New language is underlined. Deleted language is ~~strikethrough~~.

Bylaws of the Alaska Judicial Council

Article I
Policies

Section 1. Concerning Council Member Duties

Members of the Judicial Council hold positions of public trust. Council members shall conduct themselves in a manner that reflects positively upon the selection and evaluation processes and shall avoid partisanship or partiality in the performance of their constitutional and statutory duties. Council members shall not be influenced other than by facts or information relevant to the qualifications of applicants or judges eligible for retention. Council members shall display courtesy and respect to all applicants and those commenting on applicants, as well as to other Council members.

Council members shall consider each applicant and evaluate each judge in an impartial and objective manner. In considering each applicant and evaluating each judge, a Council member shall not discriminate on any basis prohibited by law.

Section 2. Concerning Selection of Justices, Judges, and Public Defender

The Judicial Council shall nominate for judicial office and for public defender those judges and members of the bar who stand out as most qualified based on the following criteria: professional competence, including written and oral communication skills; diligence and administrative skills; integrity; fairness; temperament; judgment, including common sense; legal and life experience; demonstrated commitment to public and community service, and demonstrated commitment to equal justice and the legal needs of the diverse communities of Alaska. In making its nominations for the most qualified applicants, the Council shall also consider the following criteria: other candidates who have applied; the position applied for; and the community in which the position is located. The Council shall actively encourage qualified members of the bar to seek nomination to such offices, making every effort to promote diversity, including gender and ethnic diversity, and shall strive to inform the public of Alaska's judicial and public defender selection process.

Section 3. Concerning Retention of Judges

Pursuant to the provisions of the Alaska Constitution and Alaska Statutes Titles 15 and 22, each judge is subject to approval or rejection by the voters.[i] The Legislature has provided by statute that the Council shall conduct an evaluation of each judge eligible for retention before the retention election, shall provide to the public information about the judge, and may provide a recommendation regarding retention or rejection. When making a recommendation, the Council shall consider the results of its evaluation, as described in Article VIII of these bylaws, to determine whether the judge meets qualification and performance standards.

Section 4. Concerning Administration of Justice

The Council shall initiate studies and investigations for the improvement of the administration of justice. These studies and investigations may be conducted by the entire Council, by any of its members, or by its staff as directed by the Council. The Council may hire researchers and investigators and may contract for the performance of these functions. A topic for any study or investigation may be proposed at any meeting of the Council by any member without prior notice.

Section 5. Concerning Council Support of Merit Selection and Judicial Retention System, and Recommendations Relating to the Administration of Justice

(A) Education. Council members and staff may speak publicly to inform the public about the Alaska Constitution's merit selection and retention system and the Council's research and other programs designed to improve the administration of justice.

(B) Recommendations. The Council shall make recommendations to the Supreme Court and to the Legislature to improve the administration of justice.[ii] Council members, or staff, may speak publicly on behalf of the Council about ~~its~~ recommendations ~~at the direction of the Council~~ by a vote of four or more members.

(C) Individual Council member speech. If an individual Council member speaks about matters concerning the Council or matters relating to the administration of justice not at the direction of the Council, the Council member is encouraged to carefully consider how their remarks would affect public confidence in the Council's process, the Council's internal comity, and other Council members. The Council member shall stress that their viewpoint is their own and not that of the Council. The member shall not misrepresent the Council process or divulge confidential communications or documents.

Article II
Membership

Section 1. Appointment; Limitation of Term

Members of the Council shall be appointed and shall serve their terms as provided by law; however, a member whose term has expired shall continue to serve until a successor has been appointed. Council members may be appointed to successive terms; however, no Council member should serve more than two full terms or one unexpired term and one full term.

Section 2. Effective Date of Appointment

(A) Non-Attorney Members. The effective date of a non-attorney member's appointment to the Council shall be the day following the effective date of the vacancy in the seat to which appointed, if appointed before that date; or the date of or specified in the gubernatorial letter of appointment, if appointed after that date. Non-attorney members shall have full voting rights effective upon the appointment date, unless and until denied confirmation by the Legislature.

(B) Attorney Members. The effective date of an attorney member's appointment shall be the day following the effective date of the vacancy in the seat to which appointed, if appointed before that date; or the date of or specified in the letter of appointment from the board of governors of the Alaska Bar Association, if appointed after that date.

(C) Chief Justice. When the Supreme Court elects a new chief justice, the newly elected chief begins serving as a member and chair of the Council immediately upon assuming the office of chief justice.

Section 3. Oath of Office

The chair of the Council shall administer the oath of office to each new member, following a determination by the Council that the person selected has met the qualifications for membership as set forth by law.

Section 4. Vacancies

At least 90 days prior to the expiration of the term of any Council member, or as soon as practicable following the death, resignation, or announced intent to resign of any Council member, the executive director shall notify the appropriate appointing authority and request that the appointment process be initiated immediately to fill the vacancy.

Section 5. Disqualification of Member from Application

Any member of the Council who seeks appointment to a judicial office or the office of public defender should resign at least a year in advance of their application and must resign from the Council as of the date of the application and should not accept reappointment to the Council for a period of two years after their resignation.

Section 6. Disqualification for Public Office

No member of the Council, except the Chief Justice, may hold any other office or position of profit under the United States or the State pursuant to Article IV, Section 8, of the Alaska Constitution. Service in the armed forces of the United States or of the State is not an office or position of profit.[iii]

Section 7. Duties and obligations of members

A member has the following duties and obligations:

(A) Attendance. Council members shall attend all meetings of the Council unless excused by the chair for good cause. If a member is absent without good cause for two consecutive meetings, the chair shall formally request the resignation of that member.

(B) Preparation. Council members shall complete all necessary preparation for each meeting.

(C) Compliance. Council members shall comply with Council bylaws and published selection and retention procedures.

Section 8. Disability, Dereliction of Duty, or Misconduct

If a member is unable or unwilling to perform the duties and obligations of a member, or has committed serious misconduct, the chair, upon a vote of four or more members, may take appropriate action to protect the integrity of the Council's work. Actions may include, but are not limited to, the following: restricting the member from receiving confidential materials; limiting or restricting the member from participating in meetings; reprimanding the member; contacting the appropriate appointing authority; and requesting the member's resignation.

Section 9. Expenses; Compensation

Council members shall be reimbursed for travel and other expenses incurred while on Council business and may receive compensation as otherwise provided by law.

Article III
Officers

Section 1. Officers Specified

(A) Officers. The officers of the Council shall be the chair, vice-chair and executive director.

(B) Chair. The Chief Justice of the Alaska Supreme Court is the chair of the Alaska Judicial Council.

(C) Vice-Chair. The vice-chair is the member of the Judicial Council whose current term will first expire.

(D) Executive Director. The Council by concurrence of four or more of its members may designate an executive director to serve at the pleasure of the Council.

Section 2. Duties and Powers

(A) Chair. The chair shall preside at all meetings of the Council and perform such other duties as may be assigned by the Council. In the absence of an executive director or acting director, the chair will serve as acting director.

(B) Vice-Chair. The vice-chair shall preside at meetings of the Council in the absence of the chair. The vice-chair shall perform such other duties as usually pertain to the office of the chair when the chair is unavailable to perform such functions.

(C) Executive Director. The executive director shall keep a record of all meetings of the Council; shall serve as chief executive officer of the Council; shall be responsible to the Council for planning, supervising and coordinating all administrative, fiscal and programmatic activities of the Council; and shall perform such other duties as may be assigned. The executive director may receive compensation as prescribed by the Council and allowed by law.

(D) Acting Director. In the event of the incapacity, disability, termination or death of the executive director, the Council may appoint an acting director, and may impose such limits on the

authority of said acting director as it deems advisable, until such time as a new executive director can be found, or until such time as the incapacity of the executive director can be cured. Should the Council choose not to appoint an acting director or otherwise fail to appoint, the chair of the Council will, ex officio, serve as acting director until a replacement can be found.

Article IV
Meetings

Section 1. Public Sessions; Public Notice

All meetings of the Judicial Council, including committee meetings, shall be open to the public, except as specifically provided. At least three days before any meeting, public notice of the date, time, and place of the meeting and of general topics to be considered shall be given by the appropriate means necessary to provide adequate notice to the public including the state on-line public notice system, the Council's website and social media, and digital and traditional media. Absent sufficient funding or when the notice requirements of this section are determined by the Council to be unreasonable, the Council is authorized to meet after such other period and utilizing such forms of public notice as it deems reasonable under the circumstances and which are consistent with the Council's legal obligations.

Section 2. Remote Participation

The Judicial Council shall meet in person when practicable. When not practicable, the Council may meet remotely using phone and/or video technology. The Council may meet remotely between regularly scheduled meetings with the consent of the chair. A remote meeting conducted between regularly scheduled meetings is subject to the notice requirements in Article IV, Section 1 and Article IV, Section 8.

A member may participate remotely in a regularly scheduled meeting only if the chair has found good cause to excuse the member from attending in person. A member may participate and vote remotely only if the member has had a substantially equal opportunity to evaluate all meeting materials, participate in proceedings, and evaluate all testimony, and other evidence related to the meeting.

Teleconferencing or videoconferencing may be used to receive public input and to establish a quorum.

Council members and staff shall ensure the confidentiality of meetings held with remote participation.

Section 3. Regular Meetings

The Council shall hold two or more meetings per year, at times designated by the Council, to consider problems that may affect the Council and concern the administration of justice in the State of Alaska. Regular meetings may be held in conjunction with special meetings.

Section 4. **Special Meetings**

When a vacancy in the office of justice, judge, or public defender actually occurs or is otherwise determined to be impending, the chair shall call a special meeting of the Judicial Council within the time-frame required by law. The chair shall also call a special meeting of the Council upon the request of four or more members to consider business specified in the request; at that meeting, the Council may also consider other business that may come before the Council with the consent of four or more of the members present. The chair shall fix the time and place of such meeting not more than thirty days from the date of receipt of such request.

Section 5. **Public Hearings**

The Council may hold public hearings on all matters relating to the administration of justice as it deems appropriate and in such places as it determines advisable. The chair may limit public comment due to time constraints, or to matters relevant to the purpose of the meeting, in their discretion and as necessary to ensure the efficient conduct of business.

Section 6. **Executive Sessions**

The Council may decide as permitted by law whether its proceedings will be conducted in executive session. The Council may make this decision by concurrence of four or more members in a session open to the public. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session, unless auxiliary to the main question. The Council may not vote in an executive session.

Section 7. **Place of Meeting**

To the extent practicable, meetings should be held in the area of the state most directly affected by the subject matter under consideration.

Section 8. **Notice of Meeting: Waiver**

Notice of each meeting and teleconference shall be sent to all members of the Council as far in advance as practicable but in any event not less than five days before the date of the meeting or teleconference. Presence at a meeting or teleconference without objection shall constitute waiver of notice. When this notice requirement is determined by the chair to be unreasonable, the Council may meet on shorter notice.

Article V
Voting and Quorum

Section 1. **Voting**

All members of the Council present shall be entitled to vote on all matters coming before the Council, except as provided in Section 2 of this Article and except that the chair shall only vote when to do so would change the result. The Council shall act by concurrence of four or more members. All votes shall be taken in public session. Any member can vote in the affirmative or negative or abstain on any matter, except a member who is disqualified from consideration of a person, vacancy, or matter under Section 2(B) shall vote to abstain. A member who abstains due

to disqualification under section 2(B) shall indicate the intention to do so prior to discussion or consideration of the matter, person, or vacancy and shall disclose the reason for disqualification. Otherwise, a ~~A~~ member who wishes to abstain shall indicate the intention to do so prior to the question being called and shall disclose the reasons for the proposed abstention.

Section 2. **Conflict of Interest: Disclosure and Disqualification**

(A) Disclosure. At any Council meeting where the qualifications of applicants, or the performance of judges or justices will be considered, Council members shall disclose ~~to the Council~~ in public session any current or former relationship with an applicant or judge or justice (business, personal, and/or attorney-client). Council members shall also disclose the existence of any other possible cause for conflict of interest, bias, or prejudice and recuse themselves if required by (B).

(B) Disqualification. A Council member shall recuse themselves from consideration of an applicant or judge or justice, or from nominations for an entire vacancy, or from consideration of any other matter, if their ability to consider the person, vacancy, or matter impartially and objectively might reasonably be questioned ~~by anyone~~. Recusal should be announced as soon as possible at the applicable meeting, and the Council member shall have no participation in the consideration of the person, vacancy, or matter.

Section 3. **Quorum**

Four members of the Council shall constitute a quorum for the transaction of business at any meeting. The chair is a member of the Council for all purposes, including the establishment of a quorum.

Section 4. **Rules of Order**

Robert's Rules of Order Newly Revised, 11th ed., will govern the meetings of the Council to the extent that they do not conflict with these bylaws. The chair may, in their discretion, establish time limitations, call members to order, and take other actions intended to further the work of the Council during a meeting.

Article VI
Committees

The Council may establish committees when it finds them useful to conduct Council business. The chair may make committee assignments as needed. Each committee shall include at least one attorney and one non-attorney member. Committees shall report to the Council on their activities and may make recommendations for Council action.

Article VII
Procedure for Submitting Judicial and Public Defender Nominations to the Governor

Section 1. Notice of Vacancy; Recruitment

Whenever a vacancy to be filled by appointment exists, or is about to occur, in any supreme court, court of appeals, superior court, or district court of this state, or in the office of public defender, the Council, by mail or by such other publication means as may be appropriate, shall notify all active members of the Alaska Bar Association of the vacancy, and shall invite applications from qualified judges or other members of the bar of this state for consideration by the Council for nomination to the governor. Council members may also encourage persons believed by such members to possess the requisite qualifications for judicial or public defender office to submit their applications for consideration and may cooperate with judicial selection committees of the state or local bar associations or of such other organizations as may be appropriate in the identification and recruitment of potential candidates. If a Council member encourages a person to apply, in no circumstance shall a Council member make any representation regarding an applicant's future chances of nomination, or an individual Council member's or any other Council member's intentions regarding future votes. A Council member shall disclose to the Council that they have encouraged an applicant to apply when that applicant is first considered by the Council.

Section 2. Application Procedure

Each applicant for a judicial or the public defender position shall obtain and complete an application for appointment provided by the Council and shall comply with all the requirements therein. Such application may request such information as deemed appropriate to a determination of qualification for office, including but not limited to the following: family and marital history for the purpose of identifying possible conflicts of interest; bar and/or judicial discipline history; criminal record; involvement as a party in litigation; credit history; physical and mental ability to perform the duties of the office; community activities; academic and employment history; legal and litigation experience; military record; representative clientele; and possible conflicts of interest.

Section 3. Evaluation and Investigation of Applicants' Qualifications

(A) Judicial Qualifications Polls. The Judicial Council may conduct judicial qualifications polls in such form and manner as may be prescribed by the Council and cause the same to be circulated among the members of the Alaska Bar Association. The poll should be relevant to criteria listed in Article I, Section 2 of these bylaws. If the Alaska Bar Association conducts a qualifications poll satisfactory to the Council, the Council may recognize such poll. The Judicial Council may conduct such other surveys and evaluations of candidates' qualifications as may be deemed appropriate.

(B) Investigation. The Council and its staff shall investigate the background, experience, and other qualifications of an applicant under consideration for a judicial or a public defender vacancy, and may call witnesses before it for such purposes.

(C) Candidate Interviews; Expenses. The Council may, when and where it deems desirable, conduct interviews with one, some, or all applicants for any judicial or public defender vacancy. The Council will conduct interviews in person but when a candidate is unable to attend the in-person interview, the Council may arrange for a telephonic or other alternative interview. The Council may conduct interviews by a committee of the Council at other times and places when necessary. A candidate may choose to be interviewed publicly or in executive session, to protect the candidate's privacy interests consistent with Alaska law. The choice to interview publicly or in executive session will have no bearing on the Council's evaluation of the candidate's qualifications.

A candidate's interview expenses for judicial or public defender office are that candidate's responsibility. The Council may reimburse candidates for travel expenses in the Council's discretion. The cost of a telephone interview or other alternative interview requested by the Council shall be paid by the Council.

Section 4. Nomination Procedure; Recommendation of Most Qualified Candidates

The Council shall select two or more[iv] candidates who stand out as the most qualified under the criteria set out in Article I, Section 2 of these bylaws. The names of the selected candidates shall be submitted to the governor in alphabetical order; but if the Council's vote does not result in selecting at least two applicants who are sufficiently qualified, the Council shall decline to submit any names and will re-advertise the position.

Section 5. Multiple Vacancies

(A) Same position. In the case of multiple vacancies at a single court location on the same court, the Council may accept applications for all positions, and interview and vote on nominees during the course of one meeting. Applicants may apply and be considered for more than one vacancy. The Council shall endeavor to nominate at least one more applicant than there are vacancies, to provide the governor with a choice of at least two nominees for each vacancy.[v] If the Council is unable to nominate sufficient applicants for all vacancies, considering the most qualified standard in Article I, Section 2, and Article VII, Section 4, the Council may decline to send any nominees, or may send nominees to fill a specific vacancy while declining to send nominees for another. If the Council does not submit names for a vacancy or vacancies due its inability to nominate sufficient applicants, it shall re-advertise the position(s).

(B) Different positions. In the case of multiple vacancies at different court locations, and/or on different courts, the Council may accept applications for all positions, and interview and vote on nominees during the course of one meeting. Applicants may apply and be considered for more than one vacancy. The Council shall endeavor to nominate sufficient applicants to provide the governor with a choice of at least two nominees for each vacancy. An applicant who is nominated for more than one vacancy shall be considered a nominee for each vacancy separately for the purpose of submitting two nominees for each vacancy.

Section 6. Reconsideration

The Council will not reconsider the names submitted to the governor after the nominees are submitted unless the disability, death, withdrawal, or unavailability due to appointment to another position of one or more nominees leaves the governor with fewer than two names for filling a judicial vacancy. If the governor requests additional nominees in such a situation, the

Council may submit additional names so that the governor has at least two nominees for each vacancy. The Council may select additional names from the original applicants or re-advertise the position.

Section 7. Publication and Review of Procedures

The Council shall establish and follow written forms and procedures for the nomination of attorneys who apply to be justices, judges, and public defender. The Council shall publish the bylaws and procedures in its biennial report to the Alaska Supreme Court and Legislature, post them on its website, and provide them to applicants. The Council shall review these procedures at intervals not to exceed three years.

Article VIII
Review of Judicial Performance

Section 1. Retention Election Evaluation

The Council shall conduct evaluations of the qualifications and performance of justices and judges eligible for retention and shall make the results of evaluations public. Evaluations may include the following: a survey of members of the Alaska Bar Association; surveys of court employees and other court users; interviews; records of any disciplinary action from the Alaska Commission on Judicial Conduct and the Alaska Supreme Court; data from the Administrative Office of the Alaska Court System; records of any salary withholding by the Department of Administration for untimely decisions; review of a judge's record on appeal; credit reports; any other investigation of matters brought to the Council's attention, and public comment. The Council shall encourage expanded public participation and comment regarding judicial retention candidates' qualifications and performances.

Section 2. Criteria and Performance Standards

The Council shall determine whether a judge has met performance standards by examining a judge's performance against the following criteria:

1. Legal Ability. The judge demonstrates knowledge of substantive law, evidence, and procedure, and clarity and precision in their work.

2. Impartiality/Fairness. The judge demonstrates a sense of fairness and justice and treats all parties equally.

3. Integrity. The judge's conduct is free from impropriety or the appearance of impropriety, and the judge makes decisions without regard to possible public criticism.

4. Judicial Temperament. The judge is courteous and free from arrogance, and the judge manifests human understanding and compassion.

5. Diligence and Administrative skills. The judge is prepared for court proceedings, works diligently, and is reasonably prompt in making decisions.

Section 3. **Recommendation and Evaluation Information**

Based upon the evaluation and its determination whether a judge has met performance standards, the Council ~~may~~ should provide a recommendation regarding retention or rejection. A recommendation for retention is based on whether the judge meets or exceeds performance standards once input from all sources has been considered. The Council may ~~actively~~ support the dissemination of the Council's recommendations and evaluation information and increased engagement with retention information and recommendations. ~~candidacy of every incumbent judge recommended to be retained, and may actively oppose the candidacy of every incumbent judge whom it recommends be rejected.~~ The Council shall publicize its evaluation information and recommendations at least 60 days before the election. The Council shall also provide the information and any recommendation to the office of the lieutenant governor in time for publication in the election pamphlet under AS 15.58.050.

Section 4. **Other Judicial Performance Evaluations**

The Council may conduct such additional evaluations of judges, other than at the time of retention elections, at such times and in such a manner as may be appropriate, and may make the results of such additional evaluations public.

Section 5. **Misconduct or Disability of a Judge or Justice**

(A) Notification. If the Council has reason to believe that a judge suffers or may be suffering from a disability that is or may become permanent, or has violated the Judicial Code of Conduct, the Council shall notify the Alaska Commission on Judicial Conduct.

(B) Independent investigation. If any complaint against a judge, or petition for disability from the judge, is pending with the Commission on Judicial Conduct during the judge's evaluation, the Council may independently investigate the facts of the complaint or petition and may take its investigation findings into consideration when recommending for or against retention of that judge. In the event the Council concludes that it is unable to adequately evaluate the performance of a judge, it will inform the public about its decision.

Section 6. **Publication and Review of Procedures**

The Council shall establish and follow written forms and procedures for the evaluation of justices and judges. The Council shall publish the procedures in its biennial report to the Alaska Supreme Court and Legislature, post them on its website, and provide them to justices and judges. The Council shall review these procedures at intervals not to exceed four years.

Article IX
Confidentiality

Neither Council members nor Council staff shall discuss or disclose, except among themselves, any matters or materials classified as confidential under these bylaws, or information discussed in executive session. This mandate of confidentiality survives Council terms of office and must be observed in perpetuity.

Article X
External Council Communications

Section 1. **Prior to Council decisions**

(A) Communications with applicants or judges. Council staff shall conduct all pre-application communications with an applicant about the application or the process. Individual Council members should as much as possible avoid substantive communications pertaining to the process with applicants or with judges eligible for retention from the time the applications or judge questionnaires are submitted until completion of the nomination or retention recommendation vote. "Substantive" communications include communications about the nature of the vacancy, and the applicant's or other applicant's qualifications.

(B) Communications with the public. Members of the public may wish to communicate their thoughts about the qualifications of applicants and the performance of judicial officers to individual Council members. All written communications between a Council member or Council staff and any other person or organization regarding the qualifications of any applicant or the performance of any judicial officer ~~should~~ shall be forwarded to all other members; the substance of all material oral communications regarding such matters should be shared with other members. Council members may encourage people to communicate with the Council in writing or at a public hearing.

Section 2. **After Council Decisions**

(A) Individual Council member viewpoints. Council members may discuss their individual views about the qualifications of applicants and the performance of judicial officers with members of the public, including the applicants and judicial officers. Council members may not disclose the views of other Council members about the qualifications of applicants and the performance of judicial officers. Communications and deliberations among Council members that occur in executive session, including discussion about the qualifications of an applicant or the performance of a judicial officer shall be kept confidential in accordance with the law and Council bylaws. In no circumstance shall a Council member make any representation regarding an applicant's future chances of nomination, an individual Council member's intentions regarding future votes, or any other topics held confidential by these bylaws. The Council may designate a Council member or staff person to convey recommendations to applicants regarding steps they could take to improve their qualifications and to judges to convey recommendations regarding steps they could take to improve their judicial performance.

(B) Communication of Council decisions. The Council may designate one or more Council members and/or staff members to communicate the Council's votes on nominees to applicants and on retention recommendations to judges.

(C) Communications with the Governor. After the list of nominees has been submitted to the governor, no Council member, either directly or indirectly, shall initiate contact with the governor or any member of the governor's office or staff for the purpose of influencing the governor's decision. However, if contacted by the governor or a member of the governor's office or staff, Council members may discuss their own views about the qualifications of applicants as well as publicly available information.

Article XI
Access to Council Records

Section 1. **Public Records**

All records of the Judicial Council, unless confidential or privileged, are public as provided in AS 40.25.110. The public shall have access to all public records in accordance with AS 40.25.120. Public Records include:

1. Council bylaws and policy statements;
2. Minutes of Council meetings;
3. Final Council reports;
4. Financial accounts and transactions;
5. Library materials; and
6. All records other than those excepted in this bylaw.

Section 2. **Right to Privacy**

Materials that, if made public, would violate an individual's right to privacy under Art. I, Section 22, of the Alaska Constitution, shall be confidential. Confidential materials are not open for public inspection and include:

1. Solicited communications relating to the qualifications of judicial or public defender vacancy applicants, or judicial officers, including confidential comments received by the Council in response to its surveys, responses to counsel questionnaires, responses to solicited reference letters, and other investigative materials;

2. Unsolicited communications relating to the qualifications of a judicial or public defender applicant or judicial officer, where the source requests confidentiality;

3. Those portions of the "application for judicial appointment" and "judge questionnaire" that reveal sensitive personal information entitled to protection under law. Although not public, the confidential sections of nominees' judicial applications may be provided to the governor;

4. Investigative research materials and internal communications that reveal sensitive personal information entitled to protection under law; and

5. Contents of Council employees' and members' personnel records, except that dates of employment, position titles, classification and salaries of present and/or past state employment for all employees are public information. In addition, application forms, resumes and other documents submitted to the Judicial Council in support of applications for any position with the Council grade 16 or above are public information.

Section 3. **Deliberative Process**

Materials that are part of the deliberative process of the Judicial Council, including those prepared by Council employees, are privileged and confidential if their disclosure would cause substantial and adverse effects to the Council that outweigh the need for access. These materials generally include drafts and computations prior to final document approval, internal memoranda

conveying personal opinions, and other pre-decisional documents not incorporated into public records under this bylaw.

Section 4. **Other Information**

Information required or authorized to be kept confidential by law is not a public record.

Section 5. **Privileged Communications**

Communications that are legally privileged are not public information. These communications include but are not limited to communications between the Council and its attorney made for the purpose of facilitating the rendition of professional legal services to the Council.

Section 6. **Release of Information**

If a record contains both disclosable and nondisclosable information, the nondisclosable information will be deleted and the disclosable information will be disclosed. Information that otherwise would not be disclosable may be released to the subject of that information or to the public if it is in a form that protects the privacy rights of individuals and does not inhibit candid debate during the decision-making process.

Article XII
Office of Judicial Council

The Council shall designate an office of the Council in such location as it deems appropriate. Records and files of the Council's business shall be maintained by the executive director at this location.

Article XIII
Appropriations

The Council will seek such appropriations of funds by the Alaska Legislature and other funding sources as it deems appropriate to carry out its constitutional and statutory functions.

Article XIV
Bylaw Review and Amendment

The Council shall review these bylaws at intervals not to exceed six years. These bylaws may be altered or amended by the Judicial Council by concurrence of four or more members, provided reasonable notice of proposed amendments has been provided to all Council members.

These bylaws adopted by the Alaska Judicial Council, this 15th day of February 1966; amended November 10, 1966; June 18, 1970; March 30, 1972; February 15, 1973; May 26, 1983; December 10, 1986; March 19, 1987; January 14, 1989; November 2, 1993; June 26, 1996;

December 9, 1996; September 23-24, 1997; July 6-7, 1998; July 15, 2002; September 22, 2005; November 28, 2005; January 31, 2006; October 14, 2006; January 22, 2012; August 18, 2020; December 10, 2020; November 8, 2024; ____, 2027

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[i] Alaska Const. Art. IV, § 6; AS 22.05.100 (Approval or rejection of supreme court justices); AS 22.07.060 (Approval or rejection of court of appeals judges); AS 22.10.150 (Approval or rejection of superior court judges); AS 22.15.195 (Approval or rejection of district court judges); see also AS 15.15.030(10) (specifying that "the question of whether the justice shall be approved or rejected shall be set out in substantially the following manner: (A) Shall . . . be retained . . .?").

[ii] Alaska Const. Art IV, § 9. ("The judicial council shall conduct studies for improvement of the administration of justice, and make reports and recommendations to the supreme court and to the legislature at intervals of not more than two years. The judicial council shall perform other duties assigned by law.")

[iii] Alaska Const. Art. XII, § 3. See Begich v. Jefferson, 441 P.2d 27, 32. ("[W]e conclude that the term was intended to prohibit all other salaried nontemporary employment under the United States or the State of Alaska.")

[iv] Article IV, Section 5 of the Alaska Constitution, as well as, AS 22.05.080 (Supreme Court Vacancies), 22.07.070 (Court of Appeals Vacancies), 22.10.100 (Superior Court Vacancies), and 22.15.170 (Selection of District Court Judges) require the governor to appoint from among at least two nominees.

[v] See Delahay v. State of Alaska, 476 P.2d 908, 914 (Alaska 1980) (holding that the Judicial Council's sending one more nominee than the number of positions to be filled constituted compliance with the statutory requirements).