

Alaska Judicial Council

**Bylaw Review Committee Meeting Summary**

January 14, 2026

The Alaska Judicial Council Bylaw Committee meeting convened at 10:00 a.m. via Zoom. Members Denny DeWitt, Jonathon Katcher, and John Wood were present. AJC staff Susanne DiPietro (Executive Director), Susie Dosik (Administrative Attorney), Teri Carns (Special Projects) were present, as were AJC administrative staff Evelyn Sharrat-Ash and James Shuey.

Mr. DeWitt called the meeting to order at 10:02 am. Mr. DeWitt asked for a motion to approve the December meeting summary.

**Discussion of December Draft Meeting Summary**

Mr. Wood offered clarification of the sentence in the second paragraph that the committee had agreed to proceed by a consensus vote. Members discussed how different committee members' views and recommendations (if the committee was not unanimous) should be provided to the full Council when it considers proposed bylaws changes. It was suggested that proposals unanimously agreed to by the committee would be presented as such to the Council; and for those issues where unanimity was not present, the committee report to the Council would reflect the differences. Members could then make motions or proposals to the Council as a whole.

Ms. Dosik said during the previous bylaw review process, she had prepared a red-line document that showed all proposed changes. After each proposed change, staff indicated whether the proposed change was by consensus, summarized the reasons for the change and consequences of the change. The document also noted any alternative language or changes proposed, and the implications of the alternative language. Mr. Wood asked Ms. Dosik to send him that document. The members agreed to use the redline proposal format.

Mr. Katcher moved to approve the December meeting summary.

Mr. Wood said he wanted to discuss paragraph 4 of the December 10 meeting summary, specifically, the online article by Ken Blackwell provided to the committee members about Alaska's selection procedures. The article said that the US Department of Justice might scrutinize the Alaska Judicial Council's selection procedures provisions related to federal DEI concerns. He said that Alaska's current attorney general had experience with DOJ and therefore should be invited to a bylaws committee meeting to

advise whether he sees any problem with any of the language in the AJC's bylaws and procedures. Mr. DeWitt agreed.

Mr. Katcher asked whether anyone agreed with Mr. Blackwell. Mr. DeWitt said his concern was not whether people agreed with Mr. Blackwell, but with avoiding any problems with DOJ; therefore, he agreed with inviting AG Cox to meet with the bylaw committee. Mr. Katcher said he disagreed with the premise. The AJC bylaws say the Council shall not consider race, and he'd never seen the Council consider an applicant's race, and the reference to the legal needs of diverse communities of Alaska is merely an acknowledgement that judges should have experience with a broad sector of the community in order to serve those diverse communities. He did not see how inviting AG Cox to meet with the committee would be useful, and he objected to any invitation, although of course the AG is welcome to attend any of the committee's meetings. Mr. Wood said that he himself did not perceive a problem with the AJC bylaws, but wanted to know whether AG Cox perceived a problem. Mr. DeWitt said he would take time to think about the issue of inviting the AG.

Mr. Katcher noted that Mr. Blackwell's article took a political stance and the Council was created as a non-political body. Mr. DeWitt said he perceived the Council as political because members are appointed by the governor, but he perceives it to be non-partisan.

Mr. Wood asked where the Council's public notices were posted. Ms. DiPietro said the procedure is to notice the meetings in the state's online notice system and also on the AJC website. Mr. Wood asked if individual members' comments could be posted on the AJC web site, including his comments. Mr. Katcher said that the Council speaks as a body, and for that reason he thought it would not be right to post individual members' comments. He noted that the Council as a whole, not the Committee or the staff, could decide what to post on the Council's website. Mr. DeWitt said that he and Mr. Wood wanted members of the public to see the documents that the Committee members were using in the committee's work, and that the members of the Council appointed the members of the committee. Mr. Katcher said it is up to the Council to decide because it is the Council's website. Ms. DiPietro explained that the website includes meeting notices, press releases, information about current and historical vacancies and retention evaluations, and publications approved by the Council and the commissions that it staffs by legislative designation.

It was agreed that the Council be asked to discuss this issue at its February meeting. Ms. DiPietro said she would add it to the administrative agenda.

No suggestions for changes to the meeting summary were offered. The members concurred in the motion to approve the summary of the December 10, 2025 meeting.

### **Article II, Section 3**

[Oath of Office. The chair of the Council shall administer the oath of office to each new member, following a determination by the Council that the person selected has met the qualifications for membership as set forth by law.]

Mr. DeWitt asked for members' thoughts on Article II, Section 3. Mr. DeWitt said he agreed with the AG's opinion that the bylaw is unconstitutional because the Council lacks the authority to determine the legal qualifications of its members. Mr. Katcher said he disagrees with the AG's opinion and is more persuaded by the memo submitted by staff that the Council is within its authority to do so.

The members also discussed the portion of the bylaw that directs the Chief Justice to administer the oath of office to a new member. Mr. Wood and Mr. DeWitt shared that the governor's office administered the oath of office to them. Mr. Katcher shared that the Board of Governors does not administer the oath to the attorney members.

Ms. DiPietro pointed out the constitutional provision requiring every public official to take the oath of office before entering upon their duties. She noted that on occasion the oath has been administered at a member's first meeting, after they had received their packets of materials for that meeting. Mr. Katcher said the Council could administer the oath earlier than the first meeting. It was agreed that every new member should receive the oath of office before they are sent meeting packets or otherwise enter upon their duties.

Ms. DiPietro said neither the governor's office nor Boards and Commissions provide copies of oaths to the Council. Mr. Katcher noted that the bylaw specified that the AJC Chair should administer the oath. Mr. DeWitt said the bylaw could be amended to say, "the new member takes the oath upon appointment." It was agreed that staff should articulate the issues, including the questions about determination of legal qualifications, and the Council should decide the matter.

### **Article I, Section 5**

[Recommendations. The Council shall make recommendations to the Supreme Court and to the Legislature to improve the administration of justice. Council members, or staff, may speak publicly about its recommendations at the direction of the Council by a vote of four or more members.]

Mr. Wood said the staff summary clarifies that the bylaw does not restrict an individual member's speech but concerns situations in which a member or staff person is representing the Council's position on a recommendation regarding the administration of justice. Mr. Katcher moved to adopt the staff summary and proposed new language for presentation to the full Council. All members concurred. The proposed new language

amends the last sentence of Part 1, Section 5 B to “Council members, or staff, may speak publicly on behalf of the Council about Council recommendations when directed to do so by a vote of four or more members.”

### **Article 2, Section 8. Disability, Dereliction of Duty, or Misconduct.**

After a brief break, Committee members returned to the meeting to consider Article 2, Section 8. Mr. DeWitt questioned whether the Council has the right to limit the distribution of materials to a Council member. Mr. Wood suggested that if a member was leaking confidential materials, he would support limiting their access. Mr. Katcher said he agreed with both Mr. DeWitt and Mr. Wood. He asked staff for the history of this bylaw.

Ms. Dosik said the bylaw was adopted in the last round of revisions, responding to concerns that confidential comments from the bar survey may have been provided by a Council member to non-Council members. Mr. DeWitt said that he thought the bylaw was too restrictive because, unlike other organizations, a Council member cannot carry out their duties without access to confidential materials.

Mr. Katcher said Section 8 allows the Council to act in a situation for which there are no remedies other than impeachment by the legislature. It was agreed that impeachment has been a rare event in Alaska. Members did not settle on a conclusion about Section 8, aside from bringing it to the Council’s attention.

Mr. Dewitt said that the Council must act by vote of four or more members, but this allows four lawyers to determine the Council’s position. He said he would prefer a rule that at least one non-attorney member be required among the four votes. Mr. Wood said that it was a constitutional provision and the bylaw committee could not change it.

### **Article III, Section 1(D) and Section 2 (C) Executive Director as officer of Council**

Ms. Dosik said this provision was adopted by the Council in its 1966 bylaws, based on Robert’s Rules of Order. Originally, the members elected a Secretary; then an Executive Secretary was appointed, and in the early 1970s, the Council began to hire executive directors to serve the secretarial and other functions. The purpose of the designation is to indicate that the executive director has authority to carry out necessary administrative duties.

Members agreed that if the bylaw were amended to remove the designation of the executive director as an officer, staff should first research whether any amendments should be made to the section to ensure that the ED could efficiently carry out necessary administrative duties. Ms. DiPietro said staff could research this. Mr. DeWitt so moved and the other members concurred.

### **Proposals to change bylaws**

It was discussed whether the Council should be asked to adopt changes to the bylaws on which the committee agreed, as the committee presented them, or whether proposals should be presented as a whole after the committee had completed its work. It was agreed to present the package as a whole after the committee finishes its work, but to provide regular updates to the Council on committee progress.

### **Disclosure of Bylaw Committee Materials**

The committee discussed whether the materials produced by the committee should be treated as confidential because they are part of the deliberative process or should be made public. It was agreed to ask the Council about this issue at the February meeting.

### **Other matters, adjournment**

Members discussed procedural matters regarding the February and May meetings, unrelated to the bylaws. The next bylaw committee meeting is scheduled for February 4 at 10 a.m.

The meeting adjourned at 11:50 a.m.