

Alaska Judicial Council

Bylaw Review Committee Meeting Summary

March 4, 2026

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

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Mr. DeWitt asked that the minutes be revised on page 2 to note that Mr. Wood made the suggestion to amend the bylaws to include an explanation of each vote and a “ranking.” Mr. Wood concurred that he was the one who made the suggestion. Mr. DeWitt asked Ms. DiPietro to make the change and forward the draft to Mr. Katcher for his review.

Timeline for Retention

Mr. DeWitt said he would prefer a less compressed schedule for the retention evaluations. Ms. Dosik reviewed the statutory requirements, noting that the main driver of the schedule is the requirement for any materials needing translation to be received by the Division of Elections on or before July 8. Members discussed the logistics of adding meeting days in April, June, or July to avoid a compressed schedule in May. Ms. DiPietro said the Council’s retention evaluation votes could be postponed to a meeting in June or even early July. Ms. Fletcher advised she will be out of the country for a month starting on April 12.

It was asked why the public hearing occurs before the Council releases its evaluation materials. Ms. DiPietro noted that public comments are included in the evaluation materials, and the public hearing is only one option for members of the public to share their information with the Council. People can and do send comments about judges through the Council’s website, and all those comments are provided to the Council. Ms. Fletcher said what she would find most useful from public input is to hear about people’s firsthand experiences with judges.

Mr. Wood asked what information the public has about the judges. Ms. DiPietro said the Council posts all the public retention materials on its website at least 60 days before the election, as required by statute.

Mr. DeWitt said he did not think the Council could make meaningful decisions about 23 judges in one day.

Article 8. Review of Judicial Performance

Mr. Wood said that the Peace and Probation Officers survey should be specified in **Section 1. Retention Election Evaluation** of the bylaw. Ms. Fletcher said that “other users” appeared to include that. Mr. DeWitt said including the language would help raise awareness and encourage officers to respond to the surveys. Ms. Fletcher suggested in that case the bylaw also should include reference to Social Services Professionals. Mr. Wood concurred.

Mr. DeWitt said the bylaw should include information about peremptory challenges to judges. Ms. DiPietro explained that peremptory challenge information comes from the administrative office of the court system and is therefore included in the “...data from the Administrative Office of the Alaska Court System” language in the bylaw. Mr. DeWitt said that satisfied him.

Mr. Wood asked that **Section 2. Criteria and Performance Standards** of the bylaw include information about how judges reached their decisions in their cases. Ms. DiPietro explained that legal reasoning, or how judges reached their decisions, is encompassed in the existing criterion of *Legal Ability*. Mr. Wood asked that staff prepare language for the bylaw to clarify that “legal reasoning” is a component of “legal ability”.

Members discussed **Section 3. Recommendation and Evaluation information**. Mr. DeWitt said he and member Kristi Babcock believe that the Council should not actively support or oppose judges, especially after the Alaska Supreme Court’s recent decision. He would delete the second sentence of Section 3. Mr. Wood said he would prefer to delete the entire section. Ms. Fletcher said she would revise the first sentence to say that the Council *shall* make recommendations, rather than *may* make them.

Ms. DiPietro said judges are prohibited from campaigning until they are actively opposed for retention. If a judge is opposed, and does campaign, they must register with the APOC. The Judicial Council also registers with the APOC. She added that the statute authorizing the Judicial Council to make recommendations recognizes that the Council members special expertise to understand the performance of judges, and it should share that with the public so that voters could make informed decisions about judges on the ballot.

Ms. DiPietro described her outreach to communities throughout the year, with special emphasis on the months before the retention elections. Many people tell her they rely on the Council’s recommendations about the judges. Mr. Wood said outreach was fine, but

he opposed support for or opposition to any particular judge. Mr. DeWitt agreed; he added that there is an independent group that actively supports judicial retention.

Mr. Wood and Ms. Fletcher supported changing the first sentence to “shall” instead of “may” make a recommendation. Mr. DeWitt said he opposed that. He said he still questioned making recommendations; he feels that he does not have enough information to do that. He asked staff to redraft the section without the language about supporting or opposing judges about whom the Council has made recommendations.

Members discussed **Section 4. Other Judicial performance Evaluations**. Ms. DiPietro described the interim evaluations performed for newer judges standing for their first retention, and the pro tem judge evaluations required by Court Administrative Rule 23. Ms. Dosik noted that at one time, the court system had asked the Council to assist in magistrate judge evaluations, and the Council had done so for several years. She added that the federal judges also at one time had asked for the Council’s assistance, and the Council twice included them in judicial performance evaluation surveys of Bar members.

Members considered **Section 5. Misconduct or Disability of a Judge or Justice**. Ms. Dosik said she was updating an earlier memo and would provide it the subcommittee members.

Members suggested no changes to **Section 6. Publication and Review of Procedures**.

Retention Evaluation Procedures

Mr. DeWitt said he felt the one-month window between receiving the packet of materials and making decisions on the judges did not allow enough time to adequately assess judges’ performance. He asked if the interim retention survey could be scheduled sooner after judges began their initial term, so that information could be provided sooner to Council members. Ms. DiPietro said she could send the interim survey findings to Council members earlier.

Members considered several options. Ms. DiPietro reiterated her prior suggestion of a separate retention meeting in either June or early July. Mr. DeWitt suggested moving the selection meetings to April. Members also discussed availability: Ms. Collins is not available in June. Ms. Fletcher is not available between April 12 and about May 12. Mr. Wood has limited availability in the summer, and cannot meet during the first week of July.

In response to members’ questions, Ms. DiPietro said staff could post information about judges standing for retention on the Council’s website before September. Ms. Dosik said

any available information about judges who have been disciplined or are facing discipline issues would be provided to members in their meeting packet.

Ms. DiPietro responded to members' requests for information about the status of retention surveys, including the Peace and Probation Officers, and jurors, and about public hearings.

Members discussed interviewing judges who are eligible to stand for retention. Ms. Fletcher asked if the judges know that they can request an interview. Ms. DiPietro said they received information about the Council's retention procedures at the beginning of the process. Ms. Fletcher suggested that a sentence could be added to the Procedures saying "Approximately __ months before the Council's meeting to review performance evaluations, the Executive Director will communicate to the judges that they can request an interview with the Council."

Members discussed the standards and procedure used for making retention recommendations. Under its current procedures, a judge who meets the performance standards established by the Council receives a positive recommendation for retention. Council bylaws require a "yes/no/abstain" vote (Article V, Section 1 of Council Bylaws). Ms. Fletcher noted that abstention should be used only if the Council member has a conflict that prevents them from voting on that question. Members discussed a situation where they felt that they did not have enough information about a judge to make a recommendation. Ms. DiPietro said any Council member who wants more information should inform staff and staff will provide that information if at all possible. Ms. Dosik said staff can independently investigate particular situations without relying on the supreme court or another body's decision-making process.

Members tentatively set their next meeting as April 22, 10:00 to noon. At that meeting, they will discuss "active support" for judges; availability of the underlying trial court opinion when an appellate court overturns a trial court decision, and the question of "may" vs. "shall" make recommendations.

The meeting adjourned at 12:05 p.m.