



alaska judicial council

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MEMORANDUM

TO: Judicial Council Members

FROM: Staff

DATE: July 14, 2006

RE: Retention Judges' Non-Confidential Salary Warrant Information

The Council requested information from the Alaska Court System about how many times the retention judges' paychecks were withheld for failure to issue decisions within six months. See AS 22.05.140(b), 22.07.090(b), 22.10.190(b), and 22.15.220(c). Twenty-nine of the thirty-one judges standing for retention did not have their paychecks withheld during his or her appropriate term of office.

Salary Warrant Withholdings

Judge John Suddock

Alaska statutes require withholding of a judge's pay if the judge has a case under advisement for six months or longer. In 2005, Judge Suddock had two cases under advisement in excess of six months. As a result, Judge Suddock's pay was withheld eight times in 2005.

The first case involved a matter assigned to Superior Court Judge Reese who retired. Judge Suddock volunteered to assume responsibility for the case. The case had been in litigation for six or seven years at that point and was anticipated to involve a relatively short bench trial. The case was tried in late November 2004 and resulted in thirty days of testimony. The parties submitted over 300 pages of proposed and highly contested findings in February 2005. Judge Suddock presided

over a series of civil trials in March and April 2005. He started working on the case at issue in May 2005. Because of his other judicial responsibilities, he had to work on this case at night and on weekends. He issued a 150 page decision in October 2005.

The other matter under advisement for more than six months was an administrative appeal. There are simple administrative appeals, like an appeal of a suspended driver's license. There are also very complex administrative appeals. Judge Suddock was assigned the latter in the form of an appeal involving rate-setting for the Alyeska pipeline.

A Council investigation concluded that Judge Suddock was diligent in his approach to these two cases.

Judge Richard H. Erlich

One in 2003.