

**League of Women Voters of Alaska
Position**

Judicial Appointment and Retention

Statement of Position: Judicial Appointment and Retention.

The League of Women Voters of Alaska strongly supports a judicial appointment and retention process that is merit-based, transparent, representative of and responsive to the public and to the Constitutions of the State of Alaska and United States.

Amplification:

1. *The LWVAK supports a merit-based process for judicial appointments.*

The Alaska Constitution prescribes a process that calls for gubernatorial appointment to vacant positions on the bench from a list of qualified candidates forwarded by the Alaska Judicial Council. The LWVAK supports this merit-based process currently provided for in the Alaska Constitution. A merit-based process tasks a non-political panel of legal and non-legal members (Alaska Judicial Council) to evaluate judicial applicants on such factors as experience, legal knowledge and judicial temperament. Only the best qualified, tallest timber candidates are then forwarded for nomination by the panel. This merit-based system reduces opportunity for political bias, is transparent, and better serves the concept of equal justice for all than would other processes such as direct election or direct political appointment of the judiciary.

2. *The LWVAK supports a judicial nomination process that is transparent and balances the need for expertise in identifying the merits of candidates with responsiveness to the public.*

The Alaska Constitution tasks the Alaska Judicial Council with vetting candidates for vacant positions on the bench, and forwarding a list of qualified candidates to the Governor for appointment. The Constitution further identifies membership on the Alaska Judicial Council as three lawyer members appointed by the Alaska Bar Association and three non-lawyer members appointed by the Governor and confirmed by the Alaska Legislature. The Council is presided over by the Chief Justice of the Alaska Supreme Court, who votes only in the case of a tie. The LWVAK supports the makeup of the Alaska Judicial Council as currently provided for in the Alaska Constitution. The six member profile of the Alaska Judicial Council balances the need for legal and practical expertise with accountability to the public and political realities.

The Alaska Judicial Council process for vetting candidates should be as transparent as possible with appropriate consideration given to personal and confidential matters of candidates.

The Alaska Judicial Council should be funded appropriately and sufficiently by the Legislature to ensure resources to adequately vet candidates on their merit and to allow for

transparency through public hearings, regular public input on participants within the Alaska Legal System, and maintenance of a robust website allowing public access to the process for all Alaskans.

- 3. The LWVAK supports a judicial retention process that calls for periodic, uncontested, yes or no votes of the public.*

The Alaska Constitution currently provides for periodic uncontested yes or no retention votes for sitting members of the Alaska Judiciary. The LWVAK supports the current retention process provided for in the Constitution as a mechanism that allows for public accountability without introducing political bias.

The public should be adequately educated on judicial performance prior to retention votes. The Alaska Judicial Council is currently tasked by the Alaska Legislature for providing information to the public on judicial performance. The Council should continue with this function and should be adequately funded to gather and disseminate information on judicial performance from such entities as lawyers, litigants, defendants, jurors, other judges, and public observers of the judicial process. Information gathered should be made available to the public in a broad and timely manner by the Alaska Judicial Council prior to retention elections.

- 4. The LWV Alaska supports a process through which a member of the Alaska Judiciary may be removed from office for incapacitation or for misconduct.*

The Alaska Constitution currently provides for two mechanisms for removal from office for incapacitation or misconduct: impeachment by the Legislature or by a vote of the Alaska Supreme Court upon a recommendation of the Commission on Judicial Conduct. As retention elections may be as many as ten years from incapacitation or the occurrence of proven misconduct, there should be in place a mechanism for removal from office aside from retention votes. The LWVAK supports the current provisions of the Alaska Constitution for removal by impeachment or vote of the Alaska Supreme Court.

- 5. The LWV Alaska supports a judiciary that represents the racial, ethnic, gender and geographic diversity of the state.*

Judges appointed to the Alaska Judiciary should be appointed first and foremost based on their qualifications. The LWVAK encourages the Governor, in considering nominations of qualified candidates forwarded by the Alaska Judicial Council, to take into consideration the racial, ethnic, gender and geographic diversity of the state in making his or her appointment.

The LWVAK urges the Alaska Bar and Alaska Judicial Council to encourage qualified diverse candidates for the bench to consider and pursue appointments so as to improve the diversity of the Alaska Judiciary.