



# American College of Trial Lawyers

## **Alaska Fellows of the American College of Trial Lawyers Object to Governor's Veto of Court System Budget** *Veto Seen as Threat to Judicial Independence*

ANCHORAGE, ALASKA (July 19, 2019) - An independent judiciary is crucial to protecting the rights embedded in the United States Constitution and in the constitutions of the 50 states. Although the principle of an independent judiciary emerged from the Founders' earliest writings, it may be the most underappreciated and least understood of our basic Constitutional rights. Under our system of government, state and federal judges are empowered to provide the final word on the validity and enforceability (constitutionality) of legislation and of actions by the executive branch of government, which is known as the principle of judicial review.

The Alaska Governor recently vetoed part of the budget the Alaska legislature had enacted to fund the Alaska Court System. His veto did not respond to budget constraints. Rather, the reduction in funding retaliated for a Supreme Court opinion on abortion rights with which he disagreed.

The Alaska members of the American College of Trial Lawyers (The College) object to this veto as an encroachment on the independence of the courts. The College is an international organization of trial lawyers from all areas of trial practice. Since its founding, the American College of Trial Lawyers has defended the independence of Courts as fundamental to our democracy. The College published two papers on judicial independence: [\*Judicial Independence: A Cornerstone of Democracy Which Must Be Defended\*](#) in 2006 and [\*The Need to Promote and Defend Fair and Impartial Courts\*](#) in 2019.

As we evaluate our Governor's action against the Alaska judiciary, we encourage a review of hallowed principles and norms of our system of government, going back for centuries. One of the primary complaints against the English King set out in the Declaration of Independence, related to the right of judicial independence:

*"He has made Judges dependent on his Will alone, for the tenure of their offices,  
and the amount and payment of their salaries."*

Declaration of Independence, July 4, 1776

Historically, English judges, through the Act of Settlement of 1700, had the assurance of life tenure during their "good behavior." But Colonial judges served at the pleasure of the King. Their salaries were subject to his whims. Judges beholden to the King, not surprisingly, often ruled as he pleased, no matter how unfairly.

Our post-Revolution government sought to ensure an independent judiciary. In 1780, nearly a decade before the United States Constitution was ratified, John Adams drafted as the introductory provision of the Massachusetts Constitution, a Declaration of Rights, Article XXIX which provided in part: *It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit.*

The concept of judicial independence, that judges should decide cases, faithful to the law, without “fear or favor” and free from political or external pressures, remains one of the cornerstones of our political and legal systems. The Founders designed our courts to ensure that due process and equal protection are not merely words on paper but intrinsic and enforceable human values. Attacks on our judiciary are nothing less than attacks on these values. As officers of the court, we feel a responsibility to call out such attacks whenever we see them. The recent veto by our Governor moves us to speak out now.

**About the [American College of Trial Lawyers](#)**

The American College of Trial Lawyers is composed of preeminent members of the trial bar from the United States and Canada and is recognized as the leading trial lawyers organization in both countries. Founded in 1950, the College is an invitation only fellowship. The College thoroughly investigates each nominee for admission and selects only those who have demonstrated the very highest standards of trial advocacy, ethical conduct, integrity, professionalism and collegiality. The College is dedicated to maintaining and seeking to improve the standards of trial practice, professionalism, ethics, and the administration of justice through education and public statements on important legal issues relating to its mission. The College strongly supports the independence of the judiciary, trial by jury, respect for the rule of law, access to justice, and fair and just representation of all parties to legal proceedings. For more information about the College, visit its website at [www.actl.com](http://www.actl.com).

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