

Office of Governor  
MICHAEL J. DUNLEAVY

You are here: Home / Press Releases / Governor Announces Four New Judges, Declines to Fill Vacant Seat Without Additional Information from Judicial Council

## Governor Announces Four New Judges, Declines to Fill Vacant Seat Without Additional Information from Judicial Council

March 21, 2019

**March 21, 2019 (Juneau, Alaska)** – Alaska Governor Michael J. Dunleavy today announced his selections to fill Alaska Superior and District Court judgeships in Utqiagvik, Kodiak, Anchorage, and Palmer.

“Congratulations to these dedicated individuals. Their qualifications and record of public service are a positive testament to their ability to serve the people of Alaska as members of our judiciary. We wish them all the best as they serve our state and their communities in this new capacity,” said **Governor Dunleavy**.

Governor Dunleavy’s judicial appointments are:

**John C. Cagle** has been appointed to the Palmer Superior Court. Mr. Cagle has been an Alaska resident for 8 ½ years and has practiced law for 14 years. He graduated from Gonzaga University School of Law in 2003 and is currently an assistant district attorney in Anchorage.

**Nelson Traverso** has been appointed to the Utqiagvik Superior Court. Mr. Traverso has been an Alaska resident for 36 years and has practiced law for 35 years. He graduated from Northeastern University School of Law in 1981 and is currently in private practice in Fairbanks.

**Stephen B. Wallace** has been appointed to Kodiak Superior Court. Mr. Wallace has been an Alaska resident for 36 years and has practiced law for 29 ½ years. He graduated from the University of Oregon School of Law in 1988 and is currently the district attorney in Bethel.

**David Nesbett** has been appointed to the Anchorage District Court. Mr. Nesbett has been an Alaska resident for 47 years and has practiced law for 20 years. He graduated from the University of the Pacific, McGeorge School of Law, in 1998, and is currently in private practice in Anchorage.

Governor Dunleavy has also declined to select a second candidate to serve on the Palmer Superior Court, citing his concern for a truncated list of candidates and questions whether the judicial selection process was consistent with the merit and qualifications based standard of the Alaska judicial system.

“For the two positions on the court, the Council received 11 applications. From this field of candidates, you only nominated three candidates for two positions,” **Governor Dunleavy wrote in a letter to the Alaska Judicial Council.** “I believe there are qualified candidates that the Council inexplicably did not nominate for this position.”

“Alaska’s constitutional judicial selection process is supposed to be merit and qualifications based. The list you provided me does not appear to uphold this important standard,” **wrote Governor Dunleavy.**

“My authority to appoint members to the bench carries with it the obligation to exercise that authority thoughtfully and responsibly. My office has requested more information from the Council on candidates that were not recommended, including the Council’s reasoning for excluding some candidates,” **Governor Dunleavy wrote.** “I would like an opportunity to review and consider the Council’s reasoning to determine whether additional qualified candidates could be nominated by the Council for this position.”

Governor Dunleavy’s full letter to the Alaska Judicial Council can be found [here](#).

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Governor Michael J. Dunleavy  
STATE OF ALASKA

March 20, 2019

Alaska Judicial Council  
510 L Street, Suite 450  
Anchorage, AK 99501-1295

Dear Judicial Council Members:

I have selected a candidate to fill one of the positions on the Palmer Superior Court from the three candidates the Council forwarded. I will not be selecting a second candidate from this truncated list.

For the two positions on the court, the Council received 11 applications. From this field of candidates, you only nominated three candidates for two positions. After reviewing the list of nominated and non-nominated candidates, I believe there are qualified candidates that the Council inexplicably did not nominate for this position. In addition, you declined to nominate, for the Palmer Superior Court, a candidate that you previously nominated for the Anchorage Superior Court and have currently nominated for the Anchorage District Court. Alaska's constitutional judicial selection process is supposed to be merit and qualifications based. The list you provided me does not appear to uphold this important standard.

My authority under Article IV, Sections 4 and 5, of the Alaska Constitution to appoint members to the bench carries with it the obligation to exercise that authority thoughtfully and responsibly. This is an obligation that we both share. My office has requested more information from the Council on candidates that were not recommended, including the Council's reasoning for excluding some candidates. Thus far you have declined to provide me more information. I would like an opportunity to review and consider the Council's reasoning to determine whether additional qualified candidates could be nominated by the Council for this position.

I look forward to working with the Council to fulfill our joint constitutional obligations.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Dunleavy".

Michael J. Dunleavy  
Governor

Office of Governor  
MICHAEL J. DUNLEAVY

You are here: Home / Press Releases / Governor Comments on Judicial Nomination Process Following “Fruitful and Productive” Meeting with Chief Justice Bolger

## Governor Comments on Judicial Nomination Process Following “Fruitful and Productive” Meeting with Chief Justice Bolger

March 27, 2019

Wednesday, March 27, 2019 (Nome, AK) – Alaska Governor Michael J. Dunleavy today issued a statement following a meeting yesterday with Alaska Supreme Court Chief Justice Joel Bolger:

“Yesterday, I met with Chief Justice Bolger to discuss a variety of issues surrounding the process to fill a vacancy on the Palmer Superior Court,” said Governor Dunleavy. “This meeting was both productive and fruitful, and provided important clarification about process I was seeking when deciding to delay this nomination. As a result, I intend to interview the two Palmer Superior Court nominees and will soon fill this vacancy from the council’s nominees.

“In declining to name a second nominee to the Palmer Superior Court, I announced my intention to better understand the judicial nomination process and to further clarify whether or not the Council was in fact upholding the merit and qualifications-based standard. My hope was to further review and consider the information before us and ensure this process was thoroughly understood by my office,” Dunleavy said. “Based on my discussions with Chief Justice Bolger, my concerns have been satisfied. I expect to make an announcement on this matter in the near future.”

On March 21st, 2019, Governor Dunleavy announced his selections to fill Alaska Superior and District Court judgeships in Utqiagvik, Kodiak, Anchorage, and Palmer, but declined to fill a second vacancy to the Palmer Superior Court without additional information.

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