

STATE OF ALASKA
COMMISSION ON JUDICIAL CONDUCT



2017 ANNUAL REPORT

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Alaska Commission on Judicial Conduct

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Marla N. Greenstein
Executive Director
E-Mail: mgreenstein@acjc.state.ak.us

March 19, 2018

MEMORANDUM


TO: Honorable Craig Stowers
Chief Justice, Alaska Supreme Court
303 K St., 5th Floor
Anchorage, AK 99501

Honorable Bill Walker
Governor of the State of Alaska
P.O. Box 110001
Juneau, AK 99811

Senator Pete Kelly
President of the Alaska Senate
State Capitol, Rm 111
Juneau, AK 99801

Representative Bryce Edgmon
Speaker of the House
State Capitol, Rm 208
Juneau, AK 99801

Mr. Darrel Gardner
President, Alaska Bar Association
Attorney General's Office
P.O. Box 110300
Juneau, AK 99811

FROM: Marla N. Greenstein, Executive Director 

RE: 2017 Annual Report

The attached annual report outlines the activities of the Commission on Judicial Conduct during the calendar year 2017. This past calendar year continued to be a productive year for the Commission and one that emphasized our continued responsiveness to the concerns of the public. This report also highlights our plans for 2018. It is provided to you as required by the Commission's Rules of Procedure. Additional copies are available through our office or more easily available at: www.acjc.alaska.gov.

**ALASKA COMMISSION ON
JUDICIAL CONDUCT
2017 Roster**

Judge Members

Judge William B. Carey
Alaska Superior Court
415 Main Street, Rm 400
Ketchikan, Alaska 99901
(Term expires February 1, 2019)

Judge Erin B. Marston
Alaska Superior Court
825 W. 4th Avenue
Anchorage, Alaska 99501
(Term expires February 1, 2019)

Judge Jane F. Kauvar
Alaska Superior Court
101 Lacey Street
Fairbanks, Alaska 99701
(Term expires February 1, 2020)

Attorney Members

Karla Taylor-Welch
100 Cushman Street, Suite 502
Fairbanks, Alaska 99701
(Term expires March 1, 2020)

Amy Gurton-Mead
155 S. Seward Street
Juneau, Alaska 99801
(Term expires March 1, 2020)
(Chairperson)

Donald W. McClintock
1227 W. 9th Avenue, Suite 200
Anchorage, Alaska 99501
(Term expires March 1, 2021)

Public Members

Melanie Bahnke
510 L Street, Suite 585
Anchorage, Alaska 99501
(Term expires March 1, 2019)

Robert Sheldon
510 L Street, Suite 585
Anchorage, Alaska 99501
(Term expires March 1, 2020)

Jeannine Jabaay
510 L Street, Suite 585
Anchorage, Alaska 99501
(Term expires March 1, 2021)

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INTRODUCTION

Alaska's Commission on Judicial Conduct was created by amendment to the state constitution in 1968. The Commission is composed of three state court judges, three attorneys who have practiced law in the state for at least ten years, and three members of the public. This group of nine individuals from differing backgrounds and geographical areas addresses problems of judicial conduct and disability. Complaints alleging judicial misconduct may be filed by any person.

COMMISSIONER BIOGRAPHIES

Judicial Members (2017)

HONORABLE WILLIAM B. CAREY was born and raised in Framingham, Massachusetts. He came to Alaska in 1980 to work as a legal intern at Cook Inlet Native Association in Anchorage. After 27 years in general private practice, he was appointed to the Superior Court bench in Ketchikan. He also presides in the Petersburg and Kake courts and in other cases in Southeast Alaska when necessary. He is a member of the Child Support Review and Criminal Rules committees. Judge Carey is a graduate of Brown University and the University of Denver College of Law. He was appointed to the Commission in 2016.

HONORABLE ERIN B. MARSTON is a Superior Court Judge in the Third Judicial District in Anchorage. Judge Marston was born and raised in Anchorage, Alaska. He graduated from West Anchorage High School and Colby College. He received his legal education from the University of the Pacific, McGeorge School of Law. He was admitted to state and federal practice in Alaska in 1985. Judge Marston was appointed to the bench in 2012 following nearly 30 years of practice in Anchorage including time as an Assistant District Attorney. Judge Marston is assigned to the criminal docket. He was appointed to the Commission in 2015.

HONORABLE JANE KAUVAR was appointed to the District Court in 1981 and to the Superior Court in 2016. She has previously served on the Commission from February 2008 to February 2011. Judge Kauvar presides over the Fairbanks Juvenile Treatment Court and is a training judge for Magistrate Judges. She graduated from the University of Colorado, Boulder with a BA in 1970, and from Boalt Hall, University of California, Berkeley, with a JD in 1973. She came to Alaska to clerk for Justice Jay A. Rabinowitz, and was then an assistant district attorney and an assistant public defender before being appointed to the bench.

Attorney Members (2017)

MARC W. JUNE (October 2013 - March 2017) has practiced law in Anchorage since 1980. He received a Bachelor of Arts with Distinction from Stanford University in 1977. He received his law degree from UCLA School of Law in 1980. He has been in the private practice of law since being admitted to the Alaska Bar in 1990, first at the law firm of Birch, Horton, Bittner and Cherot and, since 1996, at The Law Office of Marc June. His past and current professional activities include the Alaska Bar Association Board of Governors, the Alaska Bar Association Fee Arbitration Panel, the Alaska Bar Association Disciplinary Panel, the Ethics Committee, the Alaska Court System Civil Rules Committee, the United States District Court Local Civil Rules Committee, and the Board of Directors of Alaska Legal Services Corporation.

DON MCCLINTOCK is an attorney in private practice with the law firm of Ashburn & Mason, PC., where he focuses on real estate and corporate transactions and finance, as well as eminent domain and land use litigation. Don worked as a law clerk for Justice Warren Matthews of the Alaska Supreme Court, and as an assistant attorney general for the State of Alaska. Don served on the Alaska Bar Association Board of Governors from 2008 to 2014 and has volunteered for many civic organizations over the years. He is a graduate of Stanford University (AB '76) and Harvard Law School (JD '80). He was appointed to the Commission in 2017.

AMY GURTON MEAD currently practices law in Juneau as the City and Borough Attorney. She holds a JD Degree from Tulane Law School and a B.A. in Psychology from Boston University. Ms. Mead has served as a judicial clerk for the Hon. Thomas A. Jahnke, as an Assistant District Attorney in Ketchikan (1996-1998), as an Assistant Attorney General in Juneau (2000-2001), and as the City and Borough Attorney for Wrangell (2008-2010). Accepted into the Alaska bar in 1997, she was in private practice with Robertson, Monagle & Eastaugh (now Hoffman Blasco) from 1998 – 2000 and from 2001 – 2010. In 2010 she joined the City and Borough of Juneau Law Department as an Assistant City Attorney. She was appointed to the Commission in 2012.

KARLA TAYLOR-WELCH was born and raised in Fairbanks, Alaska. She received her bachelors (1977), masters (1978) and juris doctorate (1983) from Baylor University in Waco, Texas. Ms. Taylor-Welch worked for the Department of Law from 1984-2005. She spent 11 years total in the DOA and 10 years in the AGO handling children and juvenile cases, as well as adult protection cases. From 2005, until her retirement in 2017, she worked for the Fairbanks civil section of OPA, the last two and a half years as supervisor. She remains an active bar member, working occasionally for private firms and volunteering her legal skills at a local non-profit organization serving children and families. Since retirement from the State of Alaska, she has been enjoying her time traveling, biking, skiing, swimming, and playing with her grandchildren. She was appointed to the Commission in 2016.

Public Members (2017)

JAMES C. (CHRIS) BROWN (March 2009 - March 2017) has lived in Alaska since 2004, and has a 35+ year career in the telecommunications industry. Mr. Brown was born in Canada and grew up in the Southeastern US, where he received an electrical engineering degree from the University of South Florida and an MBA from Emory University in Atlanta, Georgia. Mr. Brown's professional career spans both domestic and international telecommunications, including senior management positions with Sprint, British Telecom, and currently AT&T Alaska. Chris and Margaret, his wife of 35 years have one son, Matthew. Chris's interests include amateur radio, photography, and music.

JEANNINE JABAAY is a fourth generation Alaskan living in the rural community of Hope, Alaska, where she is a staff writer for the Glacier City Gazette and runs a small cabin rental business. Jeannine is the president of Alaska Treeline, Inc., a remodeling company in Anchorage with a focus on deck construction. In 2016, Jeannine was named a Top 40 Under 40 by ProRemodeling, and in 2017, was a finalist for the Anchorage Chamber of Commerce Gold Pan Awards. Jeannine has been recognized by the American Marketing Association with the "Marketing Department of One" award and by Qualified Builder as a Top 500 Remodeler in the Nation award. Jeannine is a charter member of the North American Deck and Railing organization and worked to create the University of Alaska's Construction Management Development program. Jeannine and her husband, Derrick, have six children, and they have been actively involved in foster care and foster-adoption since 2000. Jeannine was a co-founder and vice-president of Beacon Hill, a nonprofit organization established to provide for and protect Alaska's most vulnerable residents. Jeannine served on Alaska's Board of Barbers and Hairdressers for four years, and in 2007, was selected as Mrs. Alaska United States. Jeannine enjoys painting, traveling, and working on authoring biographies of her family's rich Alaskan heritage. She was appointed to the Commission in 2017.

MELANIE BAHNKE is a tribal member of the Native Village of Savoonga, was raised in rural Alaska and speaks both St. Lawrence Island Yupik and English. She holds a Masters of Arts degree in Rural Development from the University of Alaska, Fairbanks, and a Bachelors of Arts degree in Elementary Education from the University of Alaska, Anchorage. Melanie serves as the President/CEO of Kawerak, Inc., the regional non-profit consortium in the Bering Straight Region that provides services ranging from early childhood education to road construction activities in 16 communities for 20 federally recognized tribes. She also is a board member on the Alaska Children's Trust and the Alaska Federation of Natives, and is on the Governor's Tribal Advisory Council. Melanie and her husband Kevin have three children together and they enjoy subsistence activities, camping, and boating with their family. She was appointed to the Commission in 2016.

ROBERT D. SHELDON is a lifelong Alaskan who was raised in Talkeetna. He has a Bachelor of Science in Finance and a minor in Economics from Colorado State

University. Robert has served as a director or partner for privately held organizations in aviation, banking, and finance. He also is active in the business community facilitating, financing, and encouraging relationships across the high-latitudes and is a member of Omicron Delta Epsilon, an international economics society. His broad interest in finance and economics extends into understanding interconnections with the judiciary. Robert has been married to Marne Sheldon for 21 years and has three sons. His interests include family, remote rafting, and exploration. He was appointed to the Commission in 2008.

I. THE COMMISSION'S ROLE AND FUNCTION

A. Judicial Officers Who Come Under the Commission's Authority

Alaska's Commission on Judicial Conduct oversees the conduct of justices of the Alaska Supreme Court, judges of the state court of appeals, state superior court judges, and state district court judges. The commission may not handle complaints against magistrates, masters, attorneys, or federal judicial officers.

Complaints against state magistrates and masters are handled by the presiding superior court judge for their respective judicial districts:

First Judicial District

Honorable Trevor N. Stephens
Alaska Superior Court
415 Main Street, Room 400
Ketchikan, Alaska 99901

Second Judicial District

Honorable Paul A. Roetman
Alaska Superior Court
Box 317
Kotzebue, Alaska 99752

Third Judicial District

Honorable William F. Morse
Alaska Superior Court
825 W. Fourth Avenue
Anchorage, Alaska 99501

Fourth Judicial District

Honorable Bethany S. Harbison
Alaska Superior Court
101 Lacey Street
Fairbanks, AK 99701

Complaints against attorneys can be directed to:

Nelson Page, Bar Counsel
Alaska Bar Association
Box 100279
Anchorage, Alaska 99510

Complaints against federal judges in Alaska are handled by:

Assistant Circuit Executive
United States Court of Appeals
P.O. Box 193939
San Francisco, California 94119
Telephone (415) 556-6100

B. Types of Complaints the Commission May Address

1. Misconduct

The broadest category of conduct complaints against judges falls under the term "misconduct." Judicial misconduct has a very specific meaning under the Code of Judicial Conduct. The Code of Judicial Conduct generally governs the activities of judges both on and off the bench. It is a comprehensive statement of appropriate judicial behavior and has been adopted by the Alaska Supreme Court as part of the Rules of Court. Judicial misconduct can be divided into several categories.

(a) Improper Courtroom Behavior

At times complaints against judges allege improper behavior in the courtroom during a trial. Allegations of improper courtroom behavior may include: improper consideration and treatment of attorneys, parties, witnesses, and others in the hearing; improper physical conduct; or persistent failure to dispose of business promptly and responsibly.

Examples of improper courtroom behavior include: racist or sexist comments by a judge, and sleeping or drunkenness on the bench. Judges can also be disciplined for administrative failures such as taking an excessive amount of time to make a decision.

(b) Improper or Illegal Influence

Judges must be independent from all outside influences that may affect their abilities to be fair and impartial. Consequently, judges are restricted as to the types of activities in which they can participate. At a minimum, judges cannot allow family, social, or political relationships to influence any judicial decision. Judges also should not hear a matter in which the judge has a personal interest in the outcome. Extreme examples of improper influence would include the giving or receiving of gifts, bribes, loans, or favors. To help assure judicial independence, judges are required to file financial disclosure statements with the court and other financial statements with the Alaska Public Offices Commission.

(c) Impropriety Off the Bench

Judges are required to live an exemplary life off the bench, as well. Consequently, the Commission has the authority and responsibility to look at judges' activities outside of the courtroom. Complaints dealing with off-the-bench conduct might allege: misuse of public employees or misappropriation of property or money for personal purposes; improper speech or associations; interference with a pending or impending lawsuit; lewd or corrupt personal life; or use of the judicial position to extort or embezzle funds. Clearly, off-the-bench conduct includes a wide range of behavior from merely inappropriate actions to criminal violations.

(d) Other Improper Activities

Judges are also subject to restrictions in other aspects of their positions. These include prohibitions against: conducting proceedings or discussions involving one party to a legal dispute; interfering with the attorney-client relationship; bias; improper campaign activities; abusing the prestige of the judicial office; obstructing justice; and criminal behavior.

2. Physical or Mental Disability

Apart from allegations of misconduct in office, the Commission also has the authority and responsibility to address allegations of judges' physical and mental disabilities. Disabilities may include: alcohol or drug abuse, senility, serious physical illness, or mental illness.

The Commission can require medical examinations as part of its investigation and also can recommend counseling when appropriate.

C. Complaints the Commission May Not Address

The most common complaints that the Commission has no authority to address involve questions of law. Frequently, complaints allege dissatisfaction with decisions that judges make in their judicial capacity. For example, individuals often complain of wrong child custody awards or sentences that judges impose in criminal cases. The Commission may not enter into cases or reverse judicial decisions. That role belongs to the appellate courts.

II. HOW THE COMMISSION OPERATES

A. Filing a Complaint

While the Commission may initiate its own investigation, any person may also file a complaint against a state judge with the Commission. A blank complaint form is in **Appendix F** of this report. A form is not necessary, but the complaint should be in writing and should include enough information to enable the Commission staff to begin an investigation. Necessary information includes: the judge's name, the conduct complained of, a case number if it involves a court case, and the names of others present or aware of the facts. Complaints should be sent to:

**Alaska Commission on Judicial Conduct
510 L Street, Suite 585
Anchorage, Alaska 99501**

Commission staff will be happy to assist anyone in writing a complaint.

B. Complaint Investigation

Soon after a complaint is filed, the Commission will review the accusation. Commission staff will often interview the person who filed the complaint to determine the facts giving rise to the complaint. After the initial inquiry, the Commission may conduct a full investigation. All complaints within the Commission's legal authority are investigated further. If the charge is found to be without merit, an accusation against a judge may be dismissed by the Commission during the investigation. If a preliminary investigation supports the complaint, a formal investigation begins. It is at this stage that the judge involved is informed of the complaint. A formal investigation includes an interview with the judge.

Complaints filed with the Commission and all Commission inquiries and investigations are confidential. If the Commission finds that probable cause exists that a judge has committed misconduct that warrants action more serious than a private admonishment or counseling, a formal statement of charges is issued. The statement of charges is public information. Some time after the formal charges issue, the Commission will hold an open public formal hearing on the matter. At that hearing, Special Counsel (hired by the Commission) presents the case against the judge. The judge is often represented by an attorney who presents that judge's defenses. The full Commission usually sits as decision-makers in the matter and renders a decision that may include recommendations to the Alaska Supreme Court for sanctions against the judge. The results of a Commission proceeding are public when Commission recommendations are made to the supreme court.

The Commission's decision may be to exonerate the judge of the charge or charges, to recommend counseling, or to recommend that the supreme court take formal action. The Alaska Supreme Court may impose one of the following sanctions against the judge: suspension, removal, retirement, public or private censure, reprimand¹, or admonishment.

¹ The Alaska Commission on Judicial Conduct originally had statutory authority to issue reprimands without action by the Alaska Supreme Court. That power was held to be unconstitutional by Inquiry Concerning a Judge, 762 P.2d 1292 (1988).

COMMISSION COMPLAINT PROCESS

The complaint process begins when a written complaint is received by Commission staff. If the complaint falls *outside the Commission's authority*, such as a complaint about an attorney or about a judge's legal decision, the complaint is *dismissed**. If the complaint appears to be *within the Commission's authority*, a case number is assigned to the complaint and an initial *investigation* is begun.

During the initial *investigation* stage, a complaint is examined to determine if there is enough evidence to warrant a further investigation. Generally, this process includes close examination of the written complaint (including any evidence or explanation attached), and an inspection of any relevant court documents.

If the Commission determines that there is no reliable evidence supporting the complaint, it is *dismissed**.

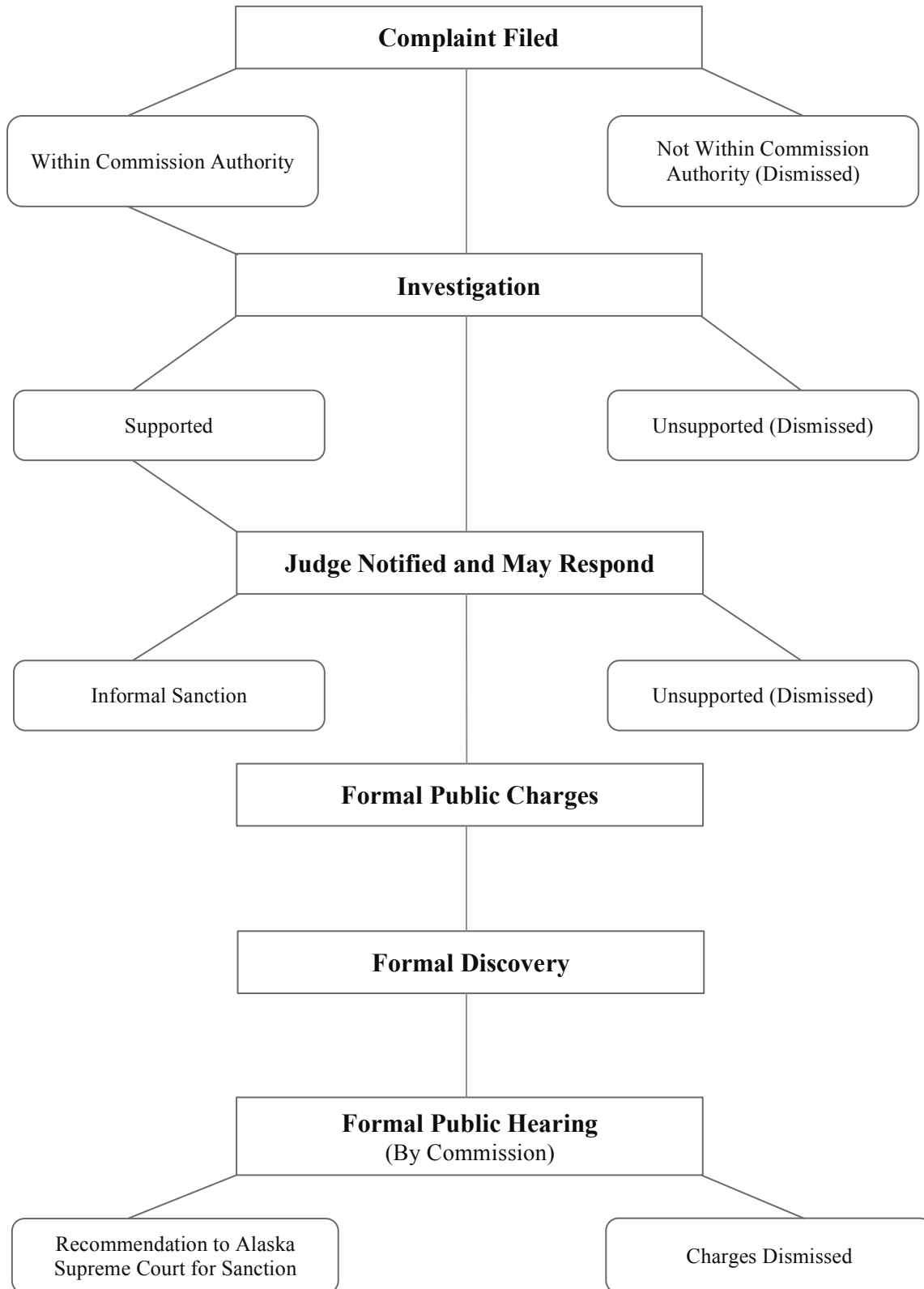
If the Commission determines that the complaint has enough substance to warrant action, the *judge in question is notified and given an opportunity to respond*. During this stage, the judge may receive a private *informal adjustment*, *private discipline*, or, after a determination of probable cause, *formal charges* may issue. If the investigation reveals that the complaint was unfounded, the complaint will be *dismissed**. The *issuing* of formal charges by the Commission starts a period of *formal discovery*, where both the Special Counsel hired by the Commission and the accused judge gather evidence and information to support their respective positions.

After the formal discovery period, a *public hearing* is held. The hearing is usually conducted by the Commission (but it is possible that a Special Master could be appointed). Special Counsel presents the case against the judge and the judge will often hire an attorney for his or her defense. There are two possible outcomes from the public hearing; either the charges are dismissed, or the Commission finds the judge guilty of misconduct and *recommends sanctions to the Alaska Supreme Court*.

The Alaska Supreme Court may carry out the Commission's recommended sanctions, modify them, or overturn the Commission's decision.

* Prior to dismissal by the Commission, staff notifies the complainant in writing of the staff recommendation to dismiss.

Commission Complaint Process



III. CALENDAR YEAR 2017 ACTIVITIES

A. Summary of Complaints

The tables that follow summarize the current Commission caseload. Complaint filing numbers reflect only written complaints received by the Commission and do not reflect the numerous telephone inquiries staff receives. In 2017, staff responded in writing to 40 inquiries and approximately 150 verbal and e-mail inquiries.

In 2017, staff continued to make a concentrated effort to screen many complaints before they actually were filed with the Commission. Twelve new jurisdictional complaints were filed this year. Of those jurisdictional complaints, six were eventually dismissed; leaving six 2017 jurisdictional complaints that will require investigation. In addition to the 2017 jurisdictional complaints, one jurisdictional complaint from previous years remains open for continued investigation.

The Commission opens approximately one complaint a month that requires staff investigation. In August of 1991, the Commission adopted a policy of processing all new incoming complaints within 90 days. In addition, the Commission established a minimum goal of fully investigating three complaints per month.

Table 1

2017 Complaint Filings

Within the Commission's Authority	<i>Jurisdictional</i>	12
Not Within the Commission's Authority	<i>Non-Jurisdictional</i>	48
Total New Complaints		60

Figure 1

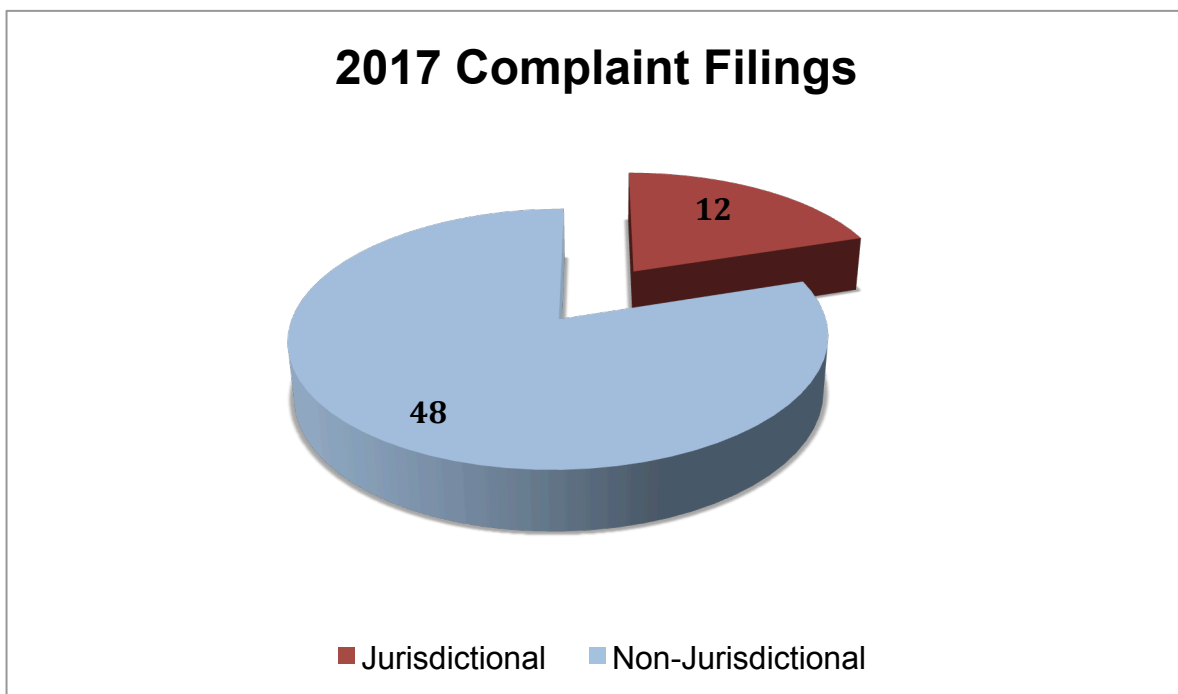


Table 2

Comparison With Previous Years' Filings

Total Accusations Filed By Calendar Year

(Includes complaints both within the Commission's authority, and those not within the Commission's authority that were not screened out prior to receipt)

2017	60	2003	46
2016	53	2002	44
2015	41	2001	52
2014	60	2000	63
2013	75	1999	48
2012	73	1998	57
2011	72	1997	49
2010	52	1996	38
2009	49	1995	50
2008	61	1994	27
2007	32	1993	54
2006	58	1992	40
2005	48	1991	43
2004	64	1990*	38

*Beginning in 1990, Commission staff have made a concentrated effort to actively screen accusations that are outside the Commission's authority prior to filing. This active screening process accounts for the apparent drop in accusation filings since 1989.

Figure 2

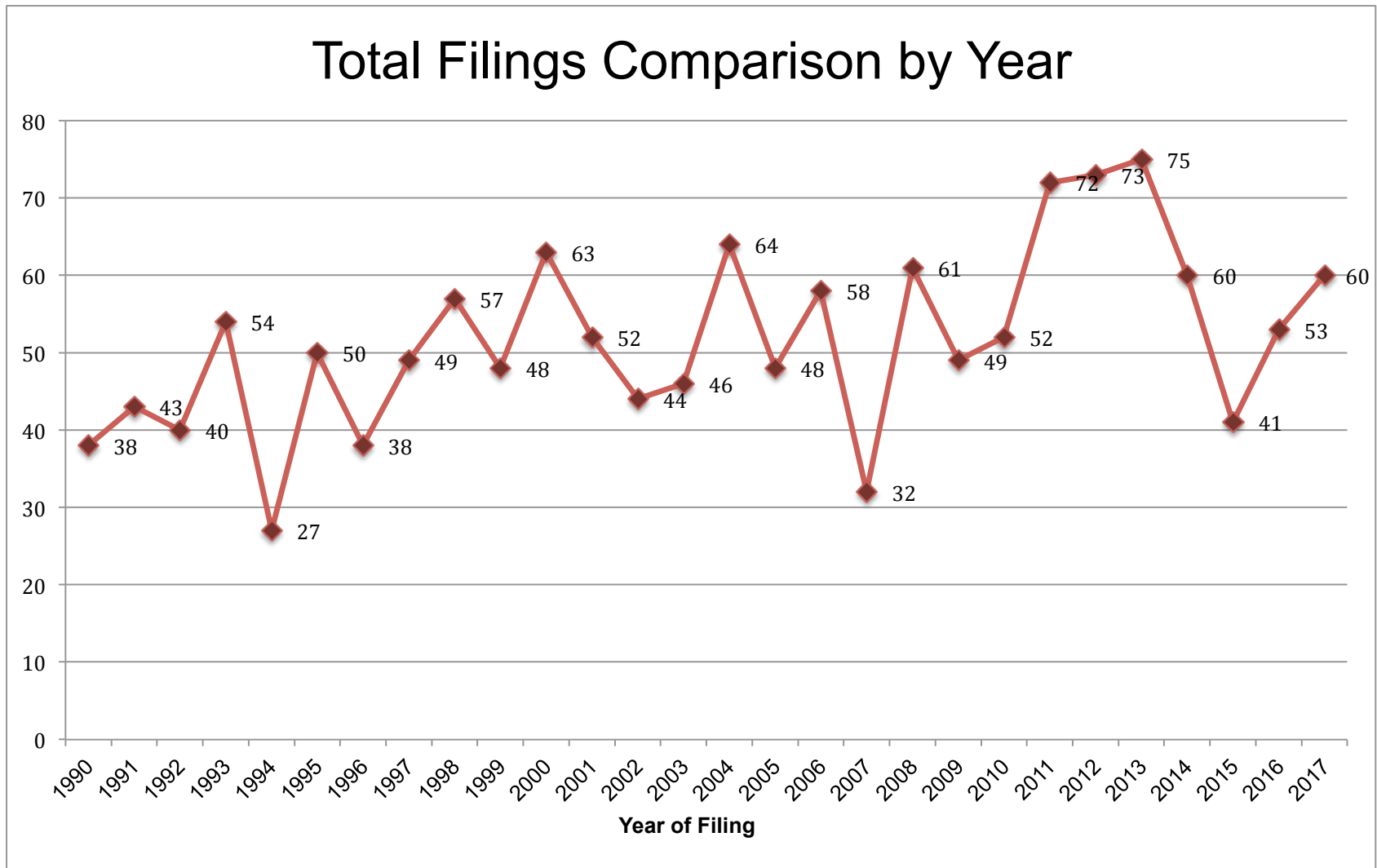


Table 3

Complaint Sources

(Jurisdictional and Non-Jurisdictional 2013 - 2017)

Complaint Sources	2013	2014	2015	2016	2017
Litigants	67	48	36	46	51
Non-Litigants	7	10	5	3	5
Attorneys/Judges/Court Personnel	2	2	4	2	3
Commission Initiated	2	1	0	2	1

Figure 3

Comparison of Complaint Sources

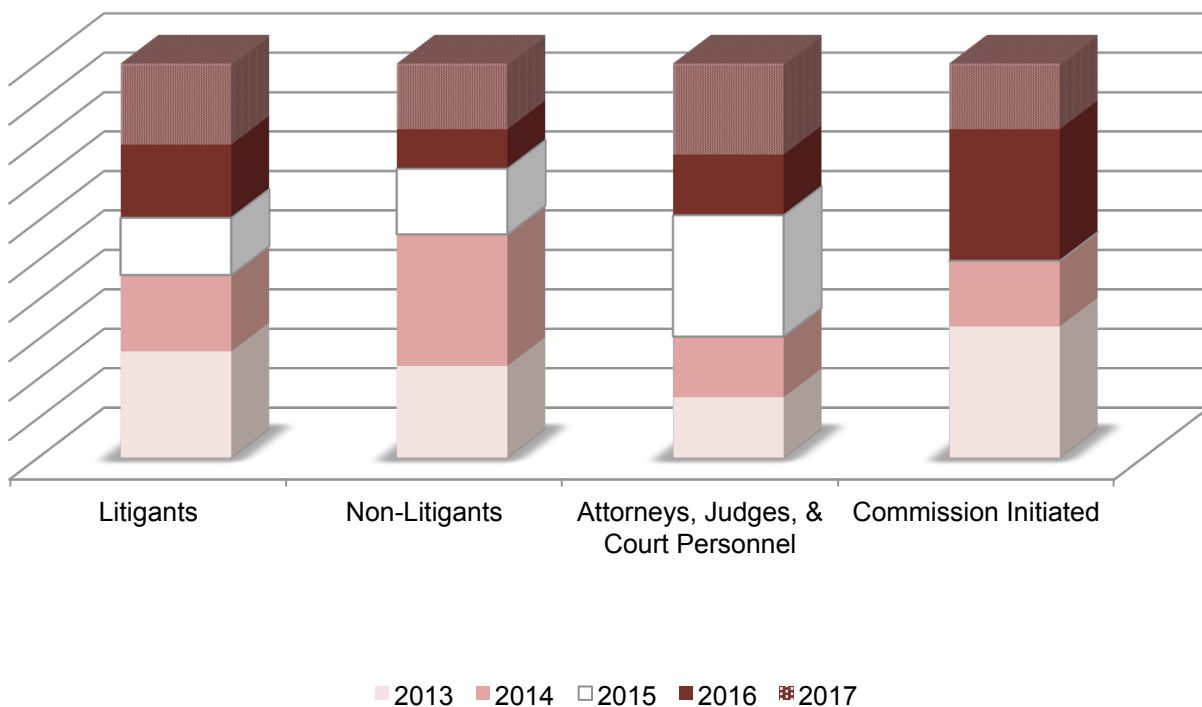


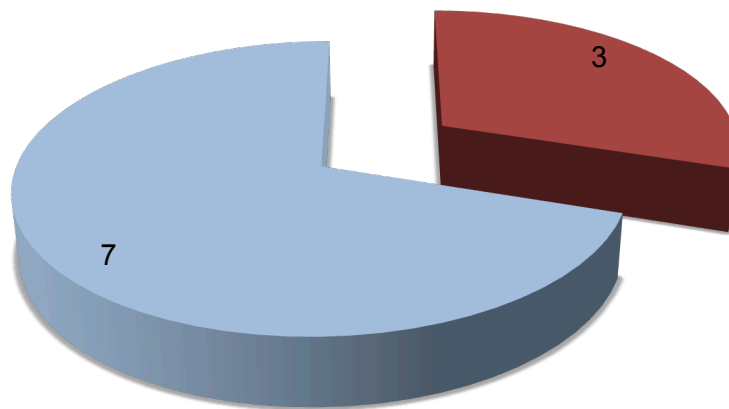
Table 4

2017 Jurisdictional Complaint Closures

Complaints Initiated in 2016	3
Complaints Initiated in 2017	7

Figure 4

2017 Jurisdictional Complaint Closures



■ Complaints Initiated in 2016 ■ Complaints Initiated in 2017

Table 5

2017 Complaint Dispositions

Complaints Outside the Commission's Authority

Dissatisfaction with Legal Ruling	40*
Complaints Against a Magistrate or Master	1
Complaints Against an Attorney	1
Other	6*
Total Non-Jurisdictional Complaints Processed	48

Complaints Within the Commission's Authority

Complainant Did Not Provide Further Information	0
Complainant Withdrew Complaint	0
Investigated then Dismissed	9
Other Commission Action	1*
Total Jurisdictional Complaints Processed	10

*A total of 14 filed in 2016 were acted on in 2017

Figure 5A

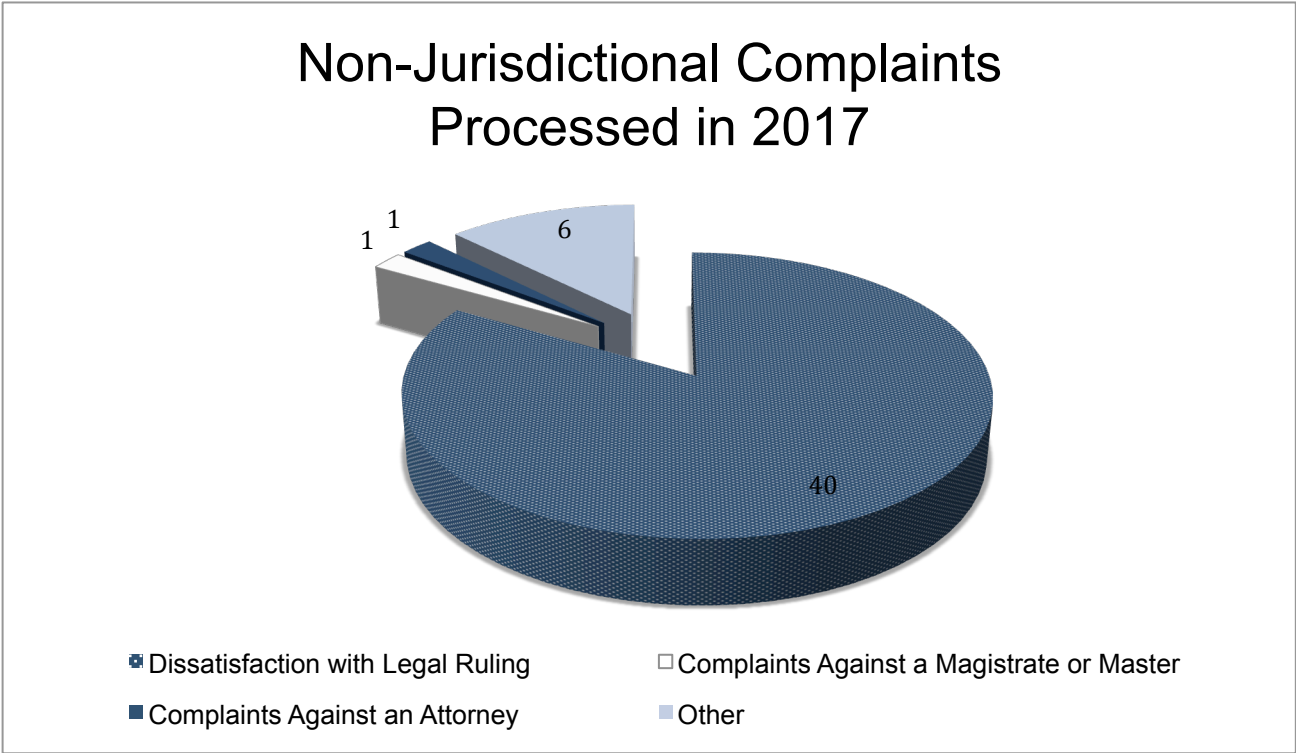


Figure 5B

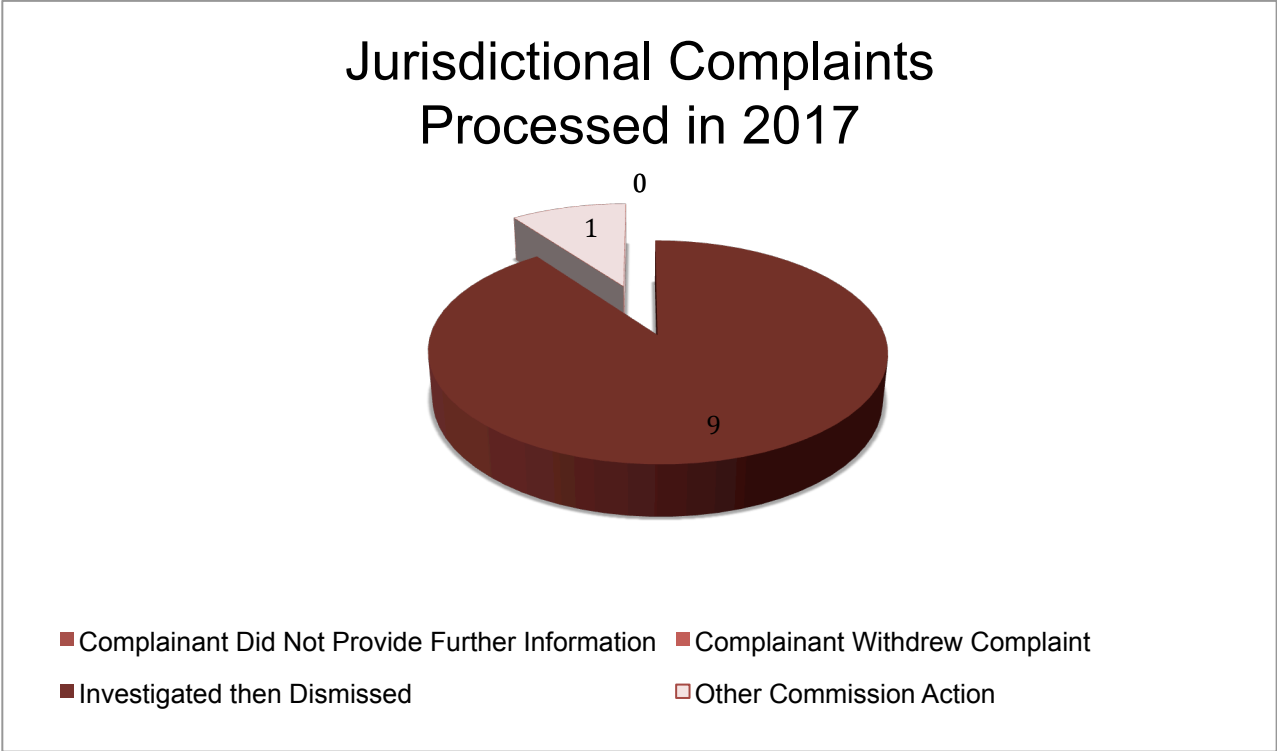


Table 6

Comparison with Previous Years' Closures

Total Jurisdictional Complaints Closed

2017	10
-------------	-----------

2016	7	2002	14
2015	9	2001	14
2014	11	2000	19
2013	17	1999	32
2012	5	1998	21
2011	22	1997	15
2010	14	1996	15
2009	13	1995	20
2008	8	1994	30
2007	11	1993	23
2006	11	1992	39
2005	10	1991	49
2004	17	1990	53
2003	17	1989*	63

*Prior to 1989, it was the Commission's policy to open a complaint for every inquiry made with the Commission's office. After 1989, the Commission opened files only for those matters that, on their face, were within the Commission's authority. Therefore, the numbers **before** 1989 are not directly comparable to those **after** 1989.

Figure 6

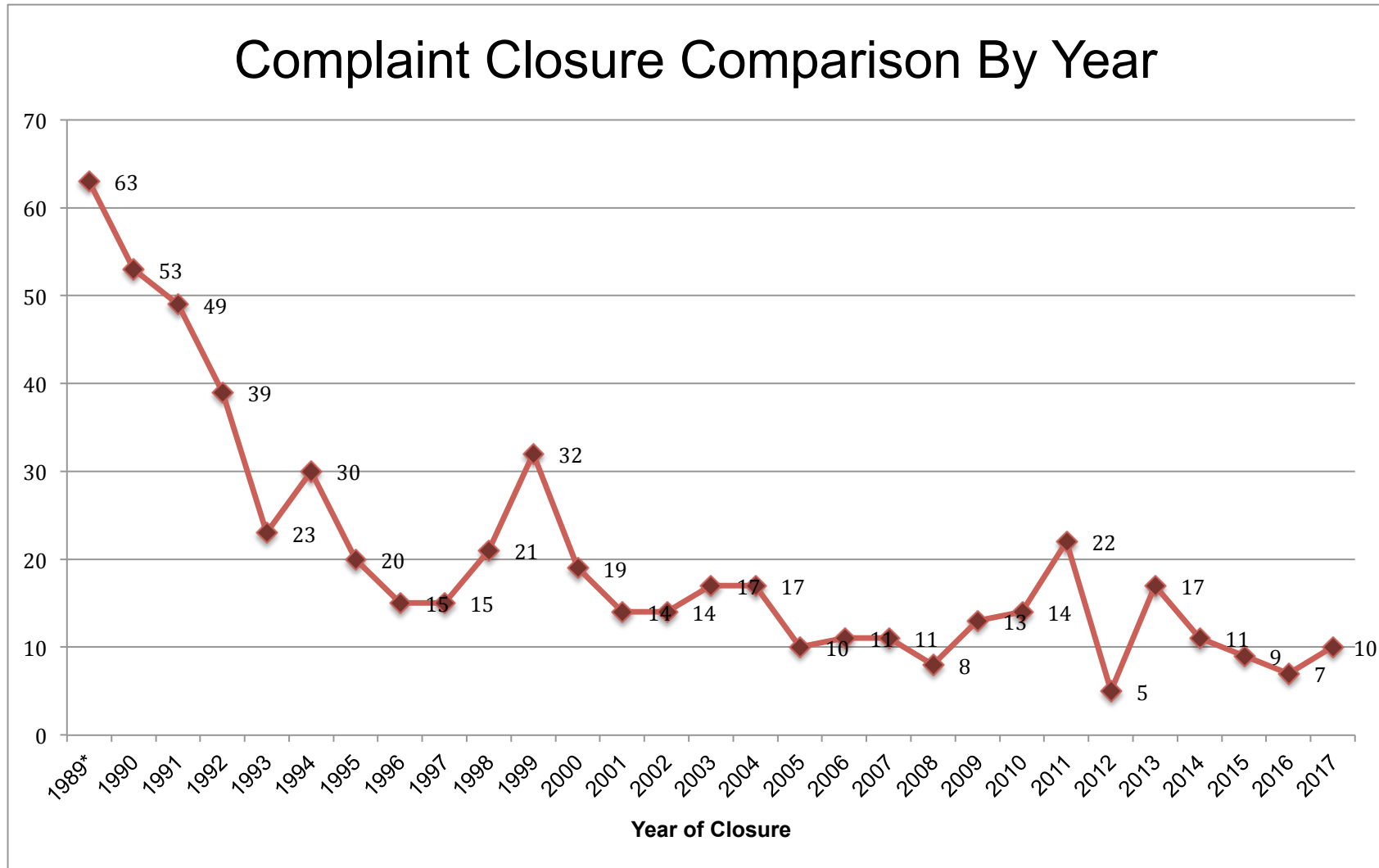


Table 7

Actions Taken: 2013 - 2017

Actions Taken	2013	2014	2015	2016	2017
Complaints investigated	10	11	9	7	9
Judges asked to respond in writing to alleged misconduct	4	2	0	2	0
Judges summoned to explain alleged misconduct	3	1	0	1	0
Cases dismissed before formal hearing	0	0	0	0	1
Cases dismissed as unsubstantiated	0	0	0	0	6
Cases dismissed for lack of jurisdiction	72	51	38	33	48
Cases dismissed for insufficient evidence after investigation	4	6	7	6	1
Private admonishments, counseling, and cautionary letters	2	0	1	0	1
Discipline/disability recommended to the Alaska Supreme Court	0	1	1	1	1

Figure 7

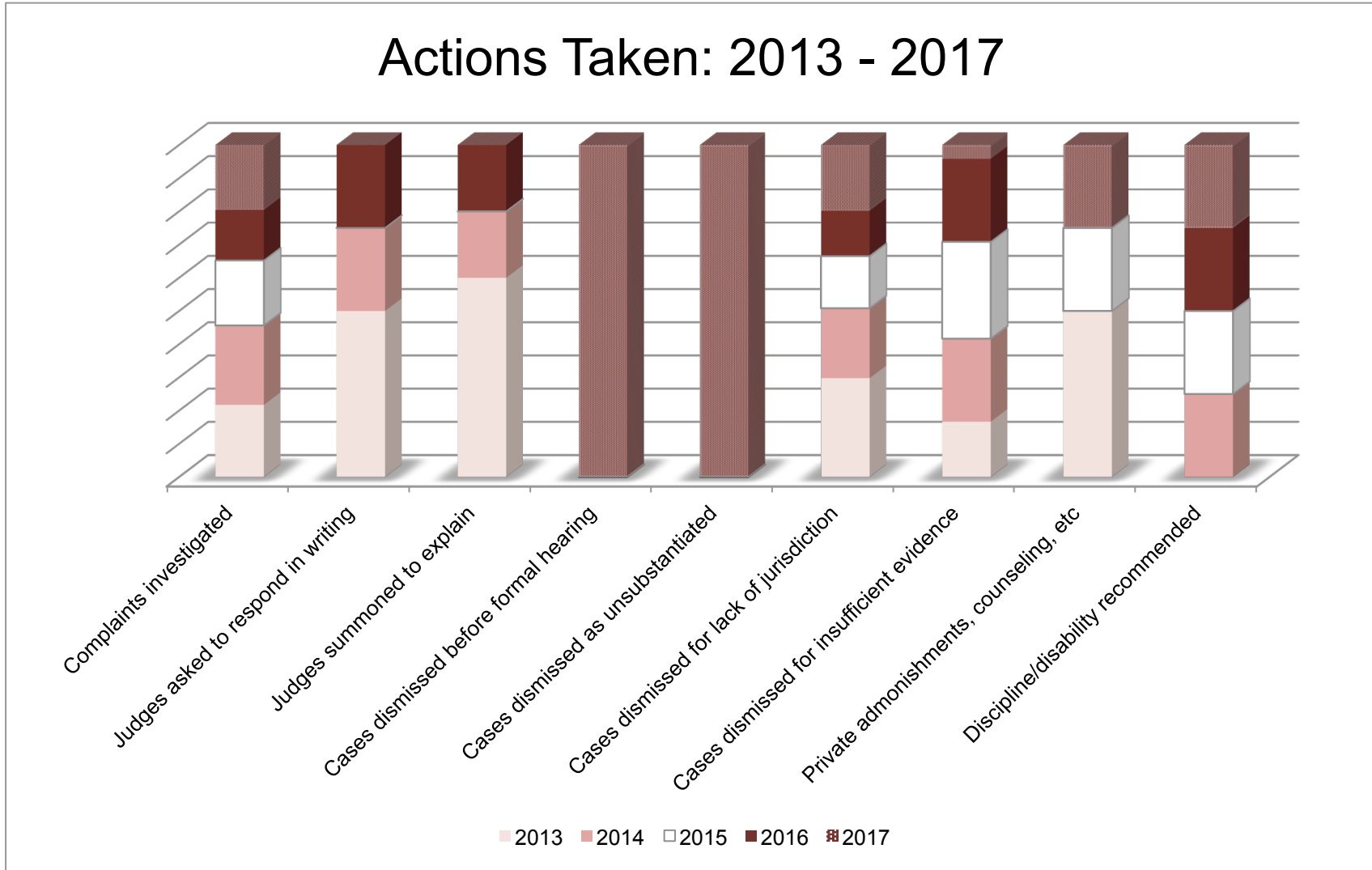


Table 8

Court Levels Involved

Jurisdictional Complaints 2013 - 2017

Court Levels Involved	2013*	2014*	2015*	2016	2017
District Court Judges	3	1	1	0	2
Superior Court Judges	10	7	5	8	10
Court of Appeals Judges	0	0	1	1	0
Supreme Court Justices	0	1	0	0	0
Pro-Tem Judges	1	0	0	0	0

*Not a total of the category. Some complaints include more than one judge/justice.

Figure 8

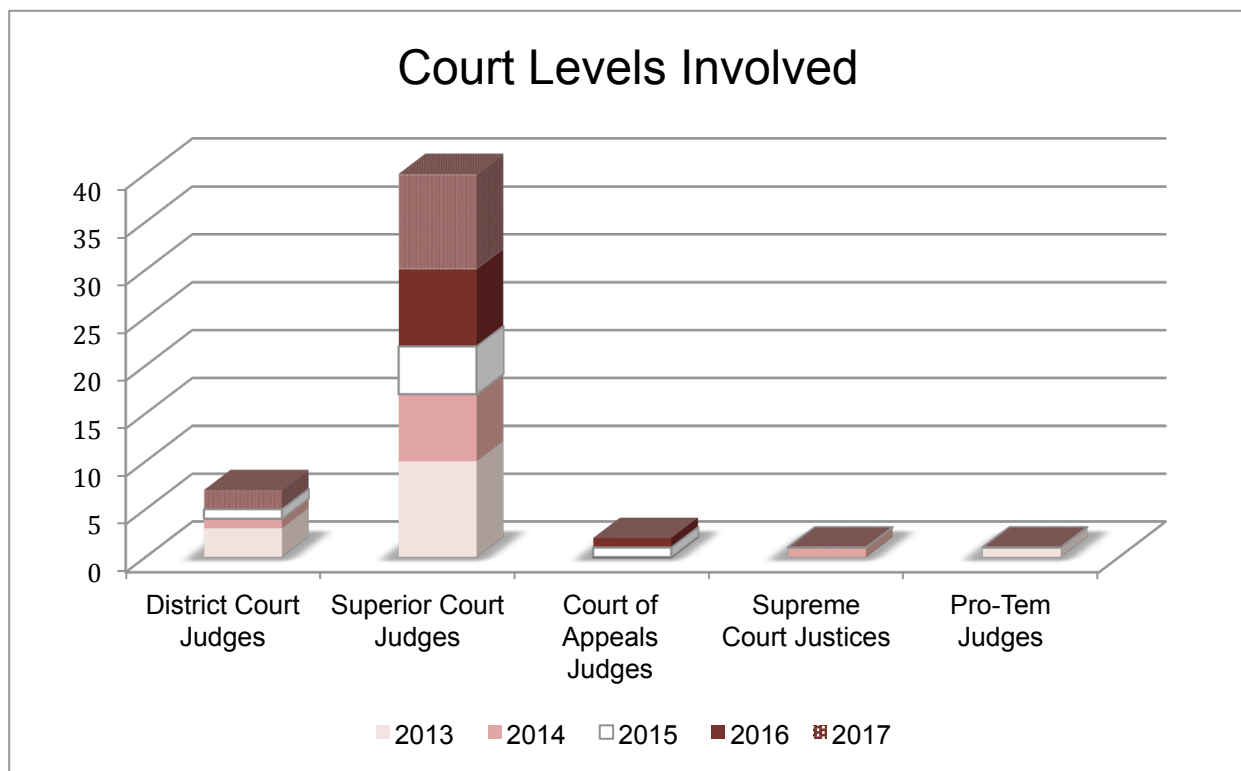


Table 9

Pending Jurisdictional Complaints by Year Filed

(As of December 31, 2017)

2017	5
2016	0
2015	1

Table 10

Types of Allegations* Filed in 2017 (Jurisdictional and Non-Jurisdictional)

Types of Allegations	2017
Dissatisfaction with Legal Ruling	36
Racial, Ethic, or Gender Bias	9
Ex Parte Communications	1
Injudicious Courtroom Decorum	6
Administrative Inefficiency	0
Conflict of Interest/Failure to Disqualify	5
Criminal Activity	0
Personal Misconduct Off the Bench	0
Appearance of Impropriety	0
Other/General Misconduct/Non-Judges	3
Demeanor/Abuse of Authority	4
General Bias	1
Delay	0
Vague Assertion of Bias	0
Complaint Against Custody Investigator	0
Disability/Competence	2
Administrative Failure	0

*Some complaints have more than one type of allegation

Figure 10

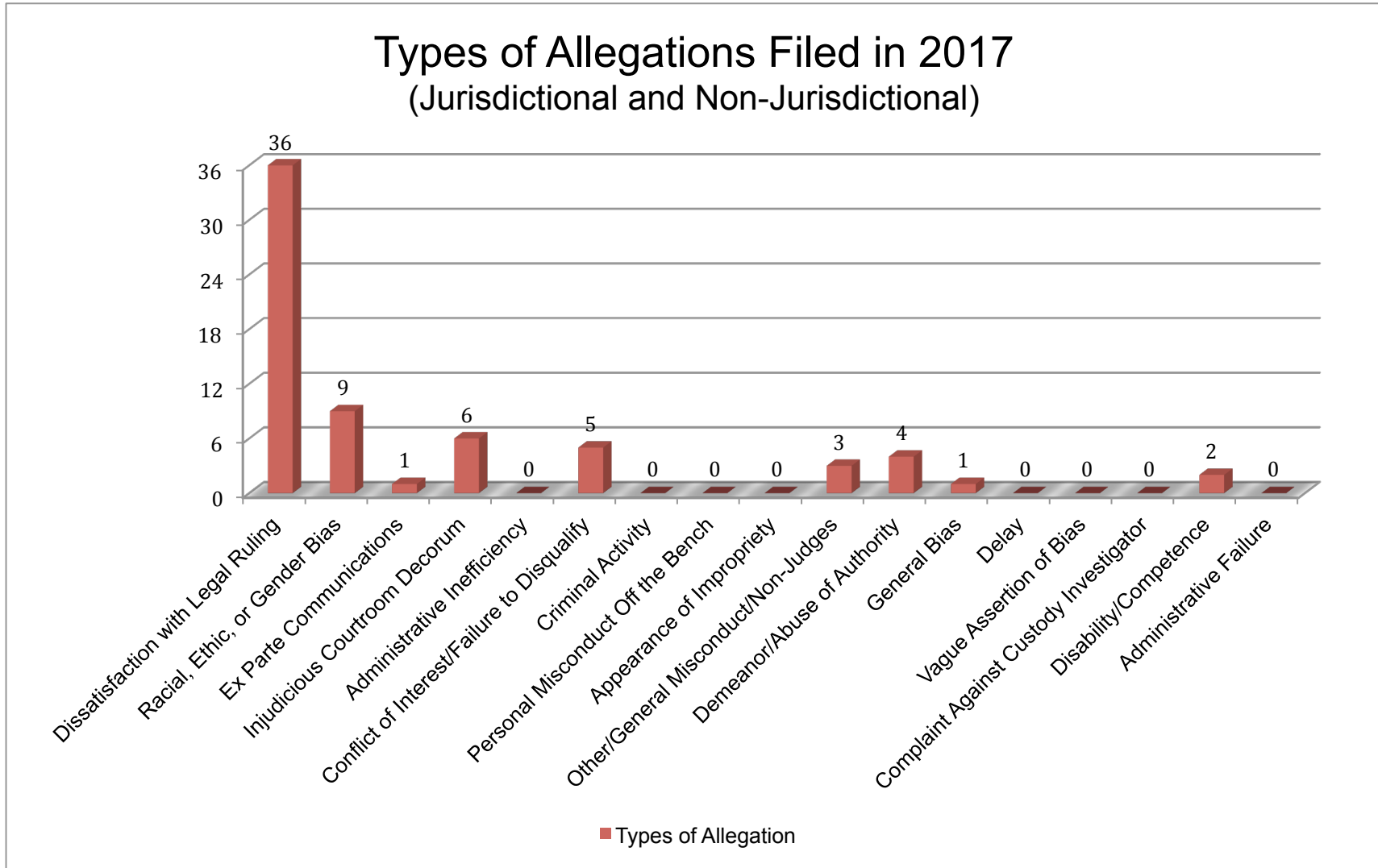


Table 11

2017 Recusals by Commissioners and Staff

Total Complaints Voted on in 2017	58
Judge Member Recusals	3
Attorney Member Recusals	0
Public Member Recusals	0
Staff Member Recusals	0

B. Commission Meetings

During 2017, the Commission held three regular meetings. With a full-time staff of two, the Commission continues to increase its case processing and fine-tune its procedures. Staff consistently works to increase staff responsiveness. Increased responsiveness increases the Commission's accessibility and has resulted in increased interaction with the public. Current funding levels allow for four regular meetings a year in Anchorage.

2017 Regular Meeting Locations

February 24, 2017	Anchorage
July 14, 2017	Anchorage
November 03, 2017	Anchorage

C. Outreach

Commission brochures inform the public of its purpose and functions. Brochures are available to the general public free of charge through the Commission's office. In addition, Commission members and staff address bar associations, court administrators, local community groups, and judicial programs. The Commission also maintains membership in the National Center for State Courts, Center for Judicial Ethics.

D. Formal Proceedings

The Commission held no formal proceedings in 2017.

E. Rules of Procedure

The Commission's operations are governed by its own Rules of Procedure. While the statutes relating to the Commission broadly outline the Commission's responsibilities, the Rules of Procedure define how the Commission operates. In 1991, the Commission revised its rules, clarifying many rules and increasing their scope. In 1998, a committee consisting of four commission members, one attorney member, one public member, and two judge members, was established for the

purpose of refining and modifying the Rules of Procedure. The Commission adopted this revision on December 1, 2000.

The Rules Revision Committee's work focused on enhancing the rules in the areas such as discovery, evidence, motions, role of the chair, executive director's role and authority, standards for reopening complaints, deliberative process, the formal hearing, and settlement. In June 2003, the Notice Rule was revised to allow notice to a judge in anticipation of action at an upcoming meeting. Rule 5(e) was revised to specify the form that information would be released pursuant to a waiver in 2009. Most recently (August 2013), the Commission amended Rule 11 to allow for "informal advice" by the Commission to a judge where there is no misconduct.

Most rule revisions are circulated for public comment prior to their adoption. The Commission's efforts are directed toward improving its public responsiveness, creating the fairest procedures, and fulfilling its directive under the state constitution. The Commission's current Rules of Procedure are included in **Appendix I**.

F. Staffing

The Commission staff currently consists of an executive director and an administrative assistant.

IV. COMMISSION FINANCES AND BUDGET

The Commission's finances are planned according to the state fiscal year (July 1 - June 30). Each year the Commission on Judicial Conduct submits its budget request to the legislature. The Commission's resources are appropriated from the state general operating fund.

A. Fiscal Year 2018 Budget

In FY 2018, the legislature appropriated \$441,500.00 to the Commission. This money enables the Commission to operate a staff of one executive director and one administrative assistant.

B. Fiscal Year 2017 Activity

All but one of the previous year's pending complaints were closed in 2017.

V. FUTURE ACTIVITIES

A. Commission Meetings

March 09, 2018	Anchorage
July 13, 2018	Anchorage
September 2018	Anchorage
December 2018	Anchorage

B. Caseload

In 2018, the Commission anticipates receiving approximately 60 complaints against judicial officers, of which 12 may require staff investigation.

C. Legislation

At the Commission's request, the House Judiciary Committee introduced a bill in 1989 that opened the Commission's formal hearings to the public. House Bill 268, passed in May 1990, also established a standard deadline of six years for complaints against judges to be filed with the Commission. (The former law required a period of not more than six years before the start of the judge's current term; creating different time limits for different judges.) The law also explicitly includes part-time or temporary judges within the Commission's authority. That law's enactment also made all Commission formal hearings and recommendations to the Alaska Supreme Court open to the public. In 1997, the Commission conducted its first public hearing under this legislation.

D. Formal Ethics Opinions

In 1991, the Commission issued its first Formal Ethics Opinions. These opinions are based on actual Commission complaints that resulted in some form of private informal action. Formal Ethics Opinions are reported in a way that protects confidentiality. Only the minimum facts necessary to an understanding of the opinion

are reported. The Commission continues to adopt new formal ethics opinions as situations arise. These opinions are included in **Appendix G**.

E. Advisory Opinions

At the March 1, 1996 meeting, the Commission adopted a rule authorizing the issuance of advisory opinions to judges who would like guidance regarding ethical dilemmas. Special committees of the Commission draft opinions in response to written requests. A final opinion issues from the Commission and is confidential unless the requesting judge asks that it be public. In 2017, the Commission did not adopt any new advisory opinions. Advisory opinions are included in **Appendix H**.

Staff also provided over 100 informal ethics opinions to judicial officers and court personnel.

F. Other Activities

In 2018, the Commission will continue developing and conducting educational programs for judicial officers on various judicial conduct issues. While advisory opinions provide guidance to individual judges addressing specific ethical issues, there is an ongoing need to provide general guidance to all judges in this changing field.

Again in 2017, the Commission provided self-study materials, covering a variety of ethics topics for both new and experienced judges. In addition, the Commission continues to participate with the court system's judicial education committee and presents judicial programs periodically addressing a variety of ethical issues.

In 2000, the Commission jointly published Alaska Judicial Applicant Guidelines with the Alaska Judicial Council and the Alaska Bar Association. The publication gives guidance to judicial applicants and their supporters regarding the ethical considerations when soliciting support from others. There are suggestions for preferred methods and tone of communications as well as an appendix of resource materials. This publication was reprinted in 2003.

Other outreach activities will continue and expand to further general public awareness of the Commission functions. Staff will continue to address community

groups and meet individually with members of the general public. In addition, the Commission will periodically pay for display newspaper advertisements that highlight the Commission's purpose and invite public participation.

The Commission also hopes to continue work with the state and local bar associations to identify areas of concern that attorneys have encountered. A very small percentage of current complaints against judges are filed by attorneys.