



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

March 18, 2019

Alaska Judicial Council
510 L Street, Suite 450
Anchorage, AK 99501

Dear Judicial Council (or Susan DiPietro):

I am in receipt of your email to Gina Ritacco that denies her request for documents and information related to the candidates (both nominated and non-nominated) for the two vacant Palmer Superior Court judge positions. The information requested includes solicited and unsolicited communication received by the Alaska Judicial Council (AJC) for each of the applicants, including comments and related information that is not part of the public record. The stated basis for your refusal to provide this information is that Article X of the AJC bylaws specifically prohibit the disclosure of this information.

I understand that Article IV, Sec. 8 of the Alaska Constitution provides that the AJC "shall act . . . according to rules which it adopts." But adopting a rule that prohibits disclosure of information to the Governor, the ultimate decision maker, is beyond the intended scope of this strictly procedural provision.

The Governor has a Constitutional responsibility to appoint members to the bench. This includes the obligation to exercise this appointment power responsibly. To fulfill this obligation, the Governor would like access to all the information relied upon by the AJC in selecting the three candidates that it forwarded to the Governor. The Governor notes that at least two candidates who were not recommended for this judgeship previously appeared on the AJC's list of recommended candidates for other superior court and district court positions. This inconsistent treatment is baffling, and without further information suggests arbitrary decisions. To address this concern, the AJC should explain its decision to advance these candidates to the exclusion of others, and provide all the information it considered so the Governor can make an informed decision when making appointments to the Palmer Superior Court.

The Governor will guard this information to the full extent of the law. I ask that you reconsider your decision to withhold this information, and provide these communications without delay. Without this information, the AJC is putting the Governor in an untenable position by undermining his ability to meaningfully choose the best judges for Alaska. I look forward to your response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tucker Babcock", with a long horizontal flourish extending to the right.

Tuckerman Babcock
Chief of Staff