



alaska judicial council

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Notice of Change to Alaska Judicial Council Selection Procedures

November 30, 2016

The Alaska Judicial Council met on Tuesday November 22, 2016, by teleconference to consider a request from Governor Bill Walker regarding the timing of his receipt from the Council of the names of its judicial nominees following the interviews it has scheduled during December of 2016. The Governor had earlier informed the Council that a medical procedure he will undergo out of state in December of 2016 will make it difficult for him to meet the statutory 45-day deadline for appointments to the Bethel, Nome, Kenai, and Dillingham superior courts, and the Alaska Court of Appeals. Because the Governor will need to take some time away from work for the medical procedure, and because of the large number of appointments that must be made during this time period (five appointments), the Governor asked the Council to delay submitting the names of nominees until early January. Delaying the submission of the names of nominees will allow the Governor adequate time to attend to these important judicial appointments.

The timing of the Council's submission of nominees to the governor's office is controlled by Section VII, Part C, of the Council's written judicial selection procedures. Those procedures required the Council to send the governor a letter listing the nominees "on the first business day after the Council's vote." Under Alaska law, the governor must fill a judicial vacancy "within 45 days after receiving nominations from the judicial council...."¹

At its November 22, 2016 teleconference meeting, the Council unanimously voted to amend Section VII, Part C, of its written selection procedures to permit it to delay transmittal of names to

¹ Alaska Statutes 22.05.080(a).

the governor for good cause. The Council's reason for making this change was to allow flexibility to delay submission of nominees' names to the governor for good cause, to include the current situation where Governor Walker has requested the delay, and the reason for the request is a non-elective medical procedure. The change took effect immediately.

The Council directed staff to inform the public, applicants, and nominees that it intends to invoke the new good cause exception to its selection procedure and to delay until early January the transmission of names of nominees for the Bethel, Dillingham, Kenai, and Nome superior courts, and the Alaska Court of Appeals. The Council's delay in submitting names to the Governor will not affect the timing of the Council's meetings, interviews, or votes. The meetings, interviews, public votes, and announcement of the results of its votes, will proceed as originally scheduled.