

# ***THE STATE OF THE JUDICIARY***



Chief Justice Jay A. Rabinowitz in Emmonak, circa 1973.

***A MESSAGE BY  
CHIEF JUSTICE DANA FABE  
TO THE FIRST SESSION OF THE  
TWENTY-NINTH ALASKA LEGISLATURE  
February 11, 2015***



## **STATE OF THE JUDICIARY**

**Chief Justice Dana Fabe**

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President Meyer, Speaker Chenault, Senators and Representatives, and guests. The State of the Judiciary address once again presents a valuable opportunity to share with you both the successes and challenges of Alaska's justice system over the past year, and on behalf of all of us who serve our courts statewide, I extend my gratitude for the opportunity to speak with you today.

Before I begin my remarks, I would like to acknowledge my colleagues on the Alaska Supreme Court. Justice Daniel Winfree of Fairbanks is a lifelong Alaskan appointed in 2007 after a career in private practice. He serves as the court's liaison to the National Conference of Bar Examiners and as chair of the court's new Elder Law Task Force. Justice Craig Stowers was appointed in 2009 after a career in private practice and several years on the Anchorage Superior Court bench. He serves as chair of the court's Security and Emergency Preparedness Committee and is also a member of Alaska's delegation to the national Uniform Laws Commission. Justice Peter Maassen was appointed in 2012 after a career in private practice and chairs both the Judicial Education Committee and the Access to Civil Justice Committee. And finally, Justice Joel Bolger, who was appointed in 2013, holds the distinction of having previously served as a judge at every level of court in our state, from the District Court in Valdez to the Superior Court in Kodiak to the Alaska Court of Appeals. Currently, he co-chairs the Criminal Justice Working Group with Lieutenant Governor Byron Mallott.

And finally, I would like to acknowledge the members of the Alaska Court System's administrative staff who are with us today: Christine Johnson, Administrative Director; Doug Wooliver, Deputy Director; Nancy Meade, General Counsel; and Lesa Robertson, Assistant to the Director. Also with us today is Susanne DiPietro, Executive Director of the Alaska Judicial Council, an independent and constitutionally created entity within the judicial branch, which administers Alaska's judicial selection and retention process, and conducts research on issues

facing our justice system in order to make recommendations for improvement of the administration of justice.

The opportunity to speak to you is especially meaningful to me at this time.



Justice Jay A. Rabinowitz being sworn in by Justice John Dimond with Governor William Egan observing. Photo courtesy of William A. Egan Papers, UAF-1985-120-650, Archives, University of Alaska Fairbanks.

This year marks the 50<sup>th</sup> anniversary of the appointment to the Alaska Supreme Court of one of our state's finest jurists, Justice Jay A. Rabinowitz of Fairbanks. Justice Rabinowitz was one of the longest-serving justices in the court's history, and served four terms as Chief Justice. Today the Fairbanks courthouse bears his name.

When I came to Alaska in 1976 to clerk for Justice Edmond Burke, Justice Rabinowitz was the senior justice on the Alaska Supreme Court. And he was still the senior justice twenty years later when I was appointed to the supreme court. To say that he left an indelible mark on our justice system would be to understate his many lasting contributions. Quite simply, his impact on the strength of our judiciary and the standards of excellence to which we continue to aspire are unparalleled. I would like to begin today by reflecting on his remarkable legacy.



L-R: Justice Robert L. Eastaugh, Justice Jay A. Rabinowitz, Justice Dana Fabe.

Jay Rabinowitz dedicated his life to the pursuit of justice because he had seen up close what injustice looks like. Throughout his youth, he experienced discrimination because of his Jewish ancestry.

"[T]he prejudice that was rampant when I was growing up was anti-semitism," he once said. "[It] is a very difficult thing to grow up with . . . yet very

instructive in that it shapes your values, and you never want to mistreat another human being . . . .”

Eventually, Jay learned that he lost over 200 members of his extended family to the Holocaust. Immediately after the war, he returned personally to Europe to help rescue his grandfather’s brother, Chaim, from the refugee camps.

Many years later, during an interview in Juneau shortly before his death, he described the profound influence of these experiences: “The indifference to human suffering [during the Second World War] shaped me more than anything else . . . . You treat everybody humanely after you’ve been on the receiving end, or your family’s been on the receiving end, of that kind of inhumanity.”

Jay was a gentle and funny man, but there was a passion inside him that burned for a better world. As Alaskans, we are fortunate that he chose a career in law as the best way to serve his passion, and that he chose to settle here at a time when



our state was still young and his intelligence, strong ethics, and prodigious work ethic could make a deep and lasting impression. He dedicated his long career to the rule of law because he knew firsthand what happens when respect for law and justice breaks down. He embraced the law’s call for fairness and impartiality because he had seen both abandoned in one of humanity’s darkest hours.

I share Justice Rabinowitz’s story today because I believe that in a democracy such as ours, we need to be constantly vigilant about the vital principles he devoted his life to, and which continue to guide our justice system today: fairness, impartiality, and the rule of law. Jay believed in keeping our eyes focused clearly on the prize: a justice system in which all Alaskans can place their trust and confidence. And he believed that to achieve such a system, all citizens – regardless of race, ethnicity, religion, or political views – must know that the promise of “justice for all” embraces them, too.

In any society, the absence of justice is keenly felt because of dramatic and often tragic consequences. But as Jay recognized, a justice system that routinely functions well inspires comparably little public excitement or attention:

The daily workings of the Alaska Court System are anything but front page news. Rather our judges and administrative personnel all engage in the quiet, intense and often tedious task of shepherding thousands of cases to resolution – cases that at times can be terribly complex and protracted, yet all of which invariably affect the liberty, lives, and property of thousands of Alaskans annually.

Given the tumult arising from failed justice systems that he had witnessed in his lifetime, I'm sure Justice Rabinowitz took great satisfaction from the fact that our justice system in Alaska rose over time through a calm and rational process of incremental growth and improvement, marked by strong support from all arms of government at the highest levels. In reviewing State of the Judiciary addresses that he delivered in his day, I was struck by how many times he would raise a concern one year, only to return in following years to report progress based on joint action. Whether the need was new court facilities or judicial positions, new programs or technology, new justice approaches or new ways to function more efficiently, the pattern that emerges clearly is one of strong partnership and mutual investment among the three branches of government. Fortunately for Alaskans, this pattern continues. Were he alive today, I think Jay would be very pleased at what our combined efforts have achieved, and what we continue to achieve as we learn from the past and look to the future with the best interests of all Alaskans at heart.

In keeping with the theme of quiet and steady progress – the hallmark of a stable justice system – I'm happy to report a number of new developments over the past year and to relay updates on several joint projects that continue to hold great promise.

**Child Custody.** In the past year, we have made significant strides toward improving the way we handle the sensitive cases that affect one of Alaska’s most



vulnerable populations – our children. In February 2014, I convened a statewide Child Custody Summit to bring together professionals with a wide range of experience in custody cases to address new and challenging trends we are seeing in our caseload statistics. Almost 85% of cases involving child custody have at least one self-represented litigant, a fact that compels us to examine ways to make the legal process less complex and easier to understand. Motions to

modify custody decrees have increased by almost 40% since 2009, an alarming indication that the adversarial legal model leaves many families unsettled, and that a collaborative approach might yield more stable and lasting results. Against the backdrop of such new realities, summit participants reached recommendations that are remarkable for their simplicity, common sense, and – most importantly – their keen sense of concern and compassion for the struggles faced by Alaskan families in conflict.

First, participants identified the need for an early “triage” approach to the allocation of resources in custody cases. Just as we’ve learned with the “smart justice” approach to criminal cases, family litigants are not “one size fits all.” Lower conflict cases can often be resolved without trial through such services as the “Early Resolution Program,” which provides volunteer attorneys, court mediators, and a special court settlement docket shortly after cases are filed. Identifying early where an individual case is likely to fall along the conflict continuum allows court services to be targeted more closely to litigants’ needs, in a much more timely way.

Second, summit participants urged the court to focus more effort on fostering the success of court custody decrees. Quite simply, it does little good to issue final child custody orders if parents are unwilling or unable to follow their terms, or will soon seek to change them. To address these concerns, we now include motions to

modify custody in the Early Resolution hearings. Given the Early Resolution Program’s amazing track record for achieving resolutions quickly – before hard lines of conflict are deeply drawn – we are confident that including suitable modification requests will allow parents to resolve their post-decree disputes as fairly and efficiently as possible. On this note, I would like to acknowledge the tremendous support of Alaska Legal Services Corporation and the many volunteer *pro bono* attorneys of the Alaska Bar Association whose efforts make the Early Resolution programs in several court locations possible. Without their generous commitment of time and expertise, we could not sustain these valuable programs.

Third, the summit identified the need for simpler court procedures for those domestic relations cases that cannot be resolved short of trial. Because so many family litigants are now representing themselves and unfamiliar with the formal adversarial process – especially rules governing the submission of evidence – they face difficult and stressful hurdles when presenting their cases in the traditional manner. Now, we have taken a groundbreaking step that goes beyond simply helping parties conform to traditional court procedures. Under a new court rule, parties in domestic relations cases now have the option of electing an “informal trial,” a court process specifically designed to accommodate non-lawyers, although parties with attorneys can also participate. Modeled on small claims procedures that non-attorneys have long used to resolve money disputes, the new format allows the judge to direct the court proceedings in a more streamlined way. This new informal trial option changes the roles of judges, parties, and lawyers in a way that minimizes procedural formalities yet protects parties’ rights to a full and fair opportunity to be heard. It is our hope that this new trial option will allow families to not only resolve their disputes more quickly and efficiently, but to do so in a manner that is less mystifying, combative, and frustrating to all concerned.



Children suffer greatly – sometimes in life-altering ways – when their parents break up and turn their anger at each other, often destroying any hope of a positive relationship as co-parents. We believe the recent steps I’ve outlined will help reduce the levels of hostility in custody disputes. But in tandem with these efforts, we are even rethinking the language we use. Is the word “custody” – which also describes holding property or chattel, or confining someone in jail – the best way to express a parent’s connection to his or her child? Are parents really just “visiting” their children when they assume responsibility for them for a given period? Is it really necessary to entitle cases “(Mother) VERSUS (Father)” like we’re promoting a boxing match, when a less adversarial expression – like “In the Matter of (the Children)” would serve the same purpose?

These are among the questions we continue to ask ourselves as we work to make our courthouses more accommodating to families in transition. And they are questions that the judicial and legislative branches can address together. Just as court rules, forms, and procedures for domestic relations cases have traditionally been filled with terms that pit parties against each other, many state statutes adopt such terms as well. We would welcome the opportunity to work together to improve our mutual use of language in this area, so that we may begin to change the perception that resolving family conflict, which ideally seeks equilibrium, is akin to prizefighting, where knock-outs win.

**Elder Services.** In addition to improving judicial services to our youngest citizens, we focused attention this year on another vulnerable population at the other end of the age spectrum: the elderly. Like much of the country, Alaska is



graying. In most ways, this is good news, because the older generation lends richness to our state that is beyond measure. But it also brings challenges to our justice system, because more and more elderly Alaskans are requiring court services



as they navigate the path from lives of independence to lives that rely increasingly on the assistance and support of others. Family and friends file many cases with the welfare of the elderly at heart. A conservatorship may be necessary to protect an elderly parent's finances; a guardianship may be necessary to protect an elderly friend's well-being. But sadly, many cases are filed to protect elders from those who would exploit their vulnerability. Elder abuse takes many forms: physical violence, mental intimidation, financial manipulation, and theft, among others. And Adult Protective Services must often intervene in court to safeguard individuals caught in these circumstances. Whether the intent of those who surround them is to help or to harm, the elderly deserve the full support of laws designed to keep them safe and fairly treated.

Toward this end, I have convened an Elder Law Task Force of judges, lawyers, state officials, and community professionals to examine our current practices and recommend ways we can do better. It is chaired by Justice Winfree, who brings many years of private practice experience and an abiding commitment to the issue. We will also be presenting a judicial training in May that will feature a nationally known gerontologist and a leading prosecutor of elder abuse. Together, we can educate ourselves about the unique challenges elders face and continue our tradition of collaborative problem-solving on their behalf. We live in a state with diverse and vibrant indigenous cultures that consider respect for elders among their highest values. We are also home to diverse cultures from across the globe that hold elders in high esteem as the keepers of history and heritage. We can learn from these traditions as we work to make our justice system more accessible and responsive to the elderly. And we can learn from the elderly themselves how to best ensure that those fortunate enough to grow old in Alaska can look forward to peace and comfort, not fear and hardship.

**Technology.** Thirty years ago, Justice Rabinowitz reported to you his excitement about a new computerized case management system. He was speaking – pre-Internet – of the use of computers to maintain case dockets at local court sites. Though the size of refrigerators, the computers of his day provided a great advancement over earlier paper-based record systems. Justice Rabinowitz was also excited about the potential use of closed-circuit TV for arraignments, at a time when TV filming equipment was expensive and cumbersome, the word “video” was new to the jargon, and the mobile recording devices so ubiquitous today were the stuff of science fiction. Reading his words, I was struck by the pace of change. The goal of courts has remained the same – ensuring access to a forum for the full and fair resolution of disputes. But the



Senior Judge Stephanie Joannides presiding over an Early Resolution Program hearing in Juneau with parties appearing by video from Ketchikan.

technology to address this goal has progressed rapidly and irrevocably, offering options unimaginable just a short time ago. Today, vast volumes of court information are available online, and many court services as well; we are close to implementing a system for the electronic filing of documents, which will lead ultimately to paperless courts; we are using video-conferencing to address the expense and inconvenience of unnecessary travel; and we will soon begin communicating with potential jurors by email, text messages, and other modern means to help support and facilitate their service. We are working hard to stay current with what technology has to offer, yet I have to wonder how future Chief Justices who speak before this body will characterize the many new innovations we are putting in place. Today’s cutting edge is tomorrow’s quaint



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and antiquated practice. So we are probably more mindful than ever of the adage that change is the only constant. And that keeping up with change is what we do, and have always done.

**Stewardship.** Yet one thing that has never changed over the years is our commitment to fiscal responsibility, especially during times like these when our state faces severe budget shortfalls. The Alaska Court System's operating budget, and those of the Alaska Judicial Council and the Commission on Judicial Conduct, together make up less than 1.4% of the state operating budget. Last year I discussed with you the court system's commitment to stewardship and our continuing efforts to manage public resources wisely. I explained how we are enlisting our retired judges to cover court calendars and trials instead of asking for additional judicial resources, and how we are using technology to manage our caseload more efficiently and to support other agencies in their efforts to deliver better service.

Before the extent of the current budget crisis was known, we developed a budget request that was a "bare bones" budget. Now, in light of the dire situation, we have offered an amended budget that would reduce our request by \$3.5 million.

Further, I have asked the administrative office and the presiding judges to review our business practices and identify possible additional savings for the long-term, which will allow us to operate in future years at less cost to the state. We are also looking at what we can do in the short-term to reduce court spending in the next fiscal year. While we have gone through this exercise before, this time nothing is off the table. Even our most time-honored practices will be reassessed and changed if they are not sustainable in the coming lean times. But we are a complex organization, and many of the fundamental changes that we expect to see will take time to plan and implement. We are prepared to make a number of drastic changes in order to provide temporary relief while we engage in the fundamental process of reengineering the way we do business.

Yet as the budget discussions proceed, I ask you to remember that the court is part of an entire justice system: a system that includes not only our branch – and a number of executive branch agencies – but also thousands of private citizens who come to court to have their disputes resolved. The court does not control the

number or types of cases that come before us, or which charges will be brought or tried, but it is our responsibility to resolve all of them as promptly, thoroughly, and fairly as we can.

Although I am confident that we can continue to satisfy the demands of justice delivery within the current budget constraints, extensive operational changes within the judiciary cannot be implemented overnight. And while I expect that we will be revisiting all of our trial site designations and venue district boundaries as part of the reorganizing process, I must stress the importance of maintaining a meaningful presence in rural Alaska. This will likely be our greatest challenge: to resist the financial pressures to centralize our operations in the hub communities and insist that Alaskans come to those hubs for justice or do without.

**State-Tribal Relations.** One final topic I'd like to address underscores how change for the better is not limited to innovative programs or new technologies, but



to the nature of our relationships themselves. In fact, the greatest breakthroughs often happen when we stop to reassess our interactions with others and replace patterns of distrust and detachment with shared hopes for conciliation and cooperation. Nowhere in Alaska is this more evident than in the evolution of state-tribal relations. Over twenty years ago, in his 1992 State of

the Judiciary address, Justice Rabinowitz appealed for action to address the challenges facing Alaska's Native villages:

[T]he suicide rate is incredible, the high school dropout rate is incredible, the drug and alcohol abuse is way disproportionate to the numbers in our society. The figures in any facet of social activity cry out for an imaginative and immediate address.

We need to weave a stronger role for local dispute mechanisms, including tribal courts, into the fabric of our state's justice system. Today, this goal is more important than ever as the state system endeavors to do more with less, and the use

of local dispute mechanisms when appropriate presents an opportunity for significant cost savings. I'm pleased to report important progress in this area.



L-R: Justice Craig Stowers; Tribal Judge David Avraham Voluck; Justice Daniel E. Winfree; Justice Peter J. Maassen; Chief Tribal Judge Peter Esquiro, Sitka Tribe of Alaska; Justice Joel H. Bolger; Chief Justice Dana Fabe.

First, the supreme court has adopted new court rules to clarify procedures for two specific state-tribal interactions. Recent additions to both the Criminal Rules and Delinquency Rules set forth procedures by which a state court may refer cases to local restorative justice programs such as circle

sentencing. A new Child in Need of Aid rule establishes a process by which tribes can register, confirm, and seek enforcement of tribal court orders entered under the federal Indian Child Welfare Act, which gives tribes a strong role in decisions concerning tribal children. Both rules are the product of many years of effort by court staff, volunteer members of the court's advisory rules committees, and tribal representatives. And both represent major steps toward formalizing state-tribal relationships in two areas of law in which both the state and tribes have clear roles to play. I am humbled and grateful to everyone who has given their time and expertise to bring these rules to fruition – for their dedication, their mutual respect, and above all, their patience. It took a long time, but the results will be worth it if we begin to see



Circle Sentencing, Huslia.

more of the outcomes we hope for: localized, culturally appropriate, and effective solutions to the persistent problems our rural communities face.

Second, we have continued to work closely with the Alaska Native community to foster more collaborative, community-based mechanisms of justice

delivery across the state. Native leaders have long focused on promoting safety and wellness in their communities – especially among young people – and many tribes stand ready and able to play a role in local dispute resolution. For example, the Kenaitze Indian Tribe in Kenai sponsors a Tribal Youth Circle for youth facing conflicts with family, school, or the law.

Alaska’s Minor Consuming Alcohol statutes have long permitted state court judges to refer cases to “community diversion panels” such as the Kenaitze Tribe’s



Justice Joel H. Bolger facilitating a panel discussion with tribal judges and others at the Minor Consuming Alcohol Conference.

Youth Circle, but referrals have been rare. Last year, we convened a joint state-tribal conference to examine ways to implement Minor Consuming Alcohol diversion provisions

more broadly. As a result, we now have diversion agreements in place between Alaska District Courts in Sitka, Kenai, and Cordova, and the Sitka Tribe of Alaska, Kenaitze Tribe, and Native Village of Eyak Tribal Court, respectively, and we expect more cooperative agreements as local interest grows. Underage drinking steals too many young lives, causes too many senseless tragedies, and sets too many young people down paths of self-destruction that continue into adulthood. While not the only communities to suffer its effects, Alaska’s villages bear a special burden because their isolation makes both services and traditional justice responses difficult to access. By diverting Minor Consuming Alcohol cases to local tribal courts where appropriate, we expand the level of resources available to address the problem, integrate local wisdom and cultural norms into the problem-solving process, build stronger foundations for justice delivery in rural areas, and – most importantly – allow youth to be guided and held accountable by those who know them best and who care most about their success.

A more localized, village-based approach to problems related to alcohol is also being pursued by the current campaign to eradicate Fetal Alcohol Spectrum

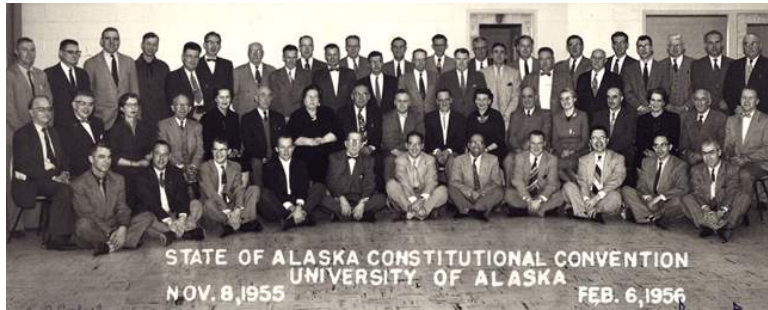
Disorders, the completely preventable birth defects that plague so many Alaskans, young and old. A recent gathering organized by First Alaskans Institute and the non-profit group Empowering Hope, founded by Senator Pete Kelly, brought identified “doers” from 130 communities to Fairbanks for two days of sharing and collaboration on ways to reach out to women to reduce drinking during pregnancy. Liz Medicine Crow of the First Alaskans Institute spoke about empowering local people to address the alcohol problem faced by so many villages: “It’s the auntie who tells you what you’re doing wrong, it’s the sister who says ‘whatever you’re doing right now, it’s not what you need to be doing.’ It’s the cousin or friend who sits with you all night when you’re not feeling good, it’s the cooks in the kitchen who just show up and cook. That’s who we’re looking for and that’s who we’re trying to find.”

It is more clear to me than ever that the solutions to the problems of rural Alaska lie in collaborative efforts that bring local people fully and meaningfully to the table. As hard as we may try in the state justice system, and as dedicated as we may be, solutions we impose from afar will continue to miss the mark if they fail to take local resources, knowledge, wisdom, and guidance into account.



I am very pleased that in recent years state and tribal justice entities have laid a strong foundation for closer ties and cooperation. In addition to our Minor Consuming Alcohol initiatives, we have co-sponsored joint trainings to facilitate the practice of circle sentencing, to explore ways to better serve the growing numbers of self-represented litigants in both state and tribal courts, and to learn best practices for meeting the requirements of the Indian Child Welfare Act. Each of these collaborations has brought state and tribal judges closer to a mutual understanding of the challenges we face, and to a greater trust and confidence that we can face them successfully together. We must continue to build on this common ground for the sake of our common future.

**Celebrating Excellence.** As Alaskans, we are tremendously fortunate that our justice system has been so resilient and adaptable over time. I credit our success in part to the brilliance of our constitution, which established a structure based on the bedrock principle that courts



must work equally for everyone. The delegates to Alaska’s Constitutional Convention understood that the promise of justice for all would simply be words on paper if we didn’t have strong institutions committed to giving it meaning. So they adopted not only a unified structure for the judicial branch, which allows us to solve problems as uniformly and efficiently as possible across our vast state, but also an independent merit-based system for selecting judges that insulated the judiciary from political pressures that can undermine fairness and impartiality. Justice Rabinowitz once observed that his fellow Alaskan judges were “possessed of unquestioned integrity, compassion for humanity, and an abundance of legal skills.”

Since Statehood, Alaskans have benefited from the talents, intelligence, and diligence of many extraordinary judges who have dedicated decades of their careers to the difficult, sensitive, and patient work of helping people resolve their conflicts peacefully, in accordance with the rule of law. Today, I would like to recognize someone who has just completed over 32 years on the bench, and whose work for his community and state as a whole well exemplifies the highest standards of public service. Judge Michael Jeffery moved to Barrow in 1977 to work for Alaska Legal Services Corporation. With an undergraduate degree from Stanford and a law degree from Yale, he could have claimed a job almost anywhere. But he embraced the Inupiaq culture and has called Barrow home ever since. Appointed to the superior court in 1982, Judge Jeffery served Barrow and other communities on the North Slope almost continuously until stepping down last December at the mandatory retirement age of 70. During his time on the bench, he contributed in countless ways to improving our justice system, especially in rural areas. He





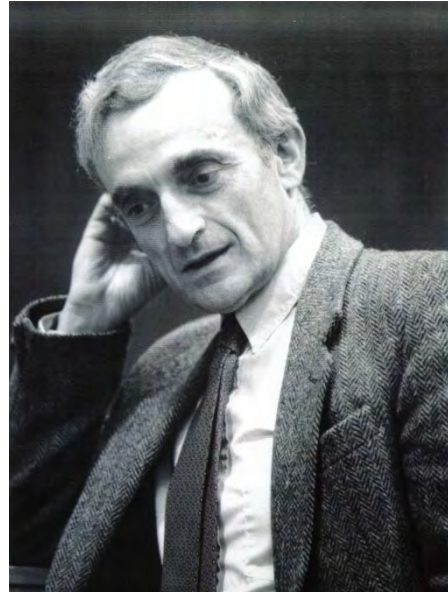
Retired Judge Michael I. Jeffery performing with an Inupiaq dance group.

became a leading expert on Fetal Alcohol Spectrum Disorders, authoring articles and presenting at state and national conferences. And in 2012, he worked with now-Senate President Kevin Meyer and the FASD Partnership to champion a change to state law for individuals with Fetal Alcohol Spectrum Disorder. Alaska is now the first state in the country

to have a mitigating factor that specifically allows for reduced jail time for those who have an FASD diagnosis and can show that the condition played a role in the offense. Judge Jeffery worked hard to make the court process more understandable to everyone who appeared before him, by proceeding slowly, avoiding legal jargon, and designing ways to illustrate court processes for those facing language, cultural, or cognitive barriers. Whether performing with an Inupiaq dance troupe or learning the Inupiaq language, Judge Jeffery sends the message that he values the community he serves. In turn, the community has valued him and the institution he represents.

I highlight Judge Jeffery today to extend our gratitude for his many years of selfless service to the people of Alaska. But I mention him also to remind us of how lucky we are that men and women of Judge Jeffery's high caliber devote their life's work to our courts. Like Justice Rabinowitz and many other luminaries before and after him, Judge Jeffery saw service to Alaska's judiciary as a way to make a lasting, positive difference, and as an endeavor in which he could be proud to take part. He set about the task quietly, humbly, compassionately, and skillfully, with the interests of the people he served always utmost in mind. And as a result, his legacy is truly one of the most meaningful any of us could hope for: one of justice, bestowed equally, for everyone.

In closing, I would like to reflect on what allows us – as a state and nation – to continually adapt to the changing needs of our citizens despite constant challenges posed by not only changing technology, but changing demographics, changing social norms – even changes in the shape of our landscape. When you look around the world at the level of violent unrest and chaos under which many of our fellow global citizens live, it’s natural to ask what makes our country different. We are diverse in all respects – race, ethnicity, religion, politics, beliefs, geography – and we face off against each other often, and loudly, over our differences. Yet something at our core pulls us back from the violence and destruction that wracks other nations; something deeply rooted in our collective psyche leads us to fight our battles with words and reason, not weapons and rage. And I think that something is our enduring hope, and our collective faith in equal justice and the rule of law. However much it may be tested and however many times in our history we may have fallen short of its promise, the notion that we are a nation of people who stand equal before the law has bound us together through difficult times, and we have survived whole. Future generations may not remember what we do here today for the steady, patient improvement of our justice system. But if those who follow us can inherit a system that remains strong, stable, and dedicated to equal justice long after we are gone, we will have met the truest measure of our success.



This is the last year of my third term as Chief Justice, and it has always been an honor to speak with you. I will be forever grateful for the time, attention, and courtesy you have extended to me, and to all of us in the court system. I know from meeting and working with many of you that our goals are the same, and our commitment is the same. We all want a justice system that is the best it can be. It is an enormous task, but we’ve proved time and again that it can be done. In the words of Justice Rabinowitz, “if all of us live and work together in justice then

Alaska's people and our society as a whole will surely approach the natural magnificence of this land."

Thank you very much.



Emmonak families gathered to meet Chief Justice Rabinowitz, circa 1973.