

George,

Thank you for your years of service with the Court. I know everyone appreciates your dedication and hard work. As to the specific question you posed, I had seen the letter to the editor you wrote, and it does raise serious ethics concerns.

If the letter had been written by a state court judge, the Commission would have recommended disciplinary action. As judges are required to refrain from any extra-judicial activity that could cast reasonable doubt on the judge's capacity to act impartially as a judge or demean the judicial office (Canon 4 A). Even retired senior judges are subject to those restrictions, and so have a specific exception in our Code to allow senior judges to "speak publicly regarding the qualification of a judge seeking retention who faces active opposition." Application of the Code section B(1)(f). So, had a retired senior judge eligible for service written the letter you did, we would initiate a procedure to start disciplinary proceedings, or suggest they no longer serve in that capacity.

I have attached a summary of national cases addressing these issues. Many of the states cited also have elected judiciaries. In our state we have even a more restrictive approach, to ensure that the judiciary is not viewed as a political entity. Judicial officers as the face of the judiciary, must separate themselves from any public political identification (on issues or candidates) except as necessary to exercise their individual voting rights.

While as a magistrate judge you may not directly hear cases involving the Governor or the Republican party, members of your community who would appear in front of you are likely supporters of both. Your letter was a public statement that you do not respect those entities.

As concerned individuals we all have strong opinions about important public issues, but when having jobs that entail the public trust of all Alaskans, we need to do everything to ensure that that trust not be questioned (as being only for some).

So sorry that this incident occurred. I know it is not representative of your work as a judicial officer and hope that you can fully enjoy your retirement (and are now free to be politically involved as well).

Marla

Marla N. Greenstein
Executive Director
Alaska Commission on Judicial Conduct
510 L Street, #585