

power to discipline judges for misconduct. The Commission can informally and privately address minor ethical issues, and can also recommend that the Alaska Supreme Court remove the judge from office.

While only a higher court can address a judge's court decisions, judges must comply with the Code of Judicial Conduct. This is an ethics code that governs a judge's conduct on and off the bench. This could include a judge's need to maintain proper court decorum and courtesy to those in the court. Judges also cannot have a financial interest in a case in front of them or a close family relationship to people appearing before the judge. In their personal life, Alaska judges are not permitted to engage in any political activity or do any direct fundraising. And judges, like other top public officials, must file financial disclosure forms with the Alaska Public Offices Commission so the public can judge for themselves whether the judge or other official has a conflict of interest.

Judges are sometimes criticized for unpopular decisions. Why is it important that public pressure not influence a judge's duty to apply the law fairly?

People get into arguments. Some of these disputes we cannot resolve, and they will affect very important areas of our lives: our property, our family, and even our liberty. When these disputes arise it is very easy for emotions to get out of control and very difficult to find common ground. Because our society recognizes this, we have developed laws that address these arguments in a civil manner free from the potential for violence that can result given the passion that we feel for these critical matters. And we look to judges to apply that law fairly

to everyone. But when a judge is addressing a case in a courtroom he or she is still trying to resolve a dispute. And as it is with every dispute brought before a judge, there will be one side that wins and another that does not. Every time a judge makes a decision there will be someone who is unhappy.

A judge's decision will always be unpopular to some degree. In the end, we need judges to make unpopular decisions because fairness is not determined by popularity. Fairness is determined by applying the law in a neutral manner.

Where can I get more information?

American Bar Association. For additional educational resources on the role of courts and the importance of a fair, impartial and independent judiciary, visit: http://www.americanbar.org/groups/public_education/resources/law_related_education_network/how_courts_work.html.

Justice at Stake. Justice at Stake is a nonpartisan campaign working to keep courts fair and impartial by educating the public and working for reforms to protect the judicial branch from increased politicization. Visit their website at www.justiceatstake.org.

iCivics. A national online civic education program founded by U.S. Supreme Court Justice Sandra Day O'Connor (Ret), iCivics features games, lesson plans and other resources that help explain the unique role of the judicial branch. These can be found at <http://www.icivics.org/subject/judicial-branch>.



Fair and Impartial Courts: Why You Should Care



Fair and impartial courts protect the rights of everyone to the fundamental promise of our justice system: equal justice under the law. Unlike the executive and legislative branches of government, which are necessarily political in nature, the judicial branch was designed to be as insulated as possible from politics and public pressure. When people come to court to resolve their disputes, they should have confidence that the judges deciding their cases will act in a neutral manner. They should not have to worry about whether judges are being guided by influences from outside the courtroom, regardless of how loud or powerful these influences might be. They should be able to trust that justice will be determined by the law and the facts of their case, after everyone involved – regardless of their social status, income, race, beliefs or other factors – has had a fair and equal opportunity to be heard.

What is the main duty of a judge?

The main duty of every judge is to know the law and to apply the law correctly to ensure that the case or controversy is decided in a fair and impartial manner. Judges also consider the evidence and determine the key facts in a case or controversy involving no jury.

Why must judges follow the law, not their own personal, political or religious views?

Whenever a case or controversy comes before a court, all persons who are parties have a basic constitutional right to what is called “due process.” The concept of due process of law is, at its core, a concept of fundamental fairness. Basic to fundamental fairness is the right to be given fair notice of the specific claims or allegations being made; the right to be given

a meaningful opportunity to present all the evidence and arguments in support of one’s case; and the right to have the factual issues decided by a judge or a jury who will decide the case fairly, impartially and in accordance with the rule of law.

If a judge does not follow the law and makes rulings and decides cases according to that judge’s own personal, political or religious views, then that judge is not fair and impartial. If a judge is not fair and impartial, then one or both parties are denied their fundamental constitutional right to due process of law. Judges who are not fair and impartial, not only violate their oath of office but also undermine the careful balance of power among the three branches of government as established by the Alaska Constitution. They would also erode the confidence that the people of Alaska have the right to expect of the Alaska Court System as a place where their cases and controversies will be fairly and impartially decided.

Judges, like most of us, have opinions and may lean toward one political party or another. Judges may or may not be religious, and there are certainly a lot of different faiths a judge might adhere to. Judges have hobbies, like and dislikes, philosophies of life and, thus are individuals and citizens like the rest of us. But a judge must uphold the law fairly and without bias or prejudice. When a judge enters the courtroom, his or her personal, political and religious beliefs must give way to the Rule of Law.

What qualities are important for a judge to possess?

Alaskans should be most concerned that a judge will be capable and fair-minded. If you were

involved in a court case, ask yourself: What is the one thing you would want most? Fairness is probably at the top of anyone’s list. And if you’re not involved in a court case? Fairness is still likely to be the No. 1 concern. When you think of main qualities a judge should have, good judgment seems obvious. Fair, impartial and competent – no matter what the issue is.

Although judges do hear cases concerning hot-button issues such as abortion or euthanasia, those kinds of issues comprise a very small portion of courts’ work. Much of courts’ work is instead in the areas of family law, including divorce and child custody, and criminal law. Indeed, many judges are never called on to address any hot-button issues.

The constitutionally-established Alaska Judicial Council evaluation process focuses not on politics, but on traits such as professional competence, integrity, fairness, temperament, and experience. These traits are most relevant to the quality of the judiciary and, thus, the quality of justice in Alaska. While Alaskans are certainly entitled to care about judges’ decisions on hot-button issues, they should understand the tremendous value of non-partisan, merit-based criteria in judicial selection and retention.

If a judge acts unethically, breaks the law, or acts improperly, is there any way that judge can be disciplined and, if justified, removed from office?

The Alaska Commission on Judicial Conduct handles ethics complaints about Alaska State Court Judges. Created by the Alaska constitution, the Commission has three public members, three lawyers, and three judges. The Commission meets quarterly to review complaint investigations. It has the