



JUNEAU BAR ASSOCIATION

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After discussion on April 8th, circulation to the membership by email on April 13th, and further discussion and amendment on April 15th, The Juneau Bar Association passed the following resolution on April 15th, 2016:

“The Juneau Bar Association believes that the governor should consider geographical diversity in appointments to the Supreme Court.

“Alaska has an admirable process for appointments to the bench. The judicial council review process ensures that nominations are merit based, and when the governor must choose from the nominees, the governor must select from a number of experienced and qualified applicants. The governor reviews those applicants from a variety of perspectives, which may include considerations of diversity in order for Alaska's judiciary to reflect the people of Alaska. Diversity may include a variety of considerations, but for the Supreme Court, a court with statewide jurisdiction, one of those considerations should be geographic diversity.

“The first Alaska Supreme Court had one justice in Fairbanks, one justice in Anchorage, and one justice in Juneau. When the Supreme Court expanded to five justices the additional members were located in Anchorage, but there continued to be a justice in Fairbanks and in Juneau. Although that balance has not continued without interruption, the JBA believes the reasons behind the appointment of Supreme Court justices from around the state continue to exist. The JBA has always held the belief that it is important for the Alaska Supreme Court to have a Justice in Southeast Alaska, and it was an oversight not to have expressed this view publicly in 2012 when Justice Carpeneti retired.

“Maintaining a seat in Southeast Alaska benefits Alaska and the judiciary in several ways. First, access to justice occurs in a variety of ways, including informal contact with the judiciary and appellate clerks at filing sites. Maintaining a justice in Southeast Alaska would provide the First Judicial District with increased access and contact with the Supreme Court. This informal access is important not only for attorneys, but for members of the public who gain increased confidence in the judiciary through personal acquaintance with a Justice and judicial staff, and through the knowledge that there is someone on the Court who is familiar with local culture and issues.

“Second, the Supreme Court promulgates court rules. Court rules are uniform, but it is common for judicial districts and communities to have local practices. Also, it is common for a judicial district to have local rules for the region. Maintaining a geographically diverse Supreme Court would ensure that the promulgation of statewide rules take into account the diverse experiences and practices around the state.

“Third, Southeast Alaska has unique experiences that are different from the rest of the state. The differences include cultural differences, geographic differences (Southeast Alaska is an archipelago without a road system), and legal differences. In particular,

Southeast Alaska has a number of tribal courts and the area has been a focal point for the development of overlapping jurisdiction between state and tribal courts.

“Fourth, the practice of maintaining a Supreme Court justice in Southeast has meant that Southeast residents who might not wish to live in Anchorage still apply for Supreme Court vacancies. Abandonment of that practice may limit the pool of applicants so that it may no longer include highly qualified applicants who wish to continue to live in Southeast Alaska. The state as a whole would be poorer for loss of these qualified applicants.

“Fifth, Juneau and Southeast have benefited from clerks coming to work for a Supreme Court justice, many of whom settle here and benefit the local legal community.

“These are only some of the reasons why the JBA believes that it is appropriate for a Supreme Court justice to be located in Southeast Alaska. The JBA recognizes that appointment of a Supreme Court justice is a challenging task, recognizes that there are a number of well qualified people to consider for any appointment, and recognizes the value of a variety of types of diversity. The JBA believes that geographic diversity should be one of the types of diversity considered by the Governor when making this, and future, Supreme Court appointments.”

A handwritten signature in black ink, appearing to read 'Lael Harrison', with a horizontal line extending to the right from the end of the signature.

Lael Harrison, Secretary

April 15, 2016