

ALASKA BAR ASSOCIATION
Standing Committee on Fair and Impartial Courts
Judge Elaine Andrews (Ret.), Chair

COMMITTEE GUIDELINES

*For outreach & education within the apolitical mandate
of the Alaska Bar Association*

The Alaska Bar Association's Standing Committee on Fair and Impartial Courts is charged by the association's Bylaws with making "recommendations to the Board for activities that the Bar can undertake to explain and promote the concept of judicial independence, and to undertake to educate the public about and promote the concept of judicial independence."

The primary goal of the committee to develop outreach and educational strategies for explaining, promoting, and educating about fair and impartial courts that can be implemented on an ongoing basis and sustained over time. To achieve this goal, it is in the interests of the Bar and the Committee to adopt guidelines that delineate as clearly as possible any initiatives, activities or positions that would run afoul of the Bar's apolitical mandate. Especially during an election year, when individual judicial candidates may stand for retention and other issues affecting an independent judiciary may appear on the ballot, clear guidelines will facilitate the Committee's important work and ensure that any concerns the Board may have about the committee's proper role are addressed in advance.

Members of the committee recommend the Board's approval of the following delineation between inappropriate political activity and appropriate educational activity by the committee and any communications on behalf of the committee:

I. Appropriate Educational Activity

1. Taking an official position in support of the judicial selection and retention process established in the Judiciary Article of Alaska's Constitution;
2. Taking an official position in support of the Alaska Judicial Council's role in the judicial selection and retention process;
3. Taking an official position in support of merit selection generally, as the best way to ensure the best judges;¹
4. Taking an official position to explain the judicial and legal professional canons that serve to ensure fair and impartial courts;
5. Taking an official position to explain the rule of law, including the concept that judicial decisions should be made on the facts and

¹ American Judicature Society.

- the law, not on personal belief, political views, or public pressure;
6. Taking an official position to explain difficult concepts of law that are often not publicly understood, such as bail and sentencing, when misunderstanding of these concepts fosters inaccurate or unfair attacks on the judiciary; and
 7. Taking an official position to correct public statements about judges or the judiciary that are inaccurate or misleading, when these statements threaten to undermine public understanding of the role of courts and the importance of a fair and impartial judiciary.

II. Inappropriate Political Activity

1. Taking an official position for or against a candidate for judicial retention;
2. Taking an official position for or against a candidate for political office based on that candidate's statements on the role of the judiciary;
3. Taking an official position for or against an appointment to the Alaska Judicial Council;
4. Taking an official position for or against nominations for judgeships made by the Alaska Judicial Council;
5. Taking an official position for or against the appointment by the Governor of a judicial nominee;
6. Taking an official position for or against a specific judicial decision; or
7. Taking an official position for or against a public official's statements concerning a specific judicial decision.

Nothing in this section shall preclude the committee from conducting the educational activities outlined in Section I above during an election season.

Recommended to the Board of Governors of the Alaska Bar Association by the Committee on Fair & Impartial Courts on the 2nd day of December, 2011.

Judge Elaine Andrews (Ret.), Chair

Adopted this 27th day of January, 2012, by the Board of Governors of the Alaska Bar Association.

Donald W. McClintock III, President
Board of Governors, Alaska Bar Association

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ALASKA BAR
A S S O C I A T I O N

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RESOLUTION

WHEREAS the Standing Committee on Fair and Impartial Courts is charged by the association's Bylaws with promoting the concept of judicial independence, through public education and other means; and

WHEREAS "appropriate educational activity" is described in the committee's guidelines to include, among other actions, "*[t]aking an official position in support of the judicial selection and retention process established in the Judiciary Article of Alaska's Constitution; and ... [t]aking an official position in support of merit selection generally, as the best way to ensure the best judges*";

THEREFORE BE IT RESOLVED

THAT the Alaska Bar Association supports the current system of selection and retention of judges; and

THAT members of the Standing Committee on Fair and Impartial Courts should be authorized to testify before legislative bodies or communicate with legislators in their official capacities to convey the Association's official position in support of the current system of selection and retention.

Adopted by the Board of Governors of the Alaska Bar Association

September 5, 2014