

Alaska Judicial Council

Bylaw Review Committee Meeting Summary

February 4, 2026

The Alaska Judicial Council Bylaws Committee meeting convened at 10:02 a.m. via Zoom. Members Denny DeWitt, Jonathon Katcher, and John Wood were present. AJC senior staff Susanne DiPietro (ED), Susie Dosik (Administrative Attorney), and Teri Carns (Special Projects) were present; AJC administrative staff Evelyn Sharratt-Ash and James Shuey were present.

Mr. DeWitt announced for members of the public in attendance that the Attorney General had a conflict and would not be making his previously scheduled presentation to the committee.

January Meeting Summary

Mr. DeWitt asked for corrections to the meeting summary from January 14. Mr. Katcher asked that the summary be amended to reflect his previously stated objection to inviting the Attorney General to address the bylaw committee. Ms. DiPietro said she would make the change. With that change, there were no further corrections or objections to the January meeting summary.

Art. III, Section 1(D) and Section 2 (C) Executive Director as officer of Council

At the last meeting staff was asked to research the genesis of the section of Art III (designating the executive director as an officer), and that memo was circulated on February 3. Mr. DeWitt asked whether the committee members were supportive of removing the designation of the executive director as an officer. Mr. Katcher said he was not supportive of that change.

Art. IV (Meetings): Sections 3 (Regular Meetings), Section 4 (Special Meetings), 5 (Public Hearings) & Section 6 (Executive Sessions)

Mr. DeWitt asked Mr. Wood to describe his proposals regarding the meetings bylaw. Mr. Wood said he was not sure why section 3 requires two meetings per year. He also suggested the Council consider devoting an entire standalone meeting to retention evaluations. He noted that Section 5 requires public hearings on matters relating to the administration of justice and asked how that was related to sections 3 and 4. Ms. Dosik explained that section 5 was intended mainly to support the council's constitutional duty to conduct studies to improve the administration of justice. She noted that in prior years and decades the council had a very active portfolio of justice-related projects for which it travelled to a variety of different communities in the state to take public testimony.

Ms. DiPietro said sections 3 and 4 are related to the Council's selection and retention functions. Although neither of those sections includes a requirement for a public hearing, the Council's written retention procedures adopted by the Council require a public hearing to be held on the judges standing for retention, and the Council's written selection procedures require a public hearing on applicants for judicial office, normally to be held in the community where the judge will sit. After those clarifications, no changes were suggested for sections 3, 4, or 5.

Regarding section 6, Mr. Wood said that Council deliberations and interviews should be conducted in public session and the council should go into executive session only when confidential material is being discussed. He objected to the current practices of allowing applicants to request a private interview and deliberating in executive session. He wanted the public and the governor to get as much information as possible, especially about each council member's reasons for voting the way they did. It was discussed that the Open Meetings Act does not apply to the Council.

Mr. Katcher said he was not favorable to the proposed changes. He noted the governor does not conduct his interviews or deliberations in public session, even though the governor is the appointing authority. Mr. DeWitt said he was not worried about the governor having an open discussion, but he was frustrated that the public knows very little about the AJC's process and he would like to see much more openness. Ms. DiPietro cautioned that any proposal to hold deliberations and interviews in public would need to include procedures to avoid disclosure of confidential information, and would need to address two other legal issues, namely, the applicants' constitutional right to privacy, and the reputational harm that could be caused by the discussion and comparison of applicants' personal characteristics. Ms. Dosik noted that, when considering the interests of the public and the applicants, the Council's nomination decisions were more akin to personnel discussions about whether applicants were professionally qualified, than to deliberations on public policy.

There being no consensus, Mr. Wood said he would work with staff to draft a proposal to change the Council's procedures on use of executive session.

Article V (Voting and Quorum): Sections 1 (Voting), 2 (Conflict of Interest: Disclosure and Disqualification), and Section 3 (Quorum)

Mr. DeWitt noted that section 1 allows a vote in the affirmative, negative, or abstain, and that is what is recorded in the vote tally sheet. Mr. Wood suggested the bylaw be amended to require each member to provide an explanation of each vote, including a ranking and the member's reasoning. Mr. Wood recalled that he attempted to put on the record at the last meeting why he made each vote that he did, and that used a five-point

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scale with a nomination cutoff of 3.5, and he wanted his ratings to be included in the vote tally sheet. He said a member who wants to explain his vote in public at the time of the vote should not be ruled out of order.

Mr. DeWitt said he believes that when the Council is voting on a nomination, it is actually voting on a motion to nominate, and motions are debatable under Roberts Rules of Order. Thus he believes that a member should be allowed to express their reasons for their vote as debate on the motion.

Mr. Katcher disagreed that nomination votes are properly considered votes on a motion, and he therefore does not believe nomination votes should be considered debatable. He asked Ms. Dosik to research this procedural question.

Mr. Katcher continued that his main reason for objecting to the proposal is that the Council acts as a body. Individual members should not use the Council as a forum to discuss their personal views, especially when those discussions may raise concerns about breach of confidentiality or reputational harm. Mr. DeWitt noted that a member who is in the minority on a vote may not feel that the Council speaks for them.

Mr. Katcher also stated for the record that he views the proposal as inconsistent with the founders' vision of the Council as an apolitical body that nominates judges on merit.

There being no consensus, Mr. DeWitt and Mr. Wood said they would work up a proposal to amend the bylaw to reflect their views.

Mr. DeWitt said that section 2(A) should be amended to reflect the current practice of making disclosures in public session. There were no objections to that proposal.

Mr. DeWitt expressed a concern about section 3 because it theoretically would allow a quorum to be established without the presence of a public member. He proposed that section 3 be amended to require the presence of a public member to establish a quorum. Staff was asked to research whether the Council has ever met without at least one public member present.

The meeting was adjourned around 11:30 a.m.