain the history of the Alaska judicial selection and retention system and how it functions. The Committee is composed of 20 attorney volunteer bar members selected by the Board of Governors.

What does the FIC Standing Committee *not* do?

The FIC Standing Committee does not take official positions or advice for or against a candidate for judicial nomination or retention. It does not take an official position regarding candidates for political office, appointments to the Alaska Judicial Council, judicial decisions, or a public official’s statements about a judicial decision.

Education and Speaker Requests

The Committee organizes presentations and speaker events on the topic of the Alaska’s Constitutional judicial selection and retention system upon request for organizations. To request a speaker or assistance with an educational event, please contact the Alaska Bar Association at info@alaskabar.org.

Selecting Judges Based on Merit

“Alaska is fortunate to have the constitutional guarantee of the merit system for the selection of judges. Our merit system has worked well in Alaska. It has produced high quality judges with integrity and abundant skills and it has kept out corrupting political influences that trouble other states.” – Judge Thomas Stewart, 1919-2007 (Secretary, Alaska Constitutional Convention)

[Selecting Judges Based on Merit](#)

Retaining Judges

“I’ve been a lawyer for forty years and a judge for over thirty. But I’ve been a basketball fan all my life. In courtrooms as on the basketball court, Alaskans expect fair play. Judges who honor the duty to be fair and impartial should not be attacked for doing their jobs. This election season, learn about Alaska’s judges up for retention. And when you vote, vote for fairness—for everyone. Because justice, like basketball, requires a level court.” – Justice Walter L. Carpeneti (Alaska Supreme Court, 1998-2013)

[Retaining Judges: Why are Judges on My Ballot?](#)

Frequently Asked Questions

“Justice isn’t liberal or conservative, left-wing or right-wing. Justice isn’t about politics, and doesn’t turn with the political tides. Justice is the safe harbor that all of us seek—whatever our political stripe—when we find ourselves caught in a storm.” – Bill Gordon (Businessman, Fairbanks; Alaska Bar Association Board of Governors, Former Public Member)

[What are Fair & Impartial Courts, and why do they matter?](#)

[Who gets to be a judge? Are some ways of choosing judges better than others?](#)

[How does Alaska make sure its judges are fair and impartial?](#)

[How does Alaska’s merit selection process work?](#)

Education and Resources

“As a former law enforcement officer and a past public member of the Alaska Commission on Judicial Conduct, I witnessed just how important it is to have a non-political/non-elected judiciary in our state. As a result of our merit selection process and a proactive scrutiny of our judiciary that leaves no stone unturned, we have some of the finest legal and ethical minds in the country sitting on the bench.” – First sergeant Dianne Brown (Former Alaska State Trooper, 1977-1998)

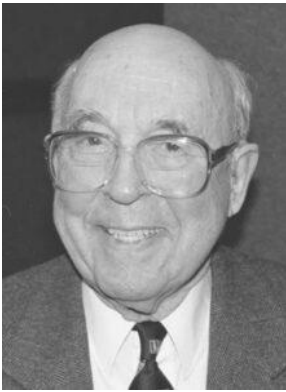
[Meet Alaska’s Judges](#)

[Find Information About Sitting Judges](#)

[Submit Comments on Judicial Applicants or the Selection Process](#)

[Submit Comments on Judges or the Retention Process](#)

Click on the photos below for video interviews from these Alaska Constitutional Convention participants



Thomas B. Stewart
Secretary



John B. "Jack" Coghill
Delegate



Victor Fischer
Delegate

[Finish the Ballot Alaska](#): The Fair and Impartial Courts Committee's two-minute video explaining our judicial selection and retention system, encouraging voters to inform themselves and to "finish the ballot" by voting on judges standing for retention.

Additional Videos, Interviews, and Resources:

[Alaska Edition: Judicial Council | Alaska Public Media](#)

[Chief Justice Bolger Remarks on Judicial Selection – 3/22/2019](#)

[Justice Carpeneti's interview](#)

[Fair and Free – featuring Sandra Day O'Connor](#)

[Judge Elaine Andrews interview with AARP Alaska Part 1](#)

[Judge Elaine Andrews interview with AARP Alaska Part 2](#)

[Choosing Alaska's judges](#)

[Finding a lawyer: What are the options?](#)

[Anatomy of a criminal case](#)

Fair and Impartial Courts' Letters to the Editor or Other Communication:

[Letter: The importance of Alaska's merit-based judicial system – 4/30/25](#)

What is Justice?

"Alaskans can be grateful for its framers' commitment to one of the most important cornerstones of democratic government: a strong and independent judiciary. For over half a century, their wisdom has given strength and meaning to the promise of justice for all." – Retired Justice Warren W. Matthews (Alaska Supreme Court 1977-2009)

Who Am I?

My name is Justice. I represent the ideal of perfect justice. I wear a blindfold because I rule based on the law, not on factors such as the race, wealth, power, or social status of those who come before me. I carry an empty, balanced scale because I stand ready to receive and weigh fairly the evidence

and legal arguments that are presented to me. And sometimes I carry a sword, to symbolize the power of the rule of law to help shape a just society. For centuries, I have signified that justice requires the fair and impartial administration of the law, without fear or favor. For more information, click [here](#).

About Us

This committee is responsible for activities to educate the public about and promote the concept of fair and impartial courts. In April 2022, the Board voted to reinstate the Fair and Impartial Courts (FIC) Committee's Guidelines and 2014 Resolution. For more information click the links below.

[2014 FIC Resolution](#)

[FIC Committee Guidelines](#)

Contact Us

"The judiciary must not take on the coloration of whatever may be popular at the moment. We are guardian of rights, and we have to tell people things they often do not like to hear." -Rose Bird, 1936-1999, Chief Justice of the California Supreme Court

This website is sponsored by the Standing Committee on Fair and Impartial Courts of the Alaska Bar Association.

Committee on Fair and Impartial Courts

Alaska Bar Association

840 K Street, Suite 100

Anchorage, AK 99501

Email: info@alaskabar.org

Phone: 907-272-7469

www.alaskabar.org

[Back To The Top](#)

===== Forwarded message =====
From: Melissa Smith
Date: Wed, 17 Jun 2026 09:04:17 -0800
Subject: Fair and Impartial Courts Committee
===== Forwarded message =====

Continuing and new committee members:

Alaska Bar President Nick Ostrovsky made his appointments and reappointments to Bar committees. Here is the new committee list which contains new appointments and reappointments, as well as members continuing on the committee.

The Fair & Impartial Courts Committee meets the 1st Tuesday of every 3rd month at 12:00pm. The next meeting is scheduled for August 4, 2026, at 12:00 p.m.

Terms are for three years.

New members: thank you for your interest in this committee and we look forward to your participation. Please let me know if you have any questions.

Continuing members: thank you for your past service on this committee. We look forward to continuing to work with you.

All the best,

Melissa Smith

Executive Assistant
Alaska Bar Association
840 K St Ste 100 Anchorage, AK 99501

Committee on Fair & Impartial Courts

As of: 6/17/2026

Bar Number:	Member Name:	Email:	Work Phone:	Term Date:	Organization:	City:
1011057	Alexander, Adam	Adam.Alexander@usdoj.gov	(907) 271-2309	06/30/2028		Anchorage
7708086	Andrews, Elaine	andrewselaine@gmail.com	(907) 360-4161	06/30/2029	Andrews ADR Services	Anchorage
1107060	Bailey, Danielle	Bailey@alaskabar.org	(406) 270-4770	12/31/2222	Alaska Bar Association	Anchorage
1105022	Brown, Ashley	abrown@guessrudd.com	(907) 793-2200	01/01/2027	Guess & Rudd P.C.	Anchorage
0911076	Davis, Jeffrey	jdavis@Alaskabar.org	(907) 272-7469	06/30/2027	Alaska Bar Association	Anchorage
8806129	Dipietro, Susanne	sdipietro@ajc.state.ak.us	(907) 279-2575	06/30/2029	Alaska Judicial Council	Anchorage
8712116	Goldsmith, Donna	dlugoldsmith@gmail.com	9079474314	06/30/2029	Donna J. Goldsmith	Anchorage
9708048	Greenstein, Marla	mgreenstein@acjc.state.ak.us	(907) 272-1033	06/30/2028	Alaska Commission On Judicial Conduct	Anchorage
2407075	Haney, Kim	mrskimhaney@gmail.com	(907) 252-9223	06/30/2028	Kim Haney Law Office	Soldotna
1511101	Harrod, Stephanie	StephanieNHarrod@gmail.com	(907) 575-1540	06/30/2027	Stephanie Harrod, LLC	Anchorage
2511111	Koford, Rebecca	rkoford@akcourts.gov	9077484206	06/30/2222	Alaska Court System	Anchorage
9711068	Lindemuth, Jahna	jahna@cashiongilmore.com	(907) 222-7932	06/30/2028	Cashion Gilmore & Lindemuth	Anchorage
8108061	McClintock, Donald	don@anchorlaw.com	(907) 276-4331	06/30/2027	Ashburn & Mason Pc	Anchorage
1305022	Melton, Sarah	admin@katmaicoalition.org	(971) 712-8404	06/30/2027	Katmai Coalition	Anchorage
0711077	Rabinowitz, Mara	mrabinowitz@akcourts.gov	(907) 264-8293	06/30/2222		Anchorage
9911071	Ryman, Danielle	dryman@bsnc.net	(907) 248-6812	06/30/2029		Anchorage

This report displays an individual's preferred email address and the work phone number from their preferred address. For additional contact information, see the individual's ClearVantage

Committee on Fair & Impartial Courts

As of: 6/17/2026

Bar Number:	Member Name:	Email:	Work Phone:	Term Date:	Organization:	City:
0511111	Schwaiger, Michael	mschwaiger@acjc.state.ak.us		06/30/2028	Alaska Commission On Judicial Conduct	Anchorage
0605029	Widmer, Matthew	mwidmer@bhb.com	(907) 301-3339	06/30/2029	Birch Horton Bittner & Cherot	Anchorage

Count of Committee on Fair & Impartial Courts: 18

Alaska Bar Association:
Bar Historians Committee

Historians Committee

Purpose

This committee presents programs and preserves the history of the Alaska Bar.
If you would like to volunteer to serve on the committee email info@alaskabar.org.

Upcoming Events

No upcoming events scheduled at this time.

Oral Histories



[Project Jukebox Judges of Alaska Oral History Project](#)

Judge Nora Guinn Award



[Nomination Form and Past Recipients](#)

Historians Luncheons



[Historians Luncheon Videos](#)
[List of Historians Luncheons](#)

Historian Resources for the Bar and Public

Looking for more historian resources? View our page [here](#) for more helpful links for Bar Members and our Community.

Historian Luncheon Audio/Video Recordings

2026 Historians Luncheon – [The 59ers Strike It Rich: How Communities in Remote Alaska Fulfilled the Promise of Alaska Statehood.](#) *Peter Aschenbrenner*

2025 Historians Luncheon – [The Taproot: Perspectives on the Pipeline in Alaska Legal History](#)

2024 Historians Luncheon –[Regulating the Homeless Then and the Unhoused Now: Territorial Law and Modern Law for Those Who Live on the Streets Outside the Law](#) ****Due to technical difficulties, the recording is missing the first 10-15 mins of the presentation.****

2023 Historians Luncheon – [A Fairbanks Murder Mystery: Ted Stevens, Johnny Warren and the Unsolved Murder of Cecil Wells](#)

2022 Historians Luncheon – [Unconventional Questions: The Hows, Whys, and Why Nots of a Constitutional Convention](#)

2021 Historians Luncheon – [50th Anniversary of the Alaska Native Claims Settlement Act](#)

2020 Historians Luncheon – [Centennial of the Nineteenth Amendment: Why Doubling the Size of the Electorate to Include Women Mattered](#)

2019 Historians Luncheon –[Watching the Watchmen: Independence, the Indigent, and the Public Defender Agency at Fifty](#)

2017 Historians Luncheon – [Raising the Bar: The Fairer Sex Practices Law in Early Alaska](#)

2015 Historians Luncheon – [The Lost Alaskans: Morningside Hospital & Mental Health in Territorial Alaska](#)

2014 Historians Luncheon – [The Bar Rag: 30 Years of Not Taking Ourselves Too Seriously](#)

2013 Historians Luncheon – [The Legacy of Gideon: 50 Years in the 49th State](#)

2002 Historians Luncheon – [Constitutional Convention](#)

Continuing Education/Presentations

- 2026 Alaska Court System Judicial Conference

2026 Judicial Conference:

Agenda



JUSTICE TOGETHER

**Alaska Court System
Judicial Conference**

**September 23-25, 2026
Hotel Captain Cook
Anchorage**

Alaska Court System Judicial Conference

Wednesday, September 23

7:30-8:30 am	Breakfast - Discovery Ballroom, Fore and Mid-Deck
8:30-9:00 am	Welcome Chief Justice Susan M. Carney, Alaska Supreme Court Justice Jennifer S. Henderson, Alaska Supreme Court Stacey Marz, Administrative Director, Alaska Court System
9:00-9:45 am	Appellate Updates Senior Justice Joel Bolger, Alaska Supreme Court During this session, Justice Bolger will discuss recent appellate decisions of the United States Supreme Court, the Alaska Supreme Court, and the Alaska Court of Appeals that may be useful to Alaska’s trial judges.
9:45-10:00 am	Break
10:00-10:45 am	Appellate Updates - Continued
10:45-11:00 am	Break
11:00 am-12:00 pm	Administrative and Legislative Updates Nancy Meade, General Counsel, Alaska Court System Noah Klein, Associate Counsel, Alaska Court System Michael Schwaiger, Executive Director, Alaska Commission on Judicial Conduct
12:00-1:30 pm	Lunch
1:30-3:00 pm	Understanding Addiction and Recovery: An Evidence -Based Approach for Alaska’s Judiciary Ryan M. Wallace, MD, MPH, FASAM Medical Director, Breakthrough Substance Use Treatment Program, Providence Alaska Medical Center Substance use disorders are common, complex medical conditions that frequently intersect with the justice system. This presentation will provide an overview of modern addiction treatment, including evidence-based treatment modalities, current terminology and best practices, and how clinicians assess substance use disorders and determine treatment recommendations. Participants will learn how treatment progress is evaluated, how clinicians understand lapses and recurrence of use, and how recovery is measured beyond abstinence alone. The session will also review practical considerations for interpreting treatment assessments and supporting individuals engaged in treatment. Throughout, the presentation will emphasize an evidence-based, compassionate approach that reduces stigma and promotes a deeper understanding of addiction and recovery.
3:00-3:15 pm	Break

Alaska Court System Judicial Conference

Wednesday, September 23

3:15-4:30 pm

Breakout Sessions

Session A - Therapeutic Court Judges

Program Phases That Work: Applying Best Practices in Therapeutic Courts

Judge Mary Jane Knisely, District Court, Thirteenth Judicial District of Montana

Program phases are one of the primary tools therapeutic courts use to promote behavior change, accountability, and participant success. This session will review national best practices for designing and implementing effective phase structures, including the purpose of each phase, objective advancement criteria, incentives, treatment progression, and common pitfalls that can undermine program effectiveness. Judges will discuss practical strategies for ensuring phases remain consistent with evidence-based practices while supporting participant engagement and long-term recovery.

Session B - Civil

Tips, Tricks, and War Stories: Managing Complex Civil Litigation from Complaint to Judgment . . . and Beyond

Judge Christina Rankin, Superior Court, Anchorage

This session will tap our greatest resource for ideas for how to effectively run a civil case from beginning to end – US! Come prepared to share things that have worked well for you (as well as those that did not) in a facilitated discussion relating to all aspects of complex civil litigation.

Session C - Criminal

Adjudicating Motions to Suppress that Challenge a Search Warrant

Judge Patricia Haines, Alaska Court of Appeals

Judge Bethany Harbison (Ret.), Alaska Court of Appeals

Judge Pat Hanley, District Court, Anchorage

This session will provide updates on the substantive law related to search warrants and will offer tips for effectively adjudicating motions to suppress that are based on challenges to a search warrant.

Catch-Up with Colleagues

4:45-6:45 pm

Please join for hors d'oeuvres and a no host bar at the Quarter Deck on the 10th Floor of Tower One.

Alaska Court System Judicial Conference

Thursday, September 24

7:30-8:30 am

Breakfast

8:30-9:30 am

Safety Decision Making: Principles and Practices

Jennifer Renne, Director, Capacity Building Center for State Courts,
Center on Children and the Law, American Bar Association

Based on *Child Safety: A Guide for Judges and Attorneys*, this session will assist judges to better understand social work constructs in child abuse and neglect cases. This session will also provide judges with a better understanding of child safety threats to support their decision-making in other civil and criminal matters in which child welfare is at issue. We will review the underlying principles of safety decision-making in child welfare cases and show how agency adherence to these principles is the paramount issue before the court when making safety related decisions such as removal and reunification. This overview session will demystify the process of assessing child safety decision-making by providing an analytical framework that judges can use to better hold the child welfare agency and attorneys accountable to this process. Key concepts such as safety threats, protective capacities, safety agreements, the case planning process, and conditions for return will be discussed. Additionally, the tools to support implementation will be presented.

9:30-9:45 am

Break

9:45-10:30 am

Safety Decision Making - Continued

10:30-10:45 am

Break

Alaska Court System Judicial Conference

Thursday, September 24

10:45 am-12:00 pm

Breakout Sessions

Session A - Superior Court - CINA

Seen, Heard, Represented: Best Practices for Meaningful Youth Participation in Court Proceedings

**Amanda Metivier, MSW, Executive Director, Facing Foster Care in Alaska
Adjunct Faculty, School of Social Work, University of Alaska, Anchorage
Natalece Washington, JD, CWLS, Policy Counsel, National Assoc. of Counsel for Children**

This presentation examines the critical role of the judiciary in ensuring that children and youth meaningfully participate in child welfare proceedings and that their legal rights are protected. Grounded in the principle that children have a fundamental right to be heard, the session highlights how judicial leadership shapes courtroom practices that promote due process, fairness, and improved outcomes, and reviews the national landscape of child representation alongside research showing that high-quality legal advocacy improves placement stability, permanency, and youth trust in the court process. Participants will examine relevant state law and federal notice requirements related to a child's right to counsel and participation. With a focus on practical application, the session equips judges with strategies to foster meaningful youth engagement, ensure the provision of high-quality legal services, create trauma-informed, inclusive court environments, and ensure that youth voice meaningfully informs judicial decision-making.

Session B - Superior Court - Criminal

The Nuts and Bolts of Felony Sentencing

**Chief Judge Marjorie Allard, Alaska Court of Appeals
Deputy Presiding Judge Catherine Easter, Superior Court, Anchorage**

During this session, we will review felony sentencing essentials including pre-sentence reports, testimonial denials, verified hearsay, sentencing benchmarks, and sentencing ranges.

Session C - District Court

Bench Skills for Working with Self-Represented Litigants

**Judge Chris Darnall, District Court, Anchorage
Magistrate Judge Pamela Hess, Nome**

A substantial portion of district court civil litigants in small claims, FED, and other proceedings are self-represented. Many of these litigants struggle with understanding the procedural rules, especially how to present their evidence to the court. Through interactive activities, this session will focus on practical strategies for working with self-represented litigants, including technology tips to promote fairness, efficiency, and meaningful participation while maintaining the court's impartiality.

12:00-1:30 pm

Lunch

Alaska Court System Judicial Conference

Thursday, September 24

1:30-3:00 pm

Courtroom De-escalation

Christine Collins, PsyD, Forensic Psychologist, Alaska Psychiatric Institute
Christopher Rygh, MA, RN, Admitting Clinician, Alaska Psychiatric Institute

This presentation provides insight into the underlying mechanisms of mental health and behavioral escalation. We will review the crisis cycle, common affective and behavioral signs that indicate a person is escalating, and practical ways judges can help de-escalate parties during courtroom proceedings. The session will also cover approaches for recognizing early warning cues and maintaining courtroom safety through communication, structure, and situational awareness.

3:00-3:15 pm

Break

3:15-4:30 pm

Breakout Sessions

Session A - Domestic Relations

Drafting Effective Custody Orders: Building User-Friendly Orders that Reduce Return Trips to Court

Judge Katherine Lybrand, Superior Court, Ketchikan
Jeannie Sato, Director, Access to Justice Services, Alaska Court System
Abaigeal O'Brien, Deputy Director, Access to Justice Services, Alaska Court System

In this session, you will learn how to write user-friendly and thorough custody orders that reduce the likelihood of future litigation. You will practice drafting language and leave with resources to help you implement these new skills into your order writing practice. You will also learn about the most common interpretation and enforcement issues that are brought to the Family Law Self-Help Center and how to avoid those pitfalls.

Session B - Criminal

When Things Go Wrong Before Trial - Dealing with Last Minute Motions, Late-Discovery, and Witness Issues

Judge Jack McKenna, Superior Court, Anchorage
Judge William Montgomery, Superior Court, Bethel
Judge Andrew Peterson, Superior Court, Anchorage

Every criminal trial has a final round of issues that must be addressed before the jury is sworn. During this session, we will discuss how to properly exercise judicial discretion in dealing with those last minute pre-trial issues and to keep your trial on track.

Walk the Coastal Trail

Meet in the lobby near reception
at 5:00 pm.

Dinner at Ginger

425 W. 5th Ave.
Starting at 6:00 pm.

Dinner at Serrano's Mexican Grill

525 W. 4th Ave.
Starting at 6:00 pm.

Alaska Court System Judicial Conference

Friday, September 25

7:30-8:30 am

Breakfast

8:30-10:30 am

"A World Threatening Feeling": Navigating Grief, Moral Injury, and Organizational Stress in the Alaska Court System

**Michele Statz, PhD, Director of Judicial Wellbeing, Berkeley Judicial Institute
Associate Professor, University of Minnesota Medical School
Affiliated Faculty, University of Minnesota Law School
Affiliated Scholar, American Bar Foundation**

In their everyday work, judges endeavor to provide balance as they weigh evidence, arguments, and testimonies. Increasingly, judges must also balance the ever-heavier weight of organizational priorities, like more efficient and accessible hearings, with the quality of the parties' experience; highly publicized threats to the judiciary; hostile partisan rhetoric; and declining public trust in the courts. What results is often a "world threatening feeling," or the grief, isolation, and moral injury experienced by individuals who seek to enact justice under such challenging conditions. With over a decade of collaborative, mixed-methodological research in tribal and state courts, Dr. Michele Statz will speak about these experiences as well as how court systems can achieve a different kind of balance. She will demonstrate that when a justice system prioritizes the ideals of the profession (impartiality, competence, integrity, and so on) while also honoring time and connection, we find the meaningful work that is intrinsic to judicial wellbeing.

10:30-10:45 am

Break

10:45-11:15 am

When to Appoint Counsel Under Admin. R. 12(e), When to Appoint OPA, and When There's No Right to Counsel at Public Expense

**Mary Burnell, Deputy Administrative Director, Alaska Court System
Jonathan Torres, Deputy Director, Office of Public Advocacy**

This session will provide a brief review of the circumstances under which a party should be appointed an attorney through the Office of Public Advocacy versus an attorney through the court system under Admin Rule 12(e). We will also note circumstances in which there is no provision for the appointment of counsel.

11:15-11:45 am

Administrative Updates

**Rebecca Koford, Public Information Officer, Alaska Court System
Susanne DiPietro, Executive Director, Alaska Judicial Council**

Alaska Court System Judicial Conference

Friday, September 25

11:45 am-1:15 pm

Lunch

1:15-2:45 pm

**Compassion as a Pathway to Institutional Trust:
Designing Court Cultures and SRL Journeys
that Serve Needs and Enhance Trust in Courts**

**Victor D. Quintanilla, Professor of Law
Val Nolan Fellow, Indiana University(IU) Maurer School of Law
Affiliated Professor, Department of Psychology and Brain Sciences**

In this presentation, Prof. Quintanilla will share how compassion for oneself, self-represented litigants (SRLs), and each other is vital to re-envisioning and redesigning our court processes given the reality that our courts serve high volumes of SRLs with processes originally designed by and for lawyers more than sixty years ago. Prof. Quintanilla will discuss his research examining the experiences of social identity threat and trust in courts for over 1800 SRLs appearing in Indiana courts. He will also present research showing that trust-building strategies, such as designing growth-minded court cultures and leveraging procedural justice, reduce litigants’ experience of threat and enhance trust in courts. Prof. Quintanilla will then introduce a framework for understanding the psychology of the SRL’s journey in court, which emphasizes touchpoints with the court, the needs of SRLs, the subtle cues SRLs attend to, and the channels and barriers they navigate. This framework underscores the importance of intentionally and compassionately attending to SRL journeys to meet their needs and enhance trust in courts. Finally, Prof. Quintanilla will lead an exercise in which attendees will re-envision court processes to support a growth-minded court culture and attend to the journeys of SRLs.

2:45-3:00 pm

Break

3:00-4:30 pm

Evidence + 

**Judge Christina Rankin, Superior Court, Anchorage
Judge Adolf Zeman, Superior Court, Anchorage**

This session will be an interactive civil and criminal evidence clinic utilizing real case scenarios. Oh, and there might be cake!

4:30 pm

Adjournment

2026 Judicial Conference:
Presentation Handout

**ALASKA COMMISSION ON
JUDICIAL CONDUCT
2026 Roster**

Public Members

Todd Fletcher
510 L Street, Suite 585
Anchorage, Alaska 99501
(Term expires March 1, 2027)

Aldean Kilbourn
510 L Street, Suite 585
Anchorage, Alaska 99501
(Term expires March 1, 2029)

Robert Sheldon
510 L Street, Suite 585
Anchorage, Alaska 99501
(Term expires March 1, 2028)

Attorney Members

Donald W. McClintock
510 L Street, Suite 585
Anchorage, Alaska 99501
(Term expires March 1, 2029)
(Vice-Chair)

Jane Mores
510 L Street, Suite 585
Anchorage, Alaska 99501
(Term expires March 1, 2028)

Bill Satterberg
510 L Street, Suite 585
Anchorage, Alaska 99501
(Term expires March 1, 2028)

Judge Members

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

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

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

Figure 2

Total Filings Comparison by Year: 1996-2025

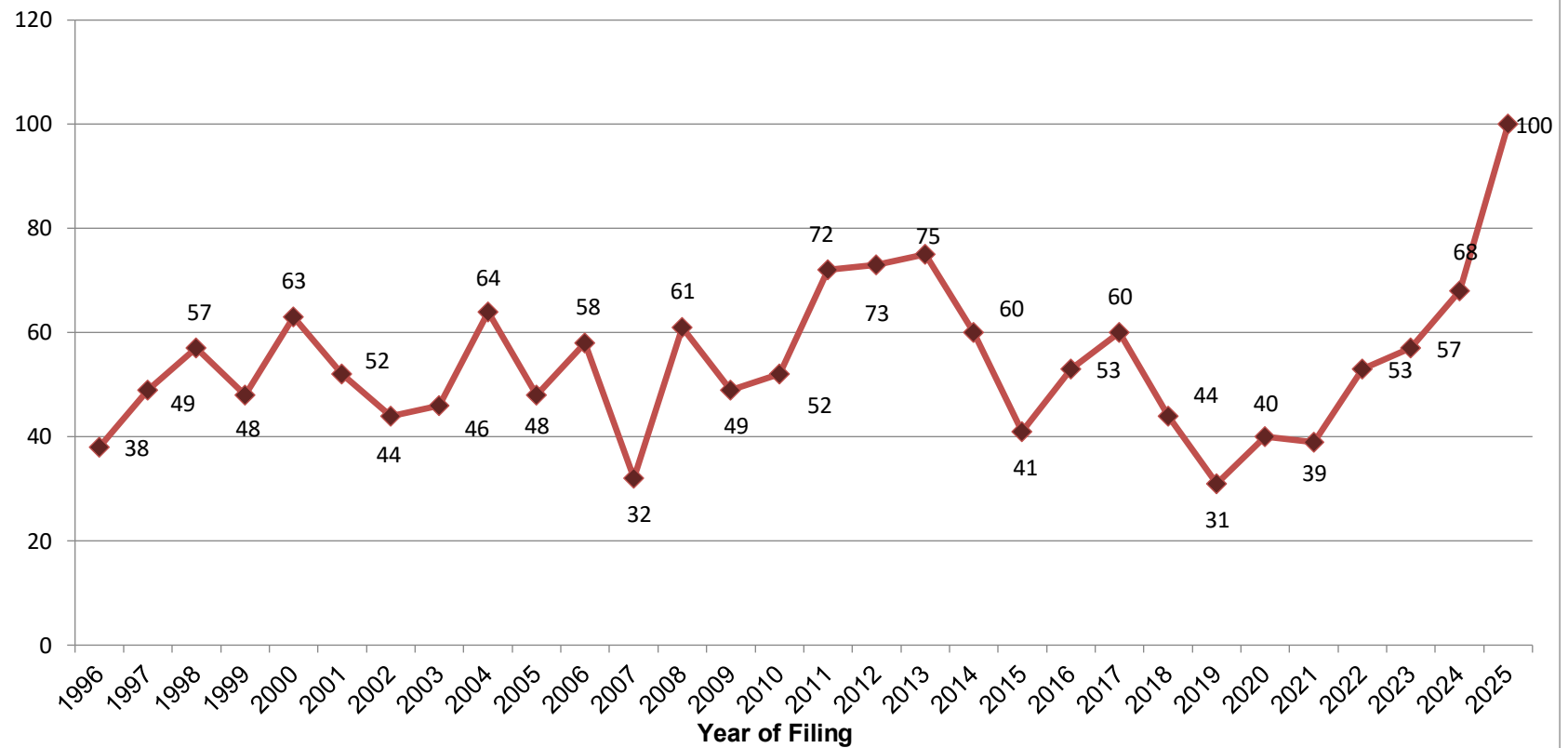


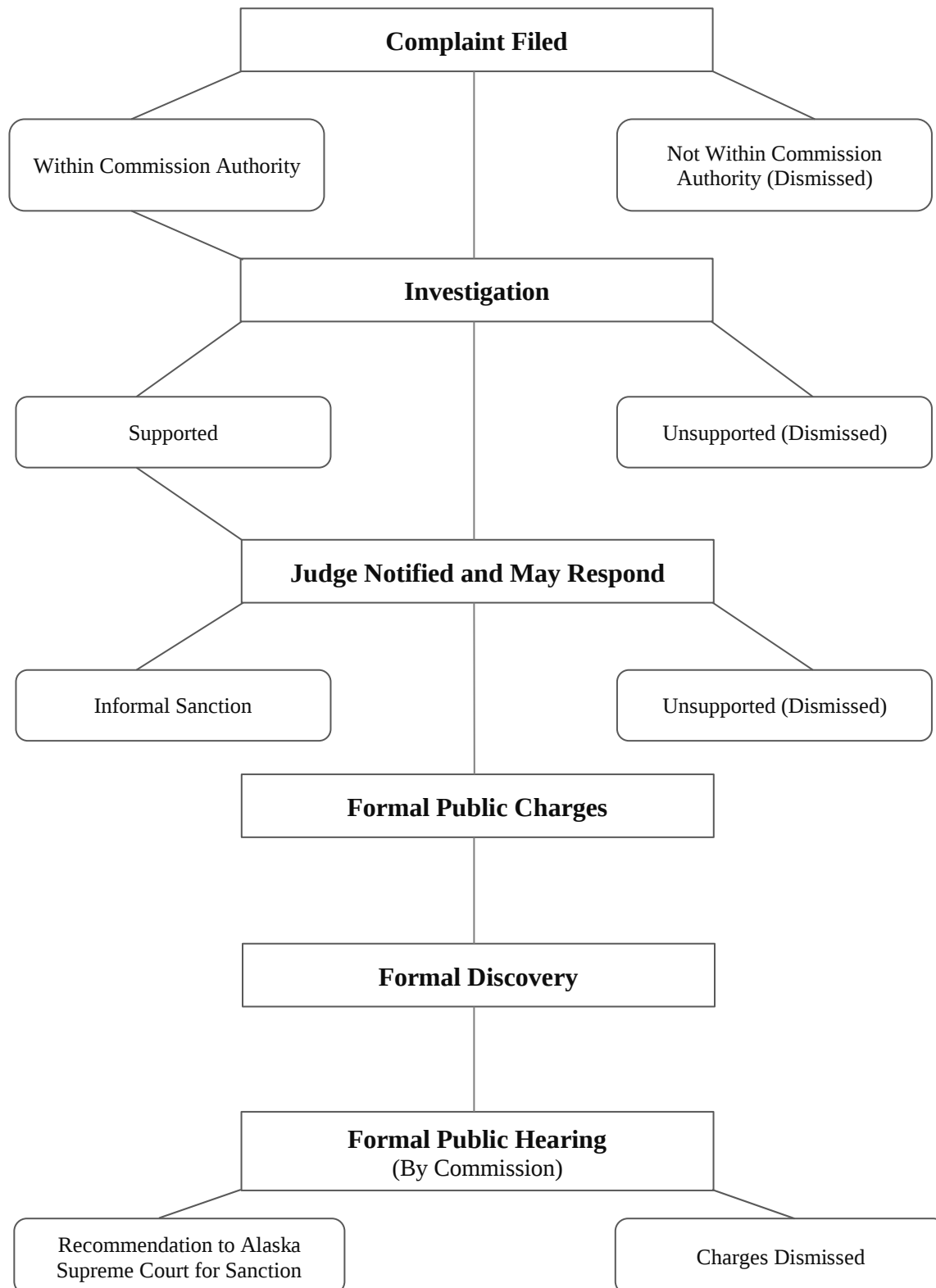
Table 10

Types of Allegations* Filed in 2025 (Jurisdictional and Non-Jurisdictional)

<i>Types of Allegations</i>	2025*
<i>Always Non-Jurisdictional</i>	
Dissatisfaction with Legal Ruling	64
<i>General Bias/Vague Assertion of Bias</i>	0
<i>Jurisdictional if Supported</i>	
Administrative Failure	2
Delay	7
Ex Parte Communications	3
Demeanor/Abuse of Authority/Temperament	13
Improper Courtroom Decorum	5
Conflict of Interest/Failure to Disqualify	2
Racial, Ethnic, or Gender Bias	4
Appearance of Impropriety	2
Personal Misconduct Off the Bench	1
Criminal Activity	0
Disability/Competence	0
Other/General Misconduct	0

*Some complaints include more than one type of allegation

Commission Complaint Process



ALASKA COMMISSION ON JUDICIAL CONDUCT
FORMAL ETHICS OPINIONS

Formal ethics opinions arise from actual complaints filed with the Commission. These reflect informal sanctions issued by the Commission. Informal sanctions in the past have included: private reprimands, private admonishments, and cautionary letters. Because the sanctions were private, the only facts that are included are those necessary to an understanding of the stated ethical rule.

Full historical formal ethics opinions can be requested from our office or found on our website: <https://www.acjc.alaska.gov/formalethicsopinions.html>

Opinion #026 (Approved June 19, 2026)

A judge violated several Canons of the Alaska Code of Judicial Conduct by getting involved in an impending marriage dissolution proceeding that involved the judge's friends and was handled by a magistrate judge. After learning the magistrate judge had denied the friends' petition for dissolution on the basis of an inequitable financial agreement, the judge contacted another magistrate judge to express concern about the conduct of the hearing and the denial determination. The judge then contacted the magistrate judge's training judge to repeat the judge's concern over how the magistrate judge handled the matter. When the case was re-filed, the judge then sat in the back of the courtroom at the hearing in which another magistrate judge granted the revised petition.

Though not directly requesting that action be taken in the friends' matter, the judge's conduct created an appearance of an abuse of the prestige of office. Contacting judicial officers about the conduct of a matter heard in another courtroom and sitting in on a hearing concerning friends gave the appearance the judge was using the judge's judicial office to affect the outcome of a court proceeding. Because the actions of the judge were not observed by the public and were internal to the court, and the judge had no prior discipline, public discipline was not required.

Travel Report:
2026 AJDC Annual Meeting



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

Michael Schwaiger
Executive Director
E-Mail: mschwaiger@acjc.state.ak.us

September 3, 2026

MEMORANDUM

TO: Commission Members

FROM: Mike Schwaiger
Executive Director 

RE: Travel Report – 2026 AJDC Annual Meeting

In July, I attended the Association of Judicial Disciplinary Counsel conference in Chicago, IL. The conference was extremely valuable. I met and spoke with dozens of other lawyers practicing in the field of judicial ethics who offered support to me as a lawyer without other lawyers on staff. Marla Greenstein, who attended the conference at her own expense, introduced me to luminaries in the field like Cynthia Gray, James Alfini, and Charles Geyh, all of whom I now feel comfortable communicating with directly.

The conference featured presentations on the uses and misuses of artificial intelligence by courts, how to juggle the multiple responsibilities of an executive director, contemporary challenges to the judiciary, detailed case studies of judicial misconduct, and member issues. It was inspirational to hear how others in the field had persevered through difficult and trying circumstances and to understand even more clearly how favorably Alaska's judiciary contrasts with the judiciary of many other states.

Commission Member Status

**ALASKA COMMISSION ON
JUDICIAL CONDUCT
2026 Roster**

Public Members

Todd Fletcher
510 L Street, Suite 585
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(Term expires March 1, 2027)

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(Term expires March 1, 2028)

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510 L Street, Suite 585
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(Term expires March 1, 2028)

Judge Members

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Alaska Superior Court
PO BOX 114100
Juneau, Alaska 99881
(Term expires February 1, 2027)
(Chairperson)

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

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

Tab C

Suggested Updates to Commission Rules

Proposed Language Change to *Rule*
1(a) Meetings

See Public Session Handouts

Proposed Language Change to *Rule*
1(h) Public Participation

See Public Session Handouts

Rules Committee on
Public Records Policy Creation

See Public Session Handouts

Tab D

Draft Advisory Opinion

Providing Informal Attorney Evaluation
Information



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

Michael Schwaiger
Executive Director
E-Mail: mschwaiger@acjc.state.ak.us

September 2, 2026

Confidential

MEMORANDUM

TO: Commission Members

FROM: Mike Schwaiger
Executive Director 

RE: Draft Advisory Opinion #2026-01

At your direction, I have written a draft advisory opinion about judges giving informal feedback to attorneys and attorney supervisors.

The draft borrows substantially from the 2021 California Committee on Judicial Ethics Formal Opinion "Providing Feedback on Attorney Courtroom Performance" and references our Advisory Opinion 97-1, both of which are provided with this memo and draft advisory opinion. The California Committee's formal opinion appears to be the only formal opinion on the subject, though there are some law review articles that address related subjects.

The draft is written with citations to the new Alaska Code of Judicial Conduct, which is effective October 15, 2026. There are some meaningful distinctions between relevant provisions of the existing code and the new code. For example, Canon 3B(9) of the existing code bars a judge from making a nonpublic comment that might substantially interfere with a fair trial or hearing. But no such provision is found in the new code. Because of this and other distinctions, the draft advisory opinion should not be adopted before the effective date of the new code.

I am eager for suggested edits on form and substance.

Draft Advisory Opinion
#2026-01

Question: May a judge give informal feedback on an attorney's courtroom performance to the attorney or the attorney's supervisor when requested by the attorney or the attorney's supervisor?

Opinion: A judge may give informal feedback on an attorney's courtroom performance to the attorney so long as the judge complies with several ethical rules, but a judge should not give informal feedback to the attorney's supervisor.

There is no specific rule that bars a judge from giving informal feedback about an attorney's courtroom performance to the attorney or the attorney's supervisor. But several rules greatly limit the types of informal feedback a judge may give and the circumstances under which the judge may do so. The practical effect of these rules means judges should refrain from giving informal feedback about an attorney to the attorney's supervisor.

Where a matter is closed and no further proceedings are possible (*e.g.*, a full acquittal by a jury in a criminal case), a judge may give informal feedback to an attorney about the attorney's courtroom performance so long as all other attorneys in the matter know the judge is equally open to giving them feedback,¹ the judge's feedback would not suggest to a reasonable observer that the judge has an affinity or dislike of certain attorneys or parties,² the content of the feedback is neutral or equally applicable to all parties,³ and the judge does not coach attorneys on legal strategies or tactics.⁴

Where a matter is not closed and further proceedings are possible, a judge may give informal feedback to an attorney so long as all other attorneys know the judge is equally open to giving them feedback,⁵ the judge's feedback would not suggest to a reasonable observer that the judge has an affinity or dislike of certain attorneys or parties,⁶ the content of the feedback is neutral or equally applicable to all parties,⁷ the judge does not coach attorneys on legal strategies or tactics,⁸ the feedback is given in the presence of all parties,⁹ and the judge gives the feedback in a nonpublic manner.¹⁰ Examples of acceptable feedback include addressing in chambers or an empty

¹ Alaska Code Jud. Conduct R. 2.2.

² *Id.*

³ *Id.*

⁴ Alaska Code Jud. Conduct R. 3.10.

⁵ Alaska Code Jud. Conduct R. 2.2.

⁶ *Id.*

⁷ *Id.*

⁸ Alaska Code Jud. Conduct R. 3.10.

⁹ Alaska Code Jud. Conduct R. 2.9(A).

¹⁰ Alaska Code Jud. Conduct R. 2.10(A).

Advisory Opinion #2026-01

(adopted _____, 2026)

courtroom the attorney's use of the courtroom's audio/video capabilities, the attorney's vocal volume and clarity, the attorney's formality or informality in light of local customs, the attorney's use of courthouse resources for staging witnesses and exhibits, and optional professional courtesies that would save the time and resources of the judge, court staff, and jury. But because a judge is disqualified from a case if the judge's impartiality might reasonably be questioned,¹¹ a judge should carefully tailor any feedback given when a matter is not closed.

Giving informal feedback about an attorney to the attorney's supervisor presents several additional problems. A judge must take care not to use the prestige of the judicial office to advance the personal or economic interests of others or knowingly allow others to do so.¹² While judges can give references and letters of recommendation based on their experiences with an attorney at the request of the attorney seeking a job or award, formal references and letters of recommendation reflect the judge's considered opinion of the attorney as a whole against the qualifications for the job or award sought. Similarly, sending an unsolicited letter to the Alaska Judicial Council regarding an applicant in conformity with Advisory Opinion 97-1 focuses on how a candidate meets or does not meet specified criteria in a manner that does not risk misuse of judicial office. In contrast, giving ad hoc informal feedback to an attorney's supervisor, in line with the ethical rules previously described and without job or award qualifications against which to compare the attorney, risks providing severely limited information upon which a supervisor might nonetheless make important employment decisions.

¹¹ Alaska Code Jud. Conduct R. 2.11(B).

¹² Alaska Code Jud. Conduct R. 1.3(A).

Reference:

*California Supreme Court Committee
on Judicial Ethics Opinions*

CJEO Formal Opinion 2021-018

(Issued December 15, 2021)



**CALIFORNIA SUPREME COURT
COMMITTEE ON JUDICIAL ETHICS OPINIONS**

350 McAllister Street

San Francisco, CA 94102

(855) 854-5366

www.JudicialEthicsOpinions.ca.gov

CJEO Formal Opinion 2021-018

[Issued December 15, 2021]

**PROVIDING FEEDBACK ON ATTORNEY COURTROOM
PERFORMANCE**

I. Question

The Committee on Judicial Ethics Opinions (CJEO) has been asked whether it is ethically permissible for a judicial officer to provide feedback on an attorney's courtroom performance when requested by the attorney or the attorney's supervisor.

II. Summary of Conclusions

While the Code of Judicial Ethics¹ does not specifically prohibit judicial officers from providing feedback on courtroom performance to appearing attorneys or their

¹ All further references to the code, canons, terminology, and advisory committee commentary are to the California Code of Judicial Ethics unless otherwise indicated.

supervisors, there are several canon restrictions and ethical risks that must be taken into account. When providing feedback on courtroom performance, a judicial officer may not: (1) engage in prohibited ex parte communications (canon 3B(7)); (2) make a public comment on a pending proceeding or nonpublic comment that may interfere with a fair trial or hearing (canon 3B(9)); (3) create an appearance of favor or bias (canons 1, 2, and 2A); (4) suggest that anyone is in a special position to influence the judicial officer (canon 2B(1)); or (5) engage in coaching by advising on tactics or strategies that give one side an advantage in litigation or by providing legal advice (canon 4G).

Judicial officers who elect to provide such feedback must avoid discussing their own assigned matters until final resolution; refrain from discussing matters pending before other judges or courts; ensure that the substantive nature and tone of any feedback is neutral; and be equally available to provide feedback to attorneys representing various interests or viewpoints. Judicial officers must also ensure that their conduct does not suggest a special relationship with any attorney or law office and should avoid acting as evaluators of attorney job performance in the context of employment evaluations for promotion or discipline. Finally, judicial officers must ensure that feedback does not provide any attorney or party with an inside advantage.

III. Authorities

A. Applicable Canons

Terminology: “ ‘Pending proceeding’ is a proceeding or matter that has commenced. A proceeding continues to be pending through any period during which an appeal may be filed and any appellate process until final disposition. The words ‘proceeding’ and ‘matter’ are used interchangeably, and are intended to have the same meaning.”

Canon 1: “A judge shall uphold the integrity and independence of the judiciary.”

Canon 2: “A judge shall avoid impropriety and the appearance of impropriety in all of the judge’s activities.

Canon 2A: “A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. A judge shall not make statements, whether public or nonpublic, that commit the judge with respect to cases, controversies, or issues that are likely to come before the courts or that are inconsistent with the impartial performance of the adjudicative duties of judicial office.”

Advisory Committee commentary following canon 2 and 2A: “*The test for the appearance of impropriety is whether a person aware of the facts might reasonably entertain a doubt that the judge would be able to act with integrity, impartiality, and competence.*”

Canon 2B(1): “A judge shall not allow family, social, political, or other relationships to influence the judge’s judicial conduct or judgment, nor shall a judge convey or permit others to convey the impression that any individual is in a special position to influence the judge.”

Canon 2B(2)(d): “A judge may respond to judicial selection inquiries, provide recommendations (including a general character reference relating to the evaluation of persons being considered for a judgeship), and otherwise participate in the process of judicial selection.”

Canon 2B(2)(e): “A judge may serve as a reference or provide a letter of recommendation only if based on the judge’s personal knowledge of the individual. These written communications may include the judge’s title and may be written on stationery that uses the judicial title.”

Canon 3B(7): “A judge shall not initiate, permit, or consider ex parte communications, that is, any communications to or from the judge outside the presence of the parties concerning a pending or impending proceeding, and shall make reasonable efforts to avoid such communications, except as follows”

Canon 3B(9): “A judge shall not make any public comment about a pending or impending proceeding in any court, and shall not make any nonpublic comment that might substantially interfere with a fair trial or hearing.”

Canon 4B: “A judge may speak, write, lecture, teach, and participate in activities concerning legal and nonlegal subject matters, subject to the requirements of this code.”

Advisory Committee commentary following canon 4B: “*As a judicial officer and person specially learned in the law, a judge is in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice, including revision of substantive and procedural law and improvement of criminal and juvenile*

justice. To the extent that time permits, a judge may do so, either independently or through a bar or judicial association or other group dedicated to the improvement of the law. It may be necessary to promote legal education programs and materials by identifying authors and speakers by judicial title. This is permissible, provided such use of the judicial title does not contravene Canons 2A and 2B.”

Canon 4G: “A judge shall not practice law.”

B. Constitutional Provisions, Statutes, and Other Authorities

Code of Civil Procedure, section 170.1, subdivision (a)(2)(B) and (a)(2)(C)

Adams v. Commission on Judicial Performance (1995) 10 Cal.4th 866

Inquiry Concerning Mills (2018) 6 Cal.5th CJP Supp. 1

Inquiry Concerning Van Voorhis (2003) 48 Cal.4th CJP Supp. 257

Commission on Judicial Performance, *Public Admonishment of Judge Ronald Maciel* (1997)

Commission on Judicial Performance, *Public Admonishment of Judge Stuart Scott* (2016)

CJEO Formal Opinion 2018-012 (2018), *Providing Educational Presentations at Specialty Bar Events*, California Supreme Court Committee on Judicial Ethics Opinions

CJEO Oral Advice Summary 2018-024 (2018), *Reporting Misconduct by a Superior Court Research Attorney in a Pending Matter*, California Supreme Court Committee on Judicial Ethics Opinions

Rothman et al., California Judicial Conduct Handbook (4th ed. 2017) sections 2:24, 5:8, 10:16

California Judges Association, Judicial Ethics Updates (April 2000), (February 2002), (March 2004), (June 2007), and (January 2017)

Geyh et al., Judicial Conduct and Ethics (6th ed. 2020) section 8.02

IV. Discussion

Judicial officers are permitted and, in some cases, encouraged to comment on attorney performance in certain contexts. For example, judges may provide letters of recommendation or references in the context of a judicial application or application for another position or honor. (Canon 2B(2)(d) and (e).) Judicial officers may also provide feedback on attorney performance in educational settings, such as moot court programs, Inns of Court, or bar association events. (Canon 4B [judges may speak, write, lecture, teach, and participate in other activities concerning legal and nonlegal subject matters, subject to other requirements of the code]; Advisory Com. com. foll. canon 2B [as a person specially learned in the law, a judge is in a unique position to contribute to the law, the legal system, and the administration of justice, and may do so to the extent time permits, either independently or through a bar or judicial association or other group dedicated to the improvement of the law].)²

By contrast, there are other circumstances where providing feedback implicates canon restrictions that must be considered before a judicial officer provides input. These range from individual attorneys requesting feedback to supervisors asking for input about an attorney or class of attorneys who regularly appear in the judge's courtroom. The purpose of this opinion is to identify the canons and ethical considerations that judicial officers are required to bear in mind before responding to a request to comment on an attorney's courtroom performance.

² There may be specific instances where judges are permitted to ensure that attorneys who appear in court have sufficient training to perform their jobs competently. (Cal. Stds. Jud. Admin., std. 5.40(d)(1) and (4) [presiding judges of juvenile courts should establish relevant prerequisites and ensure sufficient training for court-appointed attorneys and advocates].) Involvement in these training programs, however, is a guideline rather than mandatory and subject to other requirements in the code. (Cal. Rules of Court, rule 1.5(c) [standards are guidelines rather than mandatory].)

A. Ex Parte Communications

Judicial officers may not provide feedback about attorney courtroom performance if doing so would result in an ex parte communication. The code defines ex parte communications as “*any* communications to or from a judge outside the presence of the parties concerning a pending or impending proceeding.” (Canon 3B(7), italics added [prohibiting ex parte communications with few exceptions, none of which are directly relevant here].) A “pending proceeding” is a proceeding or matter that has commenced through any period during which an appeal may be filed and any appellate process until final disposition. (Terminology, Pending proceeding; CJEO Oral Advice Summary 2018-024 (2018), *Reporting Misconduct by a Superior Court Research Attorney in a Pending Matter*, Cal. Supreme Ct. Com. Jud. Ethics Opns., pp. 3–4 [a matter remains pending if there is still sufficient time for a party to petition for review].)

However well-intentioned, commenting on an appearing attorney’s courtroom performance runs the risk of discussing the facts, merits, or status of a particular case or matter. Even a seemingly innocuous comment may interfere, intentionally or unintentionally, with one party’s decisionmaking process or strategy on appeal. For this reason, judicial officers should exercise extreme caution when asked to provide feedback at the close of a trial or hearing and may not comment on attorney performance relating to that trial or hearing prior to final resolution of all possible appeals. (Canon 3B(7); Rothman et al., *California Judicial Conduct Handbook* (4th ed. 2017) § 2:24, p. 92 (Rothman) [unless a case is absolutely final on appeal, providing attorney feedback creates the potential for an improper ex parte communication]; Cal. Judges Assn., *Judicial Ethics Update* (CJA Update) (April 2000) p. 2 [when asked by a trial attorney to critique the attorney’s performance after trial, a judge may do so only after the matter is finally resolved so as to avoid any appearance of impropriety].) This prohibition extends to providing feedback to an appearing attorney’s supervisor.

The California Commission on Judicial Performance (CJP) has disciplined judges for commenting on attorney performance prior to the close of all pending proceedings.

(Com. on Jud. Performance, *Public Admonishment of Judge Stuart Scott* (2016) pp. 2–5 [judge disciplined for pulling aside a deputy district attorney at the end of trial but prior to sentencing, despite her protestations, to comment on her trial performance and that of the public defender, which violated the prohibition against ex parte communications and undermined public confidence in the impartiality of the judiciary in violation of canon 2A]); *Inquiry Concerning Mills* (2018) 6 Cal.5th CJP Supp. 1, 19 [judge disciplined for, at the close of trial and while the jury was deliberating, advising a prosecutor how the judge would have countered the defense’s expert based on techniques used in the past; while the judge attempted to defend his conduct by characterizing it as “sharing a war story,” CJP found that “[t]here is no ‘war story’ exception to the prohibition against ex parte communications”]; *Inquiry Concerning Van Voorhis* (2003) 48 Cal.4th CJP Supp. 257, 317 [judge removed for multiple instances of misconduct, which included critiquing attorneys during trial and in the jury’s presence].)

B. Public and Nonpublic Comment on Pending Proceedings

In addition to refraining from engaging in ex parte communications, judicial officers may not provide feedback on attorney performance that violates canon 3B(9). Canon 3B(9) prohibits judges from making public comments about a pending or impending proceeding and from making nonpublic comments that may substantially interfere with a fair trial or hearing, including those pending before other judges or courts, with limited exceptions. For instance, a judicial officer may discuss a case pending on appeal “in legal education programs and materials,” but not if the judge had any personal involvement in the case at any stage or if the discussion would interfere with the fair hearing of a case. (Canon 3B(9).)

Even when a judicial officer comments on a pending proceeding in a nonpublic setting, such as a private conversation in chambers or by electronic means, there is a risk that any discussion of case specifics may interfere with a fair trial or hearing. (Advisory Com. com. foll canon 3B(9) [explaining the risk of nonpublic comments being misheard,

misinterpreted, or repeated, which can negatively impact a pending case].) Therefore, when providing solicited feedback about courtroom performance directly to attorneys or their supervisors, judicial officers must ensure that their comments do not involve pending proceedings in their own or any other court.

C. Appearance of Favor or Bias

Judicial officers are also prohibited from providing attorney feedback that exhibits favoritism or otherwise undermines the judicial officer's impartiality. (Canons 1, 2, and 2A [judges must preserve the integrity and impartiality of the judiciary in all activities].) To minimize ethical risks, judicial officers choosing to provide feedback must ensure that the substantive nature and tone of the feedback would not suggest to an objective observer that the judicial officer has a particular affinity or dislike for certain attorneys or parties. (Advisory Com. com. foll. canon 2 and 2A [the test for impropriety is whether a person aware of the facts would reasonably doubt a judge's impartiality].) For instance, the content of feedback should be neutral and not disparage any other attorneys or parties. As a precaution, the feedback should be equally applicable to and appropriate to say in the presence of attorneys on opposing sides of the same case. (CJEO Formal Opinion 2018-012 (2012), *Providing Educational Presentations at Specialty Bar Events*, Cal. Supreme Ct. Com. Jud. Ethics Opns., pp. 7–9 (CJEO Formal Opinion 2018-012) [educational content is permissibly neutral if the identical presentation could be given to bar associations representing competing interests].)

Judicial officers must also avoid the suggestion of favoritism or bias in terms of who has access to the judicial officer's feedback. For example, it would be improper for a judicial officer to only provide feedback to a law office with which the judicial officer was previously affiliated or to repeatedly provide feedback to one side of the criminal bar to the exclusion of the other. In most cases, attorneys requesting feedback on courtroom performance are doing so in a private setting, as opposed to an educational setting or public environment. If a judge provides feedback at the request of one party, the opposing party may not be aware that the judge is either providing or available to provide

this feedback. For this reason, the committee recommends that judicial officers choosing to provide feedback make it clear that they are equally available to provide such feedback to all parties upon request.

In order to preserve the impartiality of the judiciary, judicial officers choosing to provide feedback must do so in a manner that does not favor or exclude, or appear to favor or exclude, any particular attorney or group of attorneys, and be equally available to attorneys representing various interests or viewpoints. (CJEO Formal Opinion 2018-012, *supra*, at pp. 2, 7–8 [judges may give educational presentations to specialty bar associations, provided they are equally available to bar associations having opposing interests or viewpoints, and must ensure neutrality when speaking to judges from a prior practice area]; CJA Update (June 2007) p. 3 [a judge may speak with newly hired district attorneys about trial practice provided the judge is available to give similar talks to the public defender’s office].)

D. Appearance of Special Position of Influence

When providing individualized feedback to attorneys, judicial officers must also ensure that their conduct does not suggest that the requesting attorneys have a special relationship with the judicial officer in violation of canon 2B(1) (judges must not convey or permit others to convey the impression that any individual is in a special position to influence the judge). As discussed above, only providing feedback to a particular group of attorneys may suggest bias or imply that those attorneys are in a special position to influence the judicial officer. In addition, providing feedback regarding an appearing attorney’s performance, particularly when it is requested by the attorney’s supervisor, may put the judicial officer in a position of evaluating the attorney from the perspective of a supervisor-supervisee relationship. Providing such feedback may suggest that the judicial officer favors or has a special relationship with a particular law office or has a special interest in the development of its employees.

For this reason, providing feedback in the context of an employment evaluation for purposes of promotion or discipline raises additional concerns. As Judge Rothman suggests in his treatise: “there are far more reasons against engaging in this practice than favoring it.” (Rothman, *supra*, § 5:8, p. 274, discussing CJA Update (March 2004) p. 2.) In addition to identifying the ethical concerns discussed above, Judge Rothman notes that there are other ways for supervisors to obtain information about how their employees are performing and for new attorneys to learn, such as attending courtroom proceedings to observe. (Rothman, *supra*, § 5:8, pp. 273–274.)

The committee agrees that judicial officers should avoid acting as evaluators of attorney job performance in the employment evaluation context, as there are significant pitfalls to doing so and more effective ways for supervisors to evaluate employees for promotion or discipline. Once a judicial officer provides feedback to a supervisor, the judicial officer loses control over both the content of the information and the manner in which it may later be relayed to others. The committee also notes that, because judicial officers are prohibited from commenting on an attorney’s performance in the judicial officer’s assigned matters prior to the close of all proceedings, the time delay in providing any feedback for employment evaluation purposes would likely diminish its value. Finally, providing feedback in the context of an employment evaluation may put the judicial officer in the position of becoming a percipient witness in the event of an employment dispute.

E. Coaching

When providing feedback about attorney performance, judicial officers must also be cautious to avoid coaching. Although judicial officers are permitted to teach attorneys by providing neutral instruction on substance, procedure, or technique, they are prohibited from suggesting strategies or tactics that would provide an advantage before a particular judge or court. Coaching is impermissible because it suggests that a judicial officer may be biased in favor of, or have a special relationship with, the attorneys being

coached in violation of canons 2, 2A and 2B(1). The suggestion of bias may be heightened when a judge appears to coach attorneys that repeatedly appear before that judge. (Rothman, *supra*, § 2:24, p. 92.)

Coaching is not defined in the code. In a previous opinion, this committee has advised that judicial officers may discuss procedures, trial or appellate techniques, black letter law, best practices, tips to avoid common errors, and proper courtroom protocol. (CJEO Formal Opinion 2018-012, *supra*, at pp. 8–9.) For instance, a judge may speak at a statewide conference of district attorneys or teach courses on evidence to a criminal defense association, as long as the judge provides impartial instruction and refrains from advocating for certain positions. (Rothman, *supra*, § 10:16, p. 685, citing CJA Update (February 2002) p. 2; CJA Update (January 2017) p. 10.) However, it would be impermissible for a judicial officer to advise on topics or strategies that favor a particular side in litigation, such as how to select a pro-plaintiff or pro-defense jury or the ideal demeanor for a police witness in a criminal case. (CJEO Formal Opinion 2018-012, *supra*, at p. 9; Rothman, *supra*, § 10:16, p. 685.)

Depending on the factual scenario, coaching may also suggest that a judicial officer is providing legal advice to an attorney in violation of canon 4G, which prohibits judges from practicing law. For example, in *Adams v. Commission on Judicial Performance* (1995) 10 Cal.4th 866, 906–908, a judge was disciplined for, among other things, assisting attorneys in cases pending before other judges by suggesting particular motions, commenting on rulings in related cases, and reviewing and proposing edits to pleadings. The court found that the judge had provided legal advice to the attorneys and found that the judge’s actions “amounted to egregious misconduct, demonstrating a disregard for the integrity of the bench, and constituted prejudicial conduct.” (*Id.* at p. 907.) In addition, the court found that the judge’s conduct could be construed as sharing information “known or peculiarly available to members of the [judge’s] bench” with some attorneys to the exclusion of others, which cast doubt on the integrity and impartiality of the judiciary. (*Id.* at p. 908.) In essence, this improperly gave the assisted

attorneys an inside advantage. (See also Com. on Jud. Performance, *Public Admonishment of Judge Ronald Maciel* (1997) pp. 1–2 [judge admonished for privately advising a prosecutor on the time period for filing a peremptory challenge].)

V. Conclusion

While the code does not specifically prohibit providing feedback on courtroom performance to appearing attorneys or their supervisors, judicial officers must take into consideration the following canon restrictions and ethical risks. It is not permissible for judicial officers to provide feedback in matters assigned to them until all proceedings are finally resolved due to the restriction on ex parte communications. Judicial officers must also refrain from making public comments on proceedings pending before any other judge or court, or nonpublic comments that may interfere with a fair trial or hearing. Judicial officers may only provide feedback in a manner that avoids the suggestion of favoritism, bias, or a special relationship with the requesting attorneys and should avoid acting as evaluators of attorney job performance in an employment context. Finally, judicial officers must ensure that their feedback does not cross the line into coaching by suggesting tactics or strategies that favor a particular side in litigation or by providing legal advice.



This opinion is advisory only (Cal. Rules of Court, rule 9.80(a), (e); Cal. Com. Jud. Ethics Opns., Internal Operating Rules & Proc. (CJEO) rule 1(a), (b)). It is based on facts and issues, or topics of interest, presented to the California Supreme Court Committee on Judicial Ethics Opinions in a request for an opinion (Cal. Rules of Court, rule 9.80(i)(3); CJEO rule 2(f), 6(c)), or on subjects deemed appropriate by the committee (Cal. Rules of Court, rule 9.80(i)(1); CJEO rule 6(a)). The conclusions expressed in this summary are those of the committee and do not necessarily reflect the views of the California Supreme Court or any other entity. (Cal. Rules of Court, rule 9.80(b); CJEO rule 1(a)).

Alaska Commission on
Judicial Conduct
Formal Advisory Opinion
#1997-01

Advisory Opinion #1997-01

(adopted February 7, 1997; Amended June 6, 1997)

Question: May a judge write an unsolicited reference letter to the Alaska Judicial Council concerning an applicant for a judgeship?

Opinion: A judge may write a letter to the Judicial Council concerning the qualities and abilities of an applicant for a judicial position. The letter need not be solicited by the Council, but its content should be limited to addressing those qualities about which the judge has direct knowledge and which relate to the criteria used by the Council in evaluating the applicant. A judge may ethically permit the Council to forward the letter to the governor.

The restriction on content should be extended to all official reference letters by judges, regardless of who the recipient may be. Any use of the judicial office to persuade and influence decision-makers, beyond comments addressing the qualifications of the individual concerned, is not proper. In addition, while sending an unsolicited letter to the Judicial Council is not improper, sending an unsolicited letter to the Governor is improper. The Governor's role in the selection process is political and any written unsolicited comments regarding the selection could be viewed as political.

Public Session Informational

Judicial Appointments

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

July 9, 2026

Mr. David Wilkinson
5175 Metz Court
Anchorage, AK 99516

Dear Mr. Wilkinson:

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".

Mike Dunleavy
Governor

cc: The Honorable Susan M. Carney, 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

July 9, 2026

Ms. Patricia Haines
1843 Esquire Avenue
Fairbanks, AK 99709

Dear Ms. Haines:

I am pleased you have accepted an appointment to the Alaska Court of Appeals.

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 long horizontal stroke extending to the right.

Mike Dunleavy
Governor

cc: The Honorable Susan M. Carney, 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

July 9, 2026

Mr. Samuel Vandergaw
3065 Bettles Bay Loop
Anchorage, AK 99515

Dear Mr. Vandergaw:

I am pleased you have accepted an appointment to the Anchorage 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 M. Carney, Chief Justice, Alaska Supreme Court
Susanne DiPietro, Executive Director, Alaska Judicial Council
Stacy Marz, Administrative Director, Alaska Court System

News Articles

Work ethic and determination

Justice Ketanji Brown Jackson describes her rise to the nation's highest court at Fairbanks event

JACKSON

POLITICS

Iris Samuels

Anchorage Daily News

FAIRBANKS — U.S. Supreme Court Justice Ketanji Brown Jackson, the first Black woman to serve on the country's highest court, opened her appearance in a full theater at the University of Alaska Fairbanks with an excerpt from her memoir.

When Jackson recounted learning that she, “the daughter of African American parents who had come of age in the segregated South during the 1950s and early 1960s, would become the 116th justice and the first Black woman to sit on the Supreme Court in its 233-year history,” the crowd of around 900 erupted into cheers.

Jackson, who was nominated in 2022 by Democratic former President Joe Biden, made her first trip to Alaska to speak about her background and experience.

She drew a packed house of Alaskans, some of whom had lined up more than three hours before the event began, buzzing with excitement at the rare opportunity to hear from a sitting U.S. Supreme Court justice in their home state.

Among the crowd were members of the Alaska Alumnae Chapter of Delta Sigma Theta Sorority Inc., a historically African American sorority, which had inducted Jackson as an honorary member in 2023.

“Of course, she’s in Alaska — her sorority sisters have to come out and support her,” said Vara Allen-Jones, who took the train from Anchorage to Fairbanks to attend the talk and called Jackson “the ultimate example of excellence, perseverance and dedication.”



U.S. Supreme Court Justice Ketanji Brown Jackson recounts the moment she was sworn in as a member of the nation's highest court in 2022. Jackson spoke to a capacity audience at Davis Concert Hall on the University of Alaska Fairbanks campus Tuesday. Photos by **MARC LESTER / ADN**



U.S. Supreme Court Justice Ketanji Brown Jackson is greeted with a standing ovation at Davis Concert Hall on the University of Alaska Fairbanks campus on Tuesday.

Justice Ketanji Brown Jackson describes her rise to the nation's highest court at Fairbanks event

JACKSON

Allen-Jones, a retired University of Alaska Anchorage administrator, said that like other sorority members, she hoped to meet Jackson in person. She wanted to thank her “for daring to dream and make that dream a reality,” she said.

“What she’s doing just really creates another pathway for all children, not just African American children,” said Allen-Jones.

During a 50-minute on-stage conversation with moderator Robert Hannon, a retired Fairbanks journalist, Jackson explored themes from her

“The court ends up in many cases not writing a full opinion to explain what it is that the court has decided, and I think that is problematic for the public, especially when you’re talking about cases that end up addressing very significant issues with clear consequences, negative consequences,” Jackson said.

Hannon also asked about Jackson’s reputation for writing powerful dissents to the majority opinions authored by the conservative justices on the court.

“I really think that dissents are actually one of the most extraordinary aspects of the American legal tradition, because they embody one of our core values, which is the freedom of expression, the tolerance of minority views,” said Jackson.

[JACKSON from page A1 to A7](#)

memoir, including growing up in Miami, her experience on her public high school's speech and debate team, meeting her husband at Harvard University, and the challenges of balancing the demands of her career and parenthood.

"I think that I had the work ethic and the determination and the belief in my own capacity because I had come from a family that was hardworking, that understood its own capacity despite the limitations, and that was committed to investing in the young people, the future generations — that, too, is a part of the African American experience," said Jackson.

Jackson also spoke about her experience on a court defined by a 6-3 conservative supermajority.

Hannon relayed an audience question about the Supreme Court's increased reliance on the emergency docket, which bypasses the court's traditional merit-based arguments.

"I have been quite a vocal critic of the court in terms of its use of the emergency docket," Jackson said, echoing comments she made during an address to Yale Law School students in April.

"It is extraordinary that we have a system that allows for people who disagree, even at the highest levels, to explain their disagreement, to tell everyone how they think the case should have come out, and to essentially lay down a marker for future generations in the hopes that at some point in time, people will agree with their view," Jackson added.

Immediately after Jackson answered that question, organizers of the event abruptly ended it, saying that Jackson was called away urgently but providing no further explanation.

Michelle Bartlett, who manages the summer lecture series at the University of Alaska Fairbanks, said the talk came together after she called Jackson's office and invited her to Alaska. Bartlett had done the same a decade earlier, when she invited Justice Sonia Sotomayor to speak at the university in 2016. That was the last time a U.S. Supreme Court justice held a public event in Alaska.

All 900 tickets to the event sold out within



U.S. Supreme Court Justice Ketanji Brown speaks with moderator Robert Hannon on the University of Alaska Fairbanks campus on Tuesday. Photos by **MARC LESTER / ADN**



Members of Delta Sigma Theta Sorority, Inc., wait to enter the event featuring one of the group's honorary members, U.S. Supreme Court Justice Ketanji Brown Jackson on Tuesday.

two minutes when they became available in June, and more than 800 Alaskans signed up for a waiting list within an hour, according to Bartlett. The university hosted watch parties on campuses across the state, including in Anchorage.

"Alaska's so red, so it was really heartening to know that in two minutes we filled it," said Bartlett.

Among the hundreds in the audience were members of Alaska's highest court. Alaska Supreme Court Chief Justice Susan Carney said she was struck by Jackson's encouragement to young Alaskans to "really dream big."

"I think it's wonderful to have a U.S. Supreme Court justice up here, and I think that maybe drives home the point that we really are a part of the United States, and that Alaskans can do things and can be important as far away as Washington," said

Jerrold Story Obituary

Jerrold (Jerry) Dunne Story was a kind and joyful man with a quick wit, an insatiable sweet tooth, and unbounded empathy.

He would drive hours in the middle of an Alaska winter to help a friend, give a stranger the parka off his back, and then, with a twinkle in his eye, steal the last brownie off your plate.

He had myriad interests, an abiding enthusiasm for people and experiences, and a lightning-swift left hook. He loved and was loved unreservedly, and he will be deeply missed.

Jerry was born on March 16, 1941, in [Lincoln, Nebraska](#), to Alvin and Eleanore (Dunne) Story. He was the third of four children raised in the sandhills and small Nebraska towns of North Platte, Ainsworth, Thedford, Cozad, and Arnold, where he spent his early days stacking hay and working the ranch.

A talented athlete, Jerry graduated from Arnold High School in 1959, excelling in football, basketball and track, as well as student government and drama.

In college, as was his wont, Jerry enjoyed a good time, studying just enough to get by, riding around in his spotless 1959 Chevy, lettering in several sports, and bronc and bull riding on the weekends.

He graduated with a B.A. from Colorado State College and an M.A. from the [University of South Dakota](#).

In 1981, Jerry obtained his Specialist in Education (EdD) degree from [Middle](#)

[Tennessee State University](#), where he immersed himself in the country and western music scene, attending the Grand Old Opry, dancing up a storm, and meeting the stars of the day. Known for his bold sartorial choices, he often outfitted himself in western suits - fitted in Loretta Lynn's shop - and cowboy boots.

Jerry's parents were well respected educators, having raised him and his siblings to value learning and working with children.

Jerry followed them into the field, beginning his career as a coach, teacher, and principal alongside his then-wife Myrna, also a teacher, and two young children, Angela and Darin. When they divorced, Jerry ventured north, pursuing opportunity, embracing life in Alaska, and making it his home.

During his tenure in Delta Junction, Jerry took an active role in establishing the regional school district, and he quickly became part of the fabric of the community, valued for his patience, sense of humor, and problem-solving skills. After working in Delta for 17 years, Jerry began taking appointments on the North Slope, including Point Hope, Anaktuvuk Pass, Atkasuk, Utqiagvik, and Ilisagvik College. He treasured his time in the villages, deeply valued the culture and the wisdom of the elders, and made many friends.

Jerry met Sharon (Pulliam) Story while working in Delta. They formed a close friendship and married after Jerry's retirement, at which point he became a deeply loving, supportive, and frequently mischievous bonus parent to Sharon's three children, Erika, Rurik (RT), and Chad.

After a few years in Oregon, the family made a new home in Wasilla, where Jerry enthusiastically assumed the role of house husband, feeding and nurturing Sharon and the children. One of Jerry's lasting legacies was to

help foster a welcoming and loving extended family, which continues to thrive even in his absence.

In retirement, Jerry and Sharon became master gardeners and frequented a fishwheel in Copper Center with family and friends. He acted as a support crew for Sharon's trips with her friends, picked up and housed dropped Iditarod dogs, and loved to cook and host for a crowd, especially when Angie, Darin, Erika, RT, or Chad were in town.

Jerry was once again a mainstay in his community, frequently seen around town in his distinctive red Hummer, and he continued to work in the public interest by serving on the Alaska Commission on Judicial Conduct from 2004 to 2008. Jerry delighted in his children and grandchildren, slipping them treats when Sharon wasn't looking, and he was enormously proud and supportive of them all.

As Jerry's memory began to fade and he was diagnosed with Alzheimer's disease, he and Sharon first received support from Alzheimer's Resource in Wasilla, eventually selling their Wasilla home and moving to Raven Landing in Fairbanks to be closer to family.

Among other activities, Jerry made a new friend, Al, and helped him collect the recycling bins each week. In 2019, Jerry moved to Hope Haven, where Gladys Egger and her loving and skilled staff cared for him in his last years, treating him with dignity and kindness.

Jerry's family is deeply grateful for the staff of Hope Haven, as well as the hospice staff who cared for him at the end of his life and through a calm and peaceful death. He died on Sunday, July 26, 2026.

Jerry is survived by his wife, Sharon Story; his children, Angela (Aaron) Kelly, Darin Story (Janet Wrhel), Erika (Jason) Franklin, Rurik (Teresa) Lindner, and Chad Lindner (Lindsay Kanter); his grandchildren, Hannah (Chisum) Grund, Genavieve Paul, Aubrey (Rylan) Robbins, Ethan Wilson, and Teslin Lindner; his great-grandchildren, Haxton and Haven Grund; his brother-in-law, Joseph (Cheryl) Pulliam; and many more loving relatives and friends.

Jerry was preceded in death by his parents, Alvin and Eleanore Story; his brother, James (Donna) Story; his sisters, Jody (Ron) Harvey and Jan Coble; and his parents-in-law, LeRoy and Patsy Pulliam.

There will be an informal gathering to celebrate Jerry's life on Monday, Aug. 31, from 3 to 5 p.m. Please contact Sharon for more information.

You can remember Jerry by engaging in an act of kindness, sharing a bit of humor, or eating the last cookie on the plate.

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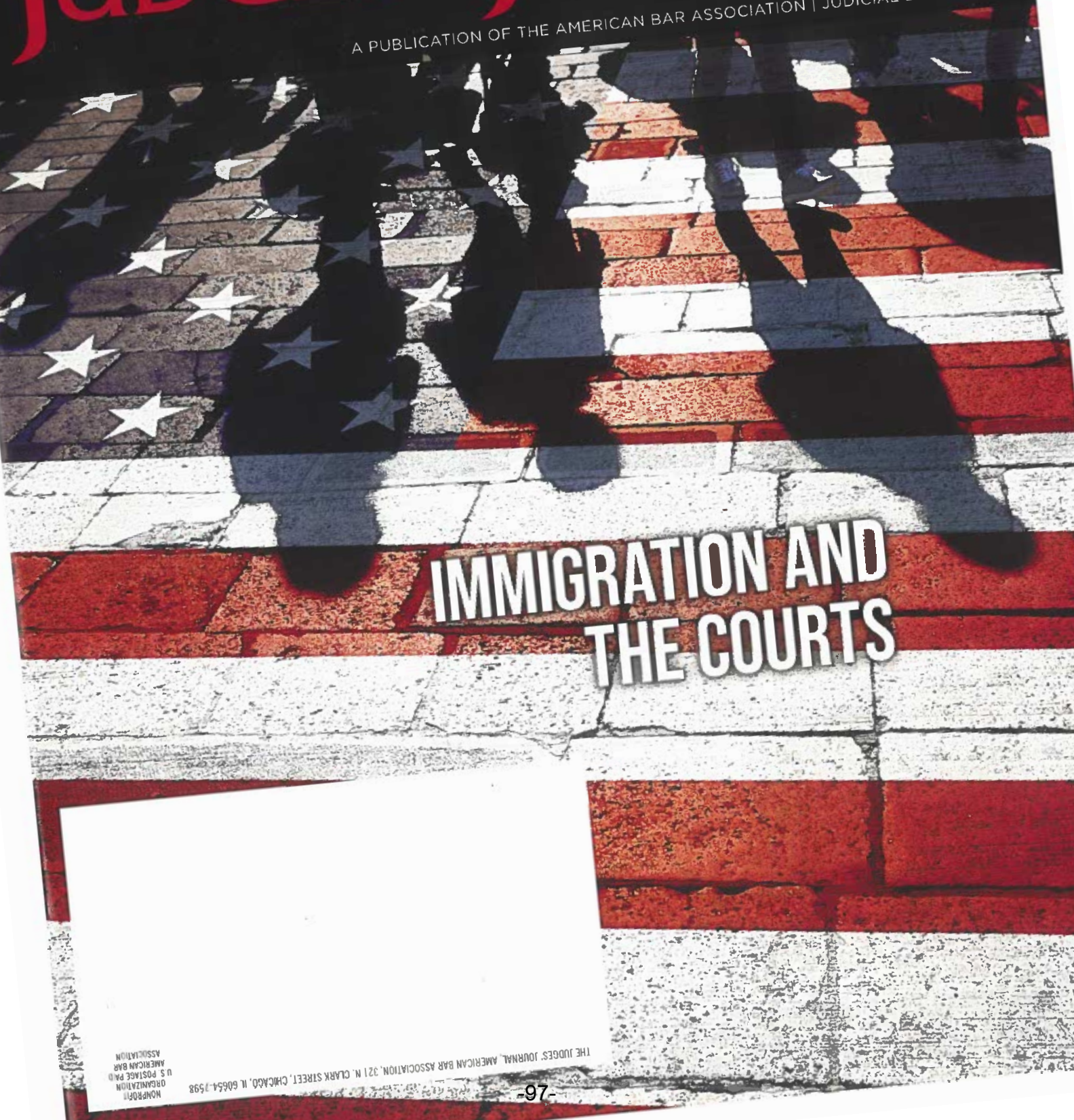
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Judicial Ethics and Immigration Issues in Today's Courts

By Marla N. Greenstein



Immigration law and adjudication in the recent past and under the current federal policy create several ethical dilemmas for judges. For immigration judges, the longtime inherent conflict presented by their status as at-will employees of the Department of Justice presents the most fundamental ethics conflict. The essential concept of freedom from outside pressures when deciding the merits of any case cannot exist in that model. Consequently, the American Bar Association (ABA) has frequently taken positions encouraging a different model for immigration courts that would parallel other administrative judiciaries. The Petrarca/Alfred article in this issue provides an excellent review of the history and recommendations for solutions.

For judges in the judicial branch, whether federal or state, ethics issues arise in indirect ways. Most recently, media attention has focused on judges who sought to evade immigration enforcement in their courtrooms or courthouses. One former judge in Wisconsin recently received a monetary penalty after her conviction in a federal court for the crime of obstructing law enforcement (*United States v. Dugan*). Another judge in Massachusetts is facing discipline for a similar event that occurred several years ago (*In re Shelley Joseph*). This column will focus on how to avoid those outcomes by adhering to fundamental Rule

of Law concepts that include acknowledging the proper scope of law enforcement in a courthouse.

Judges and court administrators have fundamental obligations to the public users of their court systems. These obligations include providing safe spaces for litigants to bring their claims and defend their cases. Judges have no reason to know the immigration status of individuals who appear before them in most instances. Whether judges have a duty to inquire will depend on the specific issues in the matters before them and may have implications for defendants in criminal matters. But do judges have individual responsibilities to protect litigants from immigration enforcement in their courtroom? Here, the answer should be no different from any other law enforcement action. But that does not answer the question.

The judges who have faced prosecution and discipline for various degrees of facilitating litigants' evasion of immigration enforcement were responding in the moment without a clear process or thoughtful evaluation. Court systems should, and often do, have policies for law enforcement activities in the court facilities. Some do not permit law enforcement in the courtroom but allow law enforcement after the proceeding has concluded. So too, many courts require law enforcement officers

present to execute a law enforcement action to notify a court officer (preferably not the judge) about the purpose and show any supporting documentation. These procedures apply regardless of the law enforcement agency (federal or state) or purpose (criminal, immigration, or other). If a court does not have a policy, judges should develop their own in advance of encountering the situation. Court staff should be informed of their expected role in engaging with law enforcement present for these purposes, as well as procedures should law enforcement fail to abide by the procedure.

For judges in single-judge sites or those without direction from court administrators, having a plan and sharing that plan with court staff are essential. Any plan should prioritize treating all law enforcement equally without regard to their purpose and provide a safe and welcoming environment for all users of court facilities. In all activities, judges must uphold the law while promoting the integrity and independence of the judiciary (Canon 1, ABA Model Code of Judicial Conduct). This overarching principle is hardest to apply where the situation is unanticipated, unwanted, and disruptive. By thoughtfully anticipating a formal and reasonable response, judges can fulfill their ethical obligations while providing a safe forum for all who seek access to their courts. ■



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**CONSTITUTIONAL
STATUTORY PROVISIONS
GOVERNING COMMISSION**

Alaska Constitution.
Article 4, Sections 10-14

CONSTITUTION OF ALASKA

Art. IV, § 10

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

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

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

NOTES TO DECISIONS

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

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

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

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

CONSTITUTION OF ALASKA

Art. IV, § 10

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTES TO DECISIONS

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

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

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

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

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

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

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

NOTES TO DECISIONS

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

CONSTITUTION OF ALASKA

Art. IV, § 14

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

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

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

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

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

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

NOTES TO DECISIONS

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

Alaska Statutes
AS 22.30.010 - AS 22.30.080

Chapter 30. Judicial Conduct.

Section

- 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).