

Alaska Commission on Judicial Conduct

Meeting of September 21, 2026

Public Session

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

Anchorage

PUBLIC SESSION

HANDOUTS

Meeting of September 21, 2026

PUBLIC SESSION

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Public Session

Tab B

Director's Report

Budget

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FY26 Budget: End-of-Year Status

(as of 09/16/2026)

- ALDER Appropriation Summary: Pre-EOY True-up
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- Office Expense Report
- EOY Forecast as of 6/18/26 QCM
- Special Counsel Appropriation Use



FY2026 End of Year Status: ACJC Appropriation Summary
Before Year-End True-Up

Report Date	8/9/2026
Budget Fiscal Years	2026
Fiscal Year	2026

Expense Category	Category Budget	Current Monthly Expenditures	Encumbrances	Current Total Expenditures	Remaining Category Budget
1000 - Personal Services	467,900.00	36,026.56	0.00	467,131.22	768.78
2000 - Travel	22,000.00	2,942.89	0.00	33,013.84	-11,013.84
3000 - Services	151,000.00	-269.46	0.00	70,167.60	80,832.40
4000 - Commodities	7,000.00	2,376.53	0.00	5,147.14	1,852.86
5000 - Capital Outlay	5000.00	0.00	0.00	0.00	5,000.00
Total	652,900.00	41,076.52	0.00	575,459.80	77,440.20



FY2026 End of Year Status: ACJC Appropriation Summary
After Year-End True-Up

Report Date	9/14/2026
Budget Fiscal Years	2026
Fiscal Year	2026

Expense Category	Category Budget	Current Monthly Expenditures	Encumbrances	Current Total Expenditures	Remaining Category Budget
1000 - Personal Services	467,900.00	36,026.56	0.00	467,131.22	768.78
2000 - Travel	33,000.00	3,360.89	0.00	32,594.13	405.87
3000 - Services	145,000.00	14,122.02	0.00	70,101.71	74,898.29
4000 - Commodities	7,000.00	35.34	0.00	5,936.74	1,063.26
5000 - Capital Outlay	0.00	0.00	0.00	0.00	5,000.00
Total	652,900.00	53,544.81	0.00	575,763.80	77,136.20

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VENDOR NAME	INVOICE #	DATE OF INVOICE	DATE IN IRIS	EXPLANATION	AMOUNT OF PAYMENT
					3022 - ACTIVITY: 2252
TOTALS:					\$7,245.43
FY2026 Special Counsel - Jessica Dillon					
Dillon Findley & Simonian PC	#14080	1/23/26	1/26/26	Special Counsel Fees - December 2025 Charges	\$3,245.16
Dillon Findley & Simonian PC	#14149	2/18/26	2/20/26	Special Counsel Fees - January 2026 Charges	\$3,475.27
Dillon Findley & Simonian PC	#14381	6/26/26	8/5/26	Special Counsel Fees - May 2026 Charges	\$245.00
Dillon Findley & Simonian PC	#14447	7/21/26	8/19/26	Special Counsel Fees - June 2026 Charges	\$280.00

GRAND TOTAL
\$7,245.43

FY27 Budget: Current Status

(as of 09/16/2026)

- ALDER Appropriation Summary
- Office Expense Report
- Draft EOY Forecast
- Special Counsel Appropriation Use



FY2027 Current Status: ACJC Appropriation Summary

Report Date	9/15/2026
Budget Fiscal Years	2027
Fiscal Year	2027

Expense Category	Category Budget	Current Monthly Expenditures	Encumbrances	Current Total Expenditures	Remaining Category Budget
1000 - Personal Services	487,200.00	0.00	0.00	0.00	487,200.00
2000 - Travel	22,000.00	0.00	0.00	0.00	22,000.00
3000 - Services	151,000.00	0.00	0.00	0.00	151,000.00
4000 - Commodities	7,000.00	0.00	0.00	0.00	7,000.00
5000 - Capital Outlay	5,000.00	0.00	0.00	0.00	5,000.00
Total	672,200.00	0.00	0.00	0.00	672,200.00

Current Cumulative Totals FY 2027 (Expense Report)

Object Code	Description	July FY25	August	Sept	Total	Current Totals	Budget	Remaining
	TRAVEL	\$ -	\$ 2,679.09	\$ 475.00	\$ 3,154.09	\$ 3,154.09	\$ 22,000.00	\$ 18,845.91
2000-2004	Employee Instate	\$ -	\$ -	\$ -	\$ -			
2005-2011	Non Employee Instate	\$ -	\$ 984.72	\$ 475.00	\$ 1,459.72			
2012-2016	Emp. Out of State	\$ -	\$ 1,694.37	\$ -	\$ 1,694.37			
2017-2022	Non Emp. Out of State	\$ -	\$ -	\$ -	\$ -			
	SERVICES	\$ 3,716.86	\$ 5,362.04	\$ 5,944.69	\$ 15,023.59	\$ 15,023.59	\$ 76,000.00	\$ 60,976.41
3000	Training/Conferences	\$ -	\$ -	\$ -	\$ -			
3032	Software Licenses	\$ 58.97	\$ 117.94	\$ 571.72	\$ 748.63			
3035-3037	Phone & Internet	\$ -	\$ 320.35	\$ 340.00	\$ 660.35			
3045	Postage & Shipping	\$ 20.99	\$ 33.17	\$ 41.98	\$ 96.14			
3057	Office, Storage, Parking	\$ 3,636.90	\$ 4,837.89	\$ 4,946.00	\$ 13,420.79			
3058	Equipment Maintenance	\$ -	\$ 39.98	\$ 19.99	\$ 59.97			
3066	Printing & Binding	\$ -	\$ 12.71	\$ 25.00	\$ 37.71			
	COMMODITIES	\$ 248.23	\$ 40.56	\$ 1,001.28	\$ 1,290.07	\$ 1,290.07	\$ 7,000.00	\$ 5,709.93
4000	Rules & Law Books	\$ -	\$ -	\$ 65.00	\$ 65.00			
4002	Office Supplies	\$ 248.23	\$ -	\$ 416.00	\$ 664.23			
4003	IT Equipment	\$ -	\$ -	\$ -	\$ -			
4005	Subscriptions	\$ -	\$ 40.56	\$ 20.28	\$ 60.84			
4009	Food Supplies	\$ -	\$ -	\$ 500.00	\$ 500.00			
	CAPITAL OUTLAY	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,000.00	\$ 5,000.00
5030	Equipment Purchase	\$ -	\$ -	\$ -	\$ -			
	Monthly Totals	\$ 3,965.09	\$ 8,081.69	\$ 7,420.97				
	Cumulative Totals	\$ 3,965.09	\$ 12,046.78	\$ 19,467.75		\$ 19,467.75	\$ 110,000.00	\$ 90,532.25
3022	Special Counsel	\$ -	\$ -	\$ -	\$ 1,595.75	\$ 1,595.75	\$ 75,000.00	\$ 73,404.25
		\$ -	\$ -	\$ -	\$ -			
1000	Personnel Services				\$ 69,937.90	\$ 69,937.90	\$ 487,200.00	\$ 417,262.10
					TOTALS	\$ 89,405.65	\$ 597,200.00	
							Current Remaining	\$507,794.35

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VENDOR NAME	INVOICE #	DATE OF INVOICE	DATE IN IRIS	EXPLANATION	AMOUNT OF PAYMENT
					3022 - ACTIVITY: 2252
				TOTALS:	\$1,595.75
FY2027 Special Counsel - J. Dillon					
Dillon Findley & Simonian PC	#14529	9/15/26	9/18/26	Special Counsel Fees - July 2026 Charges	\$1,595.75

GRAND TOTAL
\$1,595.75

Tab C

Suggested Updates to Commission Rules

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



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 18, 2026

MEMORANDUM

TO: Commission Members

FROM: Mike Schwaiger
Executive Director 

RE: Proposed Language Update to Rule 1(a) Regarding Meeting Formats

Holding meetings in a hybrid in-person/videoconference/teleconference manner balances several important and competing policy interests: eliminating travel costs, providing more equal access, promoting scheduling efficiency, promoting meeting efficiency, assuring security, encouraging candid and respectful deliberations, and maintaining familiarity with necessary practices. In my view:

- allowing participation by videoconference or teleconference eliminates significant personal travel costs for members of the public from outside Anchorage who wish to attend public sessions or address the Commission;
- allowing participation by videoconference and teleconference eliminates practical and logistical barriers for geographically remote members of the public who wish to attend public sessions or address the Commission and lets commissioners fulfill their duties when otherwise unable to participate in person;
- allowing participation by videoconference and teleconference promotes scheduling efficiency by allowing commissioners to accept proposed meeting dates where they cannot attend in person but can attend by videoconference or teleconference and by eliminating the need to check the availability of meeting venues;
- limiting participation of members of the public to videoconference or teleconference promotes meeting efficiency by letting the Commission move without clearing the venue from public to closed sessions;

- limiting participation of members of the public to videoconference and teleconference eliminates security risks that otherwise would require added staffing costs or secure venues;
- encouraging in-person appearance by commissioners fosters a culture of mutual respect and candor in which to make significant decisions about the alleged conduct of judges; and
- holding regular meetings in a hybrid format maintains logistical and technological familiarity critical for time-sensitive special meetings where in-person participation by all commissioners is unworkable.

While there is significant value to in-person participation by everyone, competing values mean the Commission should maintain its existing practice of (1) requiring members of the public to participate by videoconference or teleconference; and (2) allowing commissioners to participate by videoconference or teleconference while strongly encouraging in-person participation. Holding meetings in a hybrid fashion also permits the Commission to extend courtesies to complainants and judges to address the Commission about complaints while preserving the confidentiality of their identities.

Based on the competing policy interests, and in conformity with existing practices, staff suggests amending ACJC Rule 1(a) concerning the Commission's meetings. Proposed deletions are noted in strikethroughs; proposed additions are noted in underlined capitalization.

Rule 1. Organization of Commission

- (a) **Meetings.** MEETINGS MAY BE HELD IN PERSON, BY VIDEOCONFERENCE, AND BY TELECONFERENCE AND SHALL ALLOW THE PUBLIC TO ATTEND PUBLIC SESSIONS BY VIDEOCONFERENCE OR TELECONFERENCE. The commission holds the following meetings:
- (1) *Annual.* The first REGULAR ~~regularly-scheduled~~ meeting of the calendar year is the annual meeting. At the annual meeting, the commission will approve the commission's annual report and will elect officers every two years.
 - (2) *Regular.* Other regular meetings ~~at designated locations~~ may be held as needed. ~~Regular meetings may be held either in person or by teleconference.~~
 - (3) *Special.* Special meetings may be called by the chairperson or two members of the commission upon prior written or verbal notice to all members where there is a need to meet on short notice for a special purpose. If the special agenda includes any public matter, public notice shall be given at least 24 hours before the meeting. ~~Special meetings may be held either in person or by teleconference.~~

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



Alaska Commission on Judicial Conduct

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

September 18, 2026

MEMORANDUM

TO: Commission Members

FROM: Mike Schwaiger 
Executive Director

RE: Proposed Language Update to Rule 1(h): Public Participation

Members of the public may address the Commission in writing and in public sessions. Judicial Conduct Commission Rule 1(h) outlines how members of the public may do so. In doing so, Rule 1(h) refers to both “public testimony” and “public comments.” But the reference to “public testimony” appears to be a drafting error. Members of the public address the Commission as citizens and not as witnesses. Members of the public do not swear any oath when speaking to the Commission and are free to voice their perspectives without fear of prosecution for perjury. While the Commission hears sworn testimony from witnesses in formal proceedings, other rules apply to those circumstances.

For these reasons and in conformity with existing practices, staff recommends the Commission amend its rule concerning public participation. Proposed deletions are noted in strikethrough; proposed additions are noted in underlined capitalization.

Rule 1 Organization of Commission

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

Rules Committee on
Public Records Request Policy



Alaska Commission on Judicial Conduct

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(907) 272-1033 In Alaska 800-478-1033 FAX (907) 272-9309

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

September 18, 2026

MEMORANDUM

TO: Commission Members

FROM: Mike Schwaiger 
Executive Director

RE: Public Records Request Rule Committee

The commission should form a committee to draft a rule or written policy about public records requests. The committee should include at least one judge-, one attorney-, and one public-member and should be supported by staff.

Staff occasionally receive requests for public records from members of the public. Usually, these requests can be answered by reference to existing public documents, by clarifying what kinds of documents are confidential, or by reference to existing rules touching on public records.¹ But recent informal statements to the commission and staff about public records and recent litigation over public records at the Alaska Judicial Council suggest a growing need for a specific rule or written policy.

When the commission drafts an advisory opinion by committee, the drafting committee must include at least one judge-, one attorney-, and one public-member.² I understand that the Commission's Rules Committee did likewise in the 1990s. The same approach is suggested here.

¹ For example, under Rule 4(a)(6) & (9), the executive director is responsible for maintaining statistics about the operation of the commission and making them available to the commission, the court, and the public and is also responsible for preparing an annual report of the commission's activities. Under Rule 5(a), all investigative records, files, and reports of the commission are confidential and no disclosure may be made except as permitted by AS 22.30.060. And under Rule 6(a), the commission will, in its discretion, issue public reports on the activities of the commission.

² Rule 19(b).

Public Session Informational

Publications

The Unique History of Baseball’s Antitrust Exemption

By Jeffrey Davis

An article on baseball in the Bar Rag may seem out of left field, but America’s pastime has a very interesting legal history. For example, there are eleven lawyers admitted to the Baseball Hall of Fame, including the very first commissioner of baseball, Kennesaw Mountain Landis, who was a federal judge before taking the position. His trustworthiness and respectability allowed him to reform the game and bring back the public’s trust after the 1919 Chicago “Black Sox” World Series fixing scandal. Also, well-known Branch Rickey had studied law at Michigan before becoming a renowned manager in the game, most famous for signing Jackie Robinson and breaking baseball’s color barrier.

However, perhaps the most unique and interesting aspect of baseball is its exemption from anti-trust enforcement under the Sherman Antitrust Act. One hundred years ago, the Supreme Court decided that a game of baseball was not commerce per the Act; and no other sport since then has been afforded such luxury. This article is not intended to answer whether baseball is entitled to special treatment under the law or whether it should be treated as all other sports, but rather to shed light on a fascinating piece of American legal history.

The Sherman Antitrust Act is a federal statute enacted in 1890 that

prohibits activities restricting interstate commerce and competition in the marketplace and prohibiting unfair monopolies. As there are many ways to unethically do business, the Act contains a broad prohibition at Section 1 and states:

Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal.

One of the earliest applications of the Sherman Act was breaking up John D. Rockefeller’s Standard Oil conglomerate in the early 1900s. In the late 1970s and early 1980s, it was the act under which AT&T’s “Ma Bell” telephone system was divested into “Baby Bell” regional subsidiaries. One of its most recent applications is the ongoing case against Google brought in 2020.

The Sherman Act regulates “trade and commerce among the several states.” However, the new invention of organized sports in the early 1900s did not neatly fit that definition. Baseball was invented in America and quickly became its most popular sport. It grew organically from country fields and city streets to professional leagues and stadiums. There is a perceived purity to the sport. Therefore, unlike robber barons and telecommunications conglomerates, in the early 1920s, organized baseball was deemed to be outside of commerce and therefore outside Sherman Act jurisdiction. Since then, baseball has maintained a 100-year history of self-regulation and controlling its own economics and growth.

The Supreme Court has carved out baseball’s antitrust exemption over three cases: *Federal Baseball Club of Baltimore v. National*



League of Professional Baseball Clubs, 259 U.S. 200 (1922), *Toolson v. New York Yankees, Inc.*, 346 U.S. 356 (1953), *Flood v. Kuhn*, 407 U.S. 258 (1972). Although the Supreme Court has made clear that Congress can legislatively bring baseball into the fold of commerce, Congress has yet to do so. Some lower courts have begun to question the antitrust exception even though the trilogy of cases is still controlling law.

Federal Baseball is the case that initially exempted baseball. The first few decades of organized baseball was a free-for-all with rivalries between leagues and players leaving one league for another. In 1903, the American League (AL) and National League (NL) signed the National Agreement which ceased the “baseball war” and established the structure of what we know today as Major League Baseball. Most importantly, it included an agreement

to honor each other’s contracts and reserve lists. The reserve clause was part of a player contract which stated that the rights to players were retained by the team upon the contract’s expiration, meaning once you signed with a team, that team owned you for life. Players were not free to enter into another contract with another team and could be re-assigned, traded, sold, or released at the team’s discretion.

However, in 1913, a new baseball league was formed in Baltimore, Maryland called the Federal League of Professional Baseball Clubs. Because the Federal League was not party to the National Agreement, it could recruit players from AL and NL teams, thus creating competition and allowing AL and NL players to begin demanding salary

Continued on page 3

Justice Ketanji Brown Jackson Visits UAF, Inspires Alaska Audience

By Kara Bridge

Bar members, students and community members gathered at the University of Alaska Fairbanks for “A Conversation with U.S. Supreme Court Associate Justice Ketanji Brown Jackson,” while UAA Community & Belonging and the Alaska Bar Association co-sponsored a watch party in Anchorage, allowing audiences across the state to participate in the event.

The event opened with Justice Jackson reading from the preface of her memoir, *Lovely One*, setting the stage for a candid discussion

about her life, family and historic journey to becoming the first Black woman to serve on the U.S. Supreme Court. She reflected on her parents’ experiences growing up in Florida during segregation, describing the barriers they faced in housing, education and transportation, and how their perseverance shaped her own path.

Justice Jackson also shared stories of meeting her husband while



Justice Ketanji Brown Jackson

in college, balancing the demands of family and a legal career, and overcoming challenges throughout her professional journey. Her remarks highlighted the importance of resilience, public service and pursuing opportunities despite obstacles.

The conversation was recorded and is available at uaf.edu/summer/.

Kara Bridge is the CLE Director of the Alaska Bar Association.

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Ready for the Remake? An Old Story and a New Code

By Mike Schwaiger

For years after they debated and drafted the foundation of the state they yearned for, delegates to the Alaska Constitutional Convention said the winter months at the university in Fairbanks provided an ideal time and place for contemplation away from the distractions of the capital in Juneau and big city of Anchorage. But it wasn't all work and no play. Smack in the middle of the convention, Fairbanks's Empress Theatre screened a new, technicolor release from Universal Pictures—*The Spoilers*—an Alaska Gold Rush tale of judicial corruption so good that it had been made into a bestselling novel, a play, and four feature films starring such actors as Gary Cooper, John Wayne, Marlene Dietrich, and Anne Baxter. It was based on a true story.

In 1900, when Alaska lacked a territorial legislature or a nonvoting congressional delegate, Congress split Alaska's one judicial district into three, giving President McKinley two more territorial district court judges to name and serve at his pleasure. He soon appointed James Wickersham to Eagle and Arthur Noyes to Nome. These territorial court appointments, like so many in the territories of the late-nineteenth-century American West, were largely partisan and colonial. Merit counted for little and locals had almost no say in the appointment or removal of a judge. The quality of the judge was largely a matter of luck. A territorial

district could start off with an unabashedly political but hardworking mover like Wickersham. Or a hack, derelict, and crook like Noyes.

In *Distant Justice: Policing the Alaskan Frontier*, miner and Alaska historian William R. Hunt details how Alaska's biggest judicial scandal began with U.S. citizens near Nome suing to nullify the rich mining claims of several unnaturalized Swedish immigrants based on their lack of U.S. citizenship. From these American claimjumpers, North Dakota kingmaker and lobbyist Alexander McKenzie bought hundreds of untested legal claims challenging the immigrants' mining claims. McKenzie then met with his powerful friends like U.S. Senator Thomas Carter, who afterward tried to have a provision retaining existing mining rights for unnaturalized immigrants removed from his eponymous Alaska code. When that failed, McKenzie secured the appointment of his friend, Noyes, to the bench in Nome. Wickersham met McKenzie and Noyes on their way to Alaska, and found them alert, aggressive, and to be planning large mining ventures, with Noyes seeming "immoderately fond of the bottle."

In Nome, instead of appointing a neutral party as court receiver for all the legal claims that McKenzie had purchased from the American claimjumpers, Noyes appointed McKenzie himself. And instead of leaving the gold in the ground where its value would have been preserved, McKenzie got court or-

ders from Noyes to take possession of the mining claims, seize equipment, and hire miners to work them. Immigrant miners sought help from the Nome court, but the vast majority were rebuffed. (Noyes did let his private secretary A.K. Wheeler operate his law firm out of the judge's chambers, and miners who heeded the judge's advice to "go see Wheeler" did remarkably well before the Nome court.) McKenzie quickly amassed \$250,000 in gold deposits in local banks.

But miners in Nome sent appeals on the three-thousand-mile journey to the U.S. Court of Appeals for the Ninth Circuit in California, and they won. Noyes initially refused to enforce appellate court orders overruling him. Later appeals then prompted the appellate court

members took a vote and then wired President McKinley asking him to remove Noyes "to prevent riot and bloodshed." But he remained in office until after he was convicted of contempt for ignoring the appellate court's orders, finally prompting President Theodore Roosevelt to remove him.

Gold Rush judges like Noyes were not subject to any code of ethics. Indeed, it would be another twenty years until Chief Justice Taft would chair an American Bar Association commission to draft the first formal code of judicial conduct, in response to the scandal of sitting U.S. District Court Judge Kenesaw Mountain Landis picking up a side-hustle as the commissioner of Major League Baseball. Landis seemed eager to rehabilitate the image of the

...the Ninth Circuit saw in Nome's denizens—citizens and not-yet-citizens alike—an American commitment to the independence, integrity, and impartiality of the judiciary: "[I]t speaks well for the good, sober sense of the people gathered on that remote and barren shore that they depended solely upon the courts for the correction of the wrongs thus perpetrated among and against them, which always may be depended upon to right, sooner or later, wrongs properly brought before them."

to write in *Tornanses v. Melsing*, "[T]he high-handed and grossly illegal proceedings initiated almost as soon as Judge Noyes and McKenzie had set foot on Alaskan territory at Nome . . . may be safely and fortunately said to have no parallel in the jurisprudence of this country." Bar

national pastime after his hometown team had thrown the World Series in 1919. But Landis's second job would also pay more than five times his federal salary. In some attempt to reconcile these mixed motives, he voluntarily took a pay cut from the baseball team owners for the amount he would earn as a federal judge. A congressional impeachment effort failed, but Landis later resigned from the bench to work fulltime for Major League Baseball. The ABA published its first, 34-canon code of judicial conduct in 1924.

Over a hundred years later, this year's modernization of Alaska's Code of Judicial Conduct leaps forward from the 1990 ABA model on which it was based. These periodic revisions to ethical codes represent a regular reaffirmation of the rule of law by the rulers of law. The years-long effort to modernize the code now responds to decades more refinements in ethical thinking and historical experiences, as well as robust public comment. And it celebrates our tradition of confidence in the conduct and competence of Alaska state courts to resolve controversies. The Hollywood versions of Nome's Gold Rush judicial corruption scandal—spoiler alert—culminate in an enormous barroom brawl. But that's not what we want, and that's not what happened in real life. Instead, the Ninth Circuit saw in Nome's denizens—citizens and not-yet-citizens alike—an American commitment to the independence, integrity, and impartiality of the judiciary: "[I]t speaks well for the good, sober sense of the people gathered on that remote and barren shore that they depended solely upon the courts for the correction of the wrongs thus perpetrated among and against them, which always may be depended upon to right, sooner or later, wrongs properly brought before them."

Mike Schwaiger is the chair of the Alaska Bar Historians Committee and the new executive director of the Alaska Commission on Judicial Conduct.



Save the Date!

2027
AK BAR
CONVENTION

APRIL 28 - 30

DENA'INA CENTER, ANCHORAGE

ALASKA BAR ASSOCIATION

Articles

Petersburg Sullivan to remain on ballot, State Supreme Court rules

Court affirms Superior Court ruling hours before ballots begin printing; Division of Elections must determine how his name will appear



Court affirms Superior Court ruling hours before ballots begin printing; Division of Elections must determine how his name will appear

By [Wil Courtney](#) and [Matthew Simon](#)

Published: Jun. 29, 2026 at 3:01 PM AKDT | Updated: Jun. 29, 2026 at 4:22 PM AKDT



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ANCHORAGE, Alaska (KTUU) - The Alaska State Supreme Court ruled Monday that Dan J. Sullivan, the Petersburg resident with the same name as the sitting U.S. Senator, will appear on the August

primary ballot, just hours before [ballots are set to begin printing Tuesday at noon](#).



The one-paragraph order affirmed a [June 26 Superior Court ruling](#) that had placed Sullivan back on the ballot after the Division of Elections removed him. The court also directed the Division to determine how Sullivan will [appear on the ballot](#) “within the confines of existing Alaska ballot design law.”

A full opinion will be issued at a later date.

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MORE: [Petersburg rallies behind candidate, who declines KTUU interview](#)

Shortly after the ruling, Nate Adams, a spokesperson for Sen. Dan Sullivan’s campaign, said they were “disappointed in the court’s decision because as the sham candidate Dan J. Sullivan’s lawyers made clear in their legal arguments, the only reason he is running is to deceive voters and manipulate Alaska’s election system.

“However, we are encouraged by the fact that the Director of the Division of Elections will be able to use her expertise to differentiate between the Petersburg fraud and the incumbent — Senator Dan Sullivan — to the benefit of Alaska voters,” Adams continued.

The National Republican Senatorial Committee, which filed an amicus brief supporting the Division of Elections and has [scrutinized his candidacy](#), condemned the ruling and repeated its allegation that Petersburg's Sullivan was planted by the Peltola campaign — a claim [Alaska's News Source](#) [has not been able to independently verify](#).

ADVERTISEMENT

The Peltola campaign has [repeatedly denied](#) any connection to Petersburg's Sullivan campaign.

Chief Justice Susan Carney and Justices Henderson, Pate, and Oravec participated in the decision. Justice Dario Borghesan did not participate because a family member is involved in Sullivan's legal representation, Appellate Court Clerk Meredith Montgomery told Alaska's News Source.

Sullivan, a retired Petersburg teacher, entered the race as a Republican at the end of May. Elections Director Carol Beecher removed him from the ballot on June 15, citing four reasons:

- Choosing the name “Dan Sullivan” was intended to “confuse” voters into associating him with another candidate.
- His party choice “strongly suggests an intent to confuse” himself with the incumbent senator.
- His campaign imagery “appears to be [a] deliberate” copy of the senator's.
- His use of a political consultant who has previously advocated for Democrat Mary Peltola, who is running for the same Senate seat.

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The state had argued candidates must file in “good faith” — a standard the Division of Elections used to justify Sullivan's removal. The Supreme Court's order does not address that standard directly; the full legal reasoning will come in a later opinion.

Superior Court Judge Thomas Matthews had reached the same conclusion in his June 26 ruling, writing the “good-faith” criteria was new and “previously unstated,” and the evidence Sullivan tried to confuse voters “is not supported by a preponderance of evidence” and that “the division accepted at face-value the assertions of the complaint, and disregarded Mr. Sullivan's assertions.”

Critics of the Division's decision had warned the removal could raise constitutional questions. [Legislative Counsel Andrew Dunmire](#), [in a five-page memo](#), wrote that imposing a "good faith" requirement on candidates "would improperly add to the exclusive list of Constitutional qualifications." [State Sens. Bill Wielechowski and Forrest Dunbar](#), D-Anchorage, and [House Judiciary Chair Rep. Andrew Gray](#), D-Anchorage, had each raised similar concerns.

Sullivan's attorney, Jeffrey Robinson, had argued the Division's standard was impermissibly subjective.

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"By contrast, a rule that says you may not run if we think your motive is to confuse voters is ... subjective, right? It requires a finding of intent ... and most problematically, it's discretionary in a way that can be used to advantage incumbents," Robinson said during Monday's oral arguments.

State attorney Christopher Murray had defended the Division's authority, arguing the key question was whether Sullivan had "properly filed."

"Its job is to make sure voters have a right to have their votes counted for the candidate they want to vote for, and the division has to do what it can to make sure that happens. Its concerns here are legitimate," Murray told the court.

Both attorneys had cited [the case of Eric Hafner](#) — a federal inmate in New York who, [despite never visiting Alaska](#), ran for U.S. House and advanced past the primary. The Alaska Democratic Party [sued to remove Hafner from the ballot](#), but the court ruled that despite his ineligibility to hold office, he was qualified to run because he had correctly completed his declaration of candidacy.

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in addition to the NSRC, amicus briefs in support of the Division of Elections were filed by the Republican Party of Alaska, the Honest Elections Project, and a 15-state coalition led by Iowa that included Alabama, Arkansas, Florida, Georgia, Idaho, Indiana, Louisiana, Mississippi, Missouri, Montana, Nebraska, South Carolina, and West Virginia. Amicus briefs supporting Sullivan were filed by Dustin Darden and Thomas A. Lamb.

According to a [sample ballot](#) posted to the Alaska Division of Elections website, Petersburg's Sullivan will appear on the ballot as 'Sullivan, Daniel J. Jr.'

Despite being a registered republican, the sample ballot did not include the candidate's political party.

Petersburg's Sullivan has declined comment to Alaska's News Source throughout his candidacy. Last week, [he told an Alaska's News Source crew who traveled to the small Southeast Alaska town he was not speaking to the station](#), saying he found its outreach aggressive and did not want to jeopardize his court case.

Alaska's News Source has also reached out to Petersburg Sullivan and a Division of Elections spokesperson for reaction to Monday's ruling.

This is a breaking story. It has been updated with new information and background.

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