

Alaska Judicial Council
Bylaw Review Committee Meeting Summary

April 22, 2026

The Alaska Judicial Council Bylaws Committee meeting convened at 10:02 a.m. via Zoom. Members Denny DeWitt, Savannah Fletcher, and John Wood were present. Susanne DiPietro (Executive Director), Susie Dosik (Administrative Attorney), and Teri Carns (Special Projects) were present; Research Analyst Aimee Herubin and AJC administrative staff Evelyn Sharrat-Ash and James Shuey also were present. Members of the public were present.

Approval of Agenda

Members approved the agenda with no changes.

Approval of March 4, 2026 Meeting Summary

Ms. Fletcher moved to approve the meeting summary and other members concurred.

Regarding the portion of the summary discussing disability of a judge, Ms. Dosik clarified that she has a memo from 2017 explaining questions that appropriately can be asked under the ADA about disability-related performance issues. Ms. Dosik said she intends to circulate the memo to the entire Council; Ms. Fletcher and the other members concurred.

Scheduling discussion at May Meeting

Mr. Dewitt said he would like to reserve time on the Council's agenda at its May meeting for a bylaw committee report. Mr. DeWitt said he intends to present proposals to change the retention evaluation bylaw for the Council's consideration, and ask the Council to adopt and implement the changes during this current 2026 retention cycle. Ms. DiPietro said there would be limited time available in the afternoon in Kotzebue for this discussion, and very little on Friday. She also noted that if the Council adopted bylaw amendments in May, the changes would not go into effect until after a public comment period, consistent with the Council's longstanding practice. Mr. DeWitt said in emergency situations changes to the bylaws could be adopted without a public comment period. Mr. Wood noted that a full Council vote would be needed to agree to take up the proposed amendments in May, and to dispense with the public comment period.

Bylaw Article VIII, Section 3

Members reviewed three previously discussed changes to the bylaw governing the retention evaluation process. One proposal was to amend the provision governing

recommendations to the voters, changing it from the current language that the Council “may” make recommendations to the Council “shall” make recommendations.

A second proposal was to include language that “For each judge who meets or exceeds performance standards, a Council member shall presumptively recommend that they be retained for another term in office.” Ms. Fletcher proposed alternative language that “A recommendation for retention is based on whether the judge meets or exceeds performance standards.” After further discussion, the language, “once input from all sources has been considered” was added, with concurrence of all members. The accepted language was “A recommendation for retention is based on whether the judge meets or exceeds performance standards once input from all sources has been considered.”

A third proposal was to delete the existing language about active support: “The Council may actively support the candidacy of every incumbent judge recommended to be retained, and may actively oppose the candidacy of every incumbent judge whom it recommends be rejected.” Ms. Fletcher said she was concerned that the committee was recommending piecemeal votes on the retention evaluation bylaw, after the committee and the Council had agreed that the committee would present all its proposals as a package for the Council’s consideration. Mr. DeWitt said he wanted the Council to consider the retention evaluation proposals before it proceeded with its retention decisions in May.

Mr. Wood was in favor of striking the “active support” language from the bylaw; Ms. Fletcher would keep the language.

Ms. DiPietro asked how removal of that language would affect the materials and communications the Council offers to the public. Mr. DeWitt said the Council’s recommendations should be posted on its web site and included in the voter pamphlet, but any paid ads should not reference the recommendations. Ms. DiPietro noted that the Council’s ads and outreach direct the public to the Council’s web site, where the recommendations are displayed. At least in the past, APOC has advised that it considers statutory reporting requirements to be triggered by any communication directing the public to the Council’s recommendations on its web site. Mr. DeWitt and Mr. Wood disagreed with that interpretation of the reporting requirements and said they would be willing to litigate the question.

Mr. Wood asked to move on to discuss the question of members receiving a copy of the trial judge’s underlying opinion when the appellate court reversed or remanded any part of the judge’s decision. Ms. Dosik described the process she uses to prepare a memo for Council members about trial judges’ appellate affirmances and reversals. Although she usually completes that memo in July in time for it to be posted on the Council’s web site,

she is attempting to have it completed for the Council before the May meeting. Mr. DeWitt said he wants more information about each appellate decision than whether the trial judge was reversed or affirmed, so he can decide for himself whether he needs to review the underlying trial court opinion. He believed that Ms. Dosik's work might be sufficient for him to understand that.

Mr. Dewitt said people coming to the public hearing on May 5 [May 7] will not have access to all the evaluation materials that the Council members have.

Mr. DeWitt asked about the information the Council provides for inclusion in the Lt. Gov's Election pamphlet. Ms. DiPietro noted that Alaska law imposes a 600-word limit on the Council's submission for each judge, and the Division of Elections has indicated it will accept one page per judge. Mr. DeWitt said he would like the breakdown of how many Council members voted for and against retention to be shown on each judge's page.

Mr. DeWitt said he would work with Ms. DiPietro to generate written proposals for the Council, as well as possible dates for future meetings.

Adjourn

Mr. Wood moved to adjourn the meeting at 11:01 a.m. Ms. Fletcher seconded the motion, and Mr. DeWitt concurred. The meeting adjourned at 11:02 a.m.