

# **The Alaska Court System: *Celebrating 50 Years***



The 50th Anniversary of Alaska Statehood also marks the 50th Anniversary of the Alaska Court System. Prior to Statehood, courts in Alaska were part of the Territorial justice system run by the federal government. With Statehood, a new state justice system was created under the terms of the Judiciary Article of Alaska's new constitution. The first official session of the new court system was a swearing-in ceremony for the first superior court judges held November 27, 1959, in Juneau. At that time, Justice John Dimond, a member of our first supreme court, spoke to those gathered as follows:

We are the guardians of the natural and inalienable rights of man of life, liberty and the pursuit of happiness... Governments were instituted among men in order to procure those rights and we, as part of the government, have the primary duty of safeguarding such rights. This authority and duty is derived from the consent of the governed and let the judge be the servant of his fellow men and not their master... There is no place in the judiciary for tyranny, which is the antithesis of law. There is room only for a humane and proper recognition of the dignity of man, regardless of his creed, his color or his race, or his position in life.

For 50 years, the Alaska Court System has endeavored to uphold the rule of law and the promise of equal justice in our great state. We offer this exhibit as a tribute to the many dedicated men and women who have served our justice system during its first half century and given meaning to Justice Dimond's vision. To all of you, thank you very much.

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## The Judiciary Article Article 4, Alaska's Constitution

The Judiciary Article of Alaska's Constitution, which sets forth the structure and responsibilities of our state's judicial branch, was initially drafted by the Committee on the Judiciary at Alaska's Constitutional Convention, held at the University of Alaska Fairbanks during the winter of 1955-56. The committee was chaired by Anchorage attorney George McLaughlin (inset). Two of the committee's most significant recommendations, which were later adopted by convention delegates, were: (1) that the court system should be unified and centrally administered; and (2) that judges should be appointed through a "merit selection" process. Under merit selection, judicial candidates are evaluated by an independent, non-partisan body—the Alaska Judicial Council—and only the names of the best qualified are forwarded to the governor, who makes the appointments. Merit selection is considered by justice experts to be "the best way to select the best judges."

**Photo:** *The Committee on the Judiciary meets in UAF's Constitution Hall during Alaska's Constitutional Convention. L-R: Irwin Metcalf; R.E. Robertson; Maurice Johnson; George McLaughlin, Chair; Sheldon Elliott, Consultant; Ralph Rivers; Tom Harris; and (foreground) Ed Davis (visiting Anchorage attorney).*

**Inset:** *George McLaughlin, Chair, Committee on the Judiciary. McLaughlin Youth Center in Anchorage is named in his honor.*

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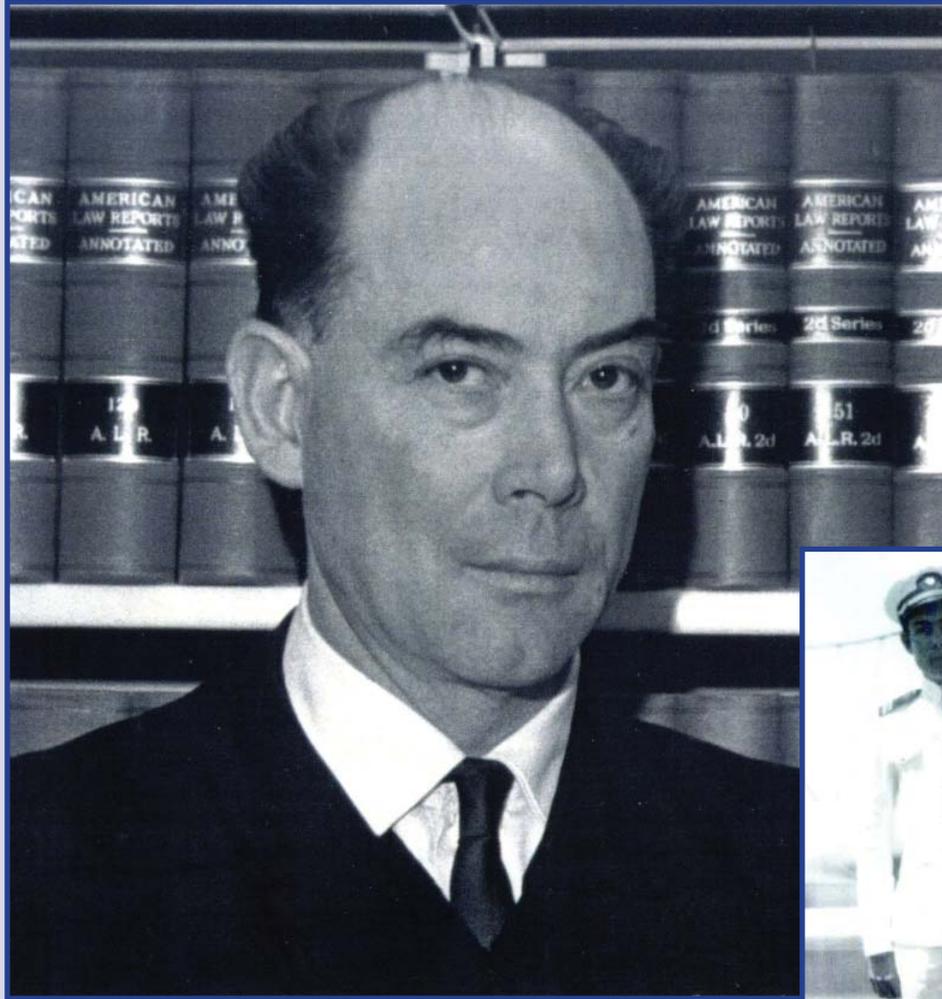
## Alaska Judicial Council

The Alaska Judicial Council was established in the Alaska Constitution's Judiciary Article to conduct evaluations of judicial candidates and recommend the best qualified candidates to the governor, who makes the appointments. The Council also evaluates judges who stand for retention by the voters and conducts studies for improving the administration of justice.

**Top photo:** The first Alaska Judicial Council met in Seward in October 1959 to evaluate candidates for Alaska's first superior court positions. L-R: Council members Jack Werner, Robert Parrish, William Whitehead, E.E. Bailey, Ray Plummer, and Roy Walker.

**Lower photo:** The current Alaska Judicial Council: L-R (standing): James H. Cannon, William F. Clark, Kevin Fitsgerald, Larry Cohn (Alaska Judicial Council Executive Director), Louis James Menendez; L-R (seated): Christena Williams, Bill Gordon, Chief Justice Dana Fabe, Teresa W. Carns (Alaska Judicial Council Senior Staff Associate).

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## Chief Justice Buell Nesbett Alaska's First Chief Justice

Alaska's First Chief Justice, Buell Nesbett, is known as the "Architect" of the Alaska Court System because he was so instrumental in establishing our new state courts in the early months after Statehood. Although the Statehood Act had authorized a three year transition from the territorial courts, Chief Justice Nesbett had the state's new justice system up and running in just six months. In the beginning, he had "absolutely nothing to work with" according to an early law clerk, and he operated out of a bare office above a downtown Anchorage hardware store. But with skill, tenacity, and legendary organizational and leadership skills, he laid a strong and enduring foundation for our justice system.

**Photo:** Chief Justice Buell Nesbett, circa 1965.

**Inset:** Buell Nesbett, U.S. Navy Commander, circa 1945.

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## Alaska Supreme Court - Early Years

The Alaska Supreme Court is the highest court in the state, with final authority over appeals from lower court decisions and final responsibility for administering the statewide court system. Alaska's first supreme court was appointed by Alaska's first governor, William Egan, in July 1959. There were three justices on the original court. In 1968, the court was expanded from three justices to five in response to an increasing appellate caseload. In 1970, Justice George Boney became chief justice upon the retirement of Chief Justice Nesbett, and he served for two years before his tragic death in a boating accident in 1972. The Nesbett Courthouse and Boney Courthouse in Anchorage are named in honor of our state's first two chief justices.

**Top photo:** Alaska's original supreme court justices. L-R: Justice Walter Hodge, Chief Justice Buell Nesbett, and Justice John Dimond. In front is Rosina Bringdale, Deputy Clerk of Court.

**Lower photo:** Chief Justice Nesbett and colleagues present a service award to Josephine McPhetres, the first permanent Clerk of the Supreme Court, circa. 1970. L-R: Justice John Dimond, Chief Justice Nesbett, Justice Roger Conner, McPhetres, Justice Jay Rabinowitz, and Justice Boney.

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## Alaska Superior Court

The superior court was established in our constitution's Judiciary Article as the trial court with authority over civil and criminal cases of general jurisdiction. In 1959, eight judges were appointed to the superior court by Governor William Egan. Because the justice system in Alaska during territorial days had been administered by the federal government, no state trial courts existed in Alaska at the time these judges were appointed. In November 1959, they traveled to judicial training in New Jersey to learn the duties of a trial court judge.

**Left photo:** *The original eight judges depart from Juneau, L-R (front): Judge James von der Heydt, Judge Edward Davis, Judge James Fitzgerald, Judge Walter Walsh; L-R (back): Judge J. Earl Cooper, Judge Everett Hepp, Judge Hubert Gilbert, and Judge Harry Arend. (Judge Arend would later be appointed to the Alaska Supreme Court to fill a vacancy left by the departure of Justice Walter Hodge. Justice Arend served on the high court in Fairbanks from 1960-1965.)*

**Right photo:** *Judges from across the state gather with court administrators for an informal group photograph during a 2006 judicial training conference. Today, there are 40 superior court judges in Alaska, in thirteen locations: Anchorage, Ketchikan, Kenai, Fairbanks, Sitka, Juneau, Barrow, Kotzebue, Nome, Palmer, Dillingham, Bethel, and Kodiak.*

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## Magistrates

Magistrates are judicial officers with more limited authority than a judge. They are appointed by the presiding judges of the districts in which they serve, and they do not need to be lawyers. In the early years after Statehood, justice delivery in many communities across the state relied heavily on the services of magistrates. Many held court in their living rooms or at their kitchen tables in order to ensure justice delivery in their communities at a time when state court facilities were limited. Today, magistrates continue to play a vital role in our justice system. They are the sole judicial officers in 24 of the court's 44 statewide court locations.



**Top photo:** *Magistrates from across Alaska gathered for education and training at the earliest known Magistrate's Conference, held in 1961.*

**Lower photo:** *The 2008 Magistrate's Conference in Anchorage.*

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## Alaska District Court

The district court is a trial court of limited jurisdiction, and its powers are narrower than those of the superior court. The types of cases heard in the district court include state misdemeanors and minor offenses, violations of city and borough ordinances, civil cases involving monetary claims below \$100,000, small claims cases, and domestic violence cases. Unlike the supreme court and superior court, the district court was not created at Statehood by Alaska's constitution, but was instead established by the legislature in 1968. That year, Governor Walter Hickel appointed 14 judges to the new district court locations. Among these judges were Alaska's first three women judges: Judge Dorothy Tyner of Anchorage; Judge Nora Guinn of Bethel; and Judge Mary Alice Miller of Fairbanks. Judge Guinn was also the first Alaska Native judge in the state.

Today, there are 21 Alaska district court judges in the State, serving in nine locations: Anchorage, Bethel, Fairbanks, Homer, Juneau, Kenai, Ketchikan, Palmer, and Valdez. Of these, about 25% are women: Judge Catherine Easter of Anchorage; Judge Sharon Illsley of Kenai; Judge Jane Kauvar of Fairbanks; Judge Margaret Murphy of Homer; and Judge Stephanie Rhoades of Anchorage.

**Top photos, L-R:** Judge Dorothy Tyner, Judge Nora Guinn, and Judge Mary Alice Miller.  
**Lower photos, L-R:** Judge Catherine Easter, Judge Sharon Illsley, Judge Jane Kauvar, Judge Margaret Murphy, and Judge Stephanie Rhoades.

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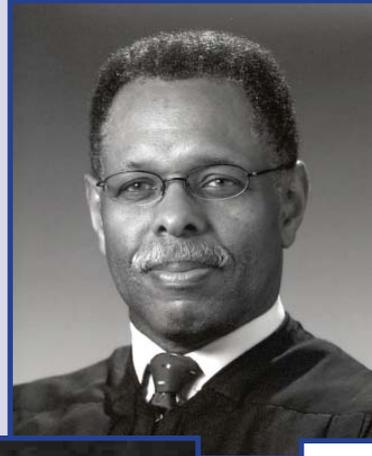
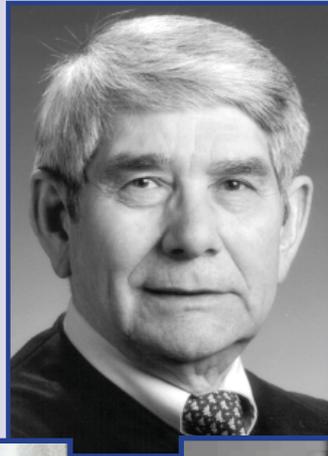
## Clerks of Court

Most court locations across the state are served by a “clerk of court” who oversees administrative tasks such as scheduling hearings and trials before judicial officers, handling the acceptance and filing of paperwork, recording court proceedings, and providing information to people involved in court cases. Many clerks of court are also deputy magistrates, which allows them to serve as judicial officers in certain types of cases. From the early days of the Alaska Court System, clerks of court have played a vital role in justice delivery in our state.

**Top photo:** Clerks of court from across Alaska gather in 1979 for an early Clerk's Conference.

**Lower photo:** The 2008 Clerk's Conference in Anchorage.

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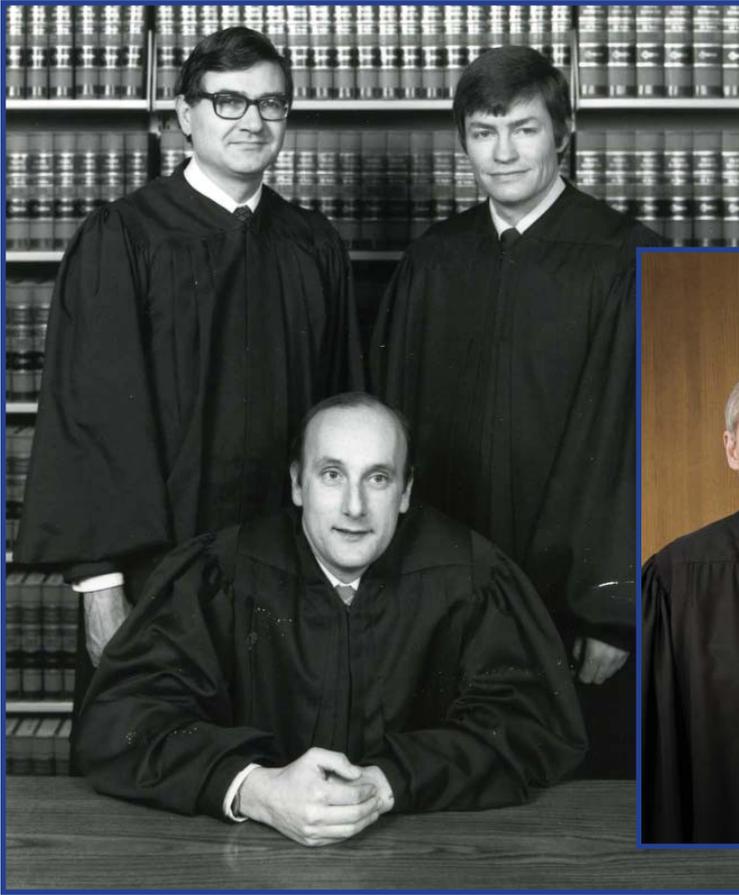


## Judicial Pioneers - Diversifying the Bench

Fostering a diverse judiciary has always been an important goal of the Alaska Court System. Since statehood, judicial pioneers who have helped bring diversity to the bench have included: top row, L-R: Judge Roy Madsen (Ret.) of Kodiak, the first Alaska Native superior court judge; Judge Rene Gonzalez (Ret.) of Anchorage, the first Hispanic judge; Judge Larry Card (Ret.) of Anchorage, the first African-American judge; Judge Sen Tan, an Asian-American who currently serves on the Anchorage Superior Court; bottom row, L-R: the late Magistrate Sadie Neakok (Ret.), an early Alaska Native magistrate from Barrow; Magistrate Mike Jackson, an Alaska Native judicial officer from Kake; and Magistrate Nancy Phillips, an Alaska Native judicial officer from St. Mary's.

Each year since 2003, the court system has co-sponsored *Color of Justice*, a program initiated by the National Association of Women Judges to encourage young women and youth of color to pursue judicial careers. Interested high school and college students and adult advisors are encouraged to attend this free program, which will take place in Anchorage June 18-19, 2009. For more information about *Color of Justice*, please visit <http://www.state.ak.us/courts/outreach.htm>

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## Alaska Court of Appeals

The Alaska Court of Appeals is an intermediate appellate court created by the Alaska legislature in 1980. The three-judge court hears appeals from final decisions by the superior court or district court in criminal cases, including cases concerning the merits of a conviction (merit appeals) and cases concerning the excessiveness or leniency of a sentence (sentence appeals). A criminal defendant who loses an appeal before the court of appeals may request review by the supreme court, but the supreme court is not required to accept review. Often, the decision of the court of appeals is the final decision in a criminal case.

**Left:** *The judges on the original Alaska Court of Appeals, established in 1980, included, L-R: Judge James Singleton, Chief Judge Alexander Bryner, and Judge Robert Coats.*

**Right:** *Today, the judges on the Alaska Court of Appeals are, L-R: Chief Judge Robert Coats, Judge Joel Bolger, and Judge David Mannheimer.*

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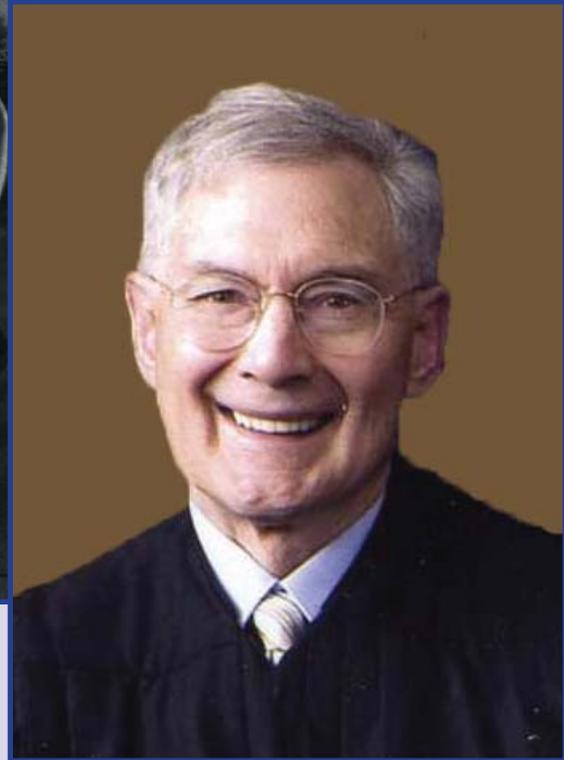
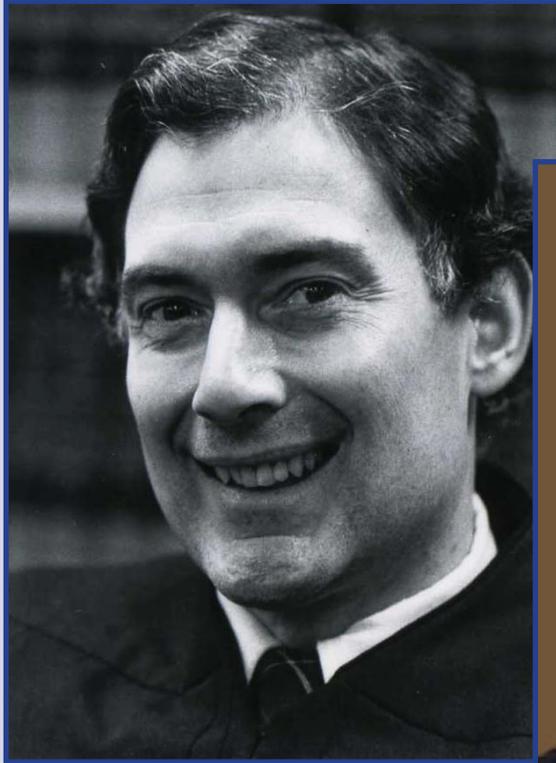
## Lifetime Service to Justice

Judge James Fitzgerald and Judge James von der Heydt were both among the first eight judges appointed to the Alaska Superior Court in November 1959. Judge Fitzgerald was appointed to serve in Anchorage and Judge von der Heydt was appointed to serve in Nome. Both judges would later be appointed to the U.S. District Court, and Judge Fitzgerald would also serve several years on the Alaska Supreme Court. They remain senior judges in the federal courts to this day, and between them they have devoted over 100 years to serving justice in Alaska.

Justice Jay Rabinowitz was appointed to the Alaska Superior Court in Fairbanks in 1960, shortly after Statehood. Five years later, he was appointed to the Alaska Supreme Court, where he served for 32 years. After retiring from the Alaska Court System at the age of 70—the mandatory judicial retirement age established in our constitution—Justice Rabinowitz continued working as a settlement judge in Juneau. At the time of his death in 2001, he had served the people of Alaska as a jurist for over 40 years.

*Photo: L-R, Judge James M. Fitzgerald, Justice Jay A. Rabinowitz, and Judge James A. von der Heydt at the 2000 Alaska Bar Association Convention in Anchorage.*

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## A Legacy of Justice

Justice Warren Matthews will retire after 32 years on the Alaska Supreme Court during the same year we celebrate the 50th Anniversary of Statehood. Justice Matthews turns 70—the mandatory judicial retirement age under our constitution—in April 2009. Justice Matthews was appointed to the bench by Governor Jay Hammond in 1977, and he quickly gained a reputation as a thoughtful, patient and meticulous jurist. He was twice selected by his colleagues on the court to serve a three-year term as chief justice, from 1987-1990, and again from 1997-2000. According to current Chief Justice Dana Fabe, “(h)is command of the law and his rigorous analytical skills contributed to a legacy of excellence, and the high standards he set for integrity and professionalism remain the ones to which we all aspire. It is fitting that we celebrate his career in the same year we celebrate...Statehood, because few have done as much as he has to shape Alaska’s judiciary during our first fifty years.”

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## Alaska Supreme Court - Today

The justices of the Alaska Supreme Court in 2009 as we celebrate the 50th Anniversary of Statehood, are, L-R: Justice Warren Matthews of Anchorage; Justice Daniel Winfree of Fairbanks; Chief Justice Dana Fabe of Anchorage; Justice Walter Carpeneti of Juneau; and Justice Robert Eastaugh of Anchorage. **Chief Justice Fabe** was appointed to the supreme court in 1996 and is both the first woman to serve on the court and the first woman to be selected by her colleagues to serve as chief justice. In July 2009, she will complete her second three-year term as chief justice. **Justice Matthews** has served on the supreme court for 32 years and is the court's senior justice. He will retire in April 2009. **Justice Eastaugh** is a third generation Alaskan lawyer, originally from Juneau, who has served on the supreme court since 1994. His grandfather, R.E. Robertson, was a delegate to Alaska's Constitutional Convention and served on the Committee on the Judiciary. **Justice Carpeneti** came to Alaska in 1970 to clerk for one of the court's original members, Justice John Dimond. He served as a superior court judge in Juneau for many years before his appointment to the supreme court in 1998. **Justice Winfree** is a third generation Fairbanksan who joined the supreme court in January 2008 after a 25-year career in private practice.

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## Statewide Court Locations



### Trial Court Judicial Officers:

- ★ Superior and District Court Judges
- Superior Court Judge & Magistrate
- District Court Judge Only
- ▼ Magistrate Only
- ◆ Itinerant Court Sites