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July 14, 2011

Ms. Elizabeth Hickerson, Chair, and
Alaska Public Offices Commission
1932 E. Northern Lights Blvd.
Anchorage, Alaska 99508-4149

Re: Current Status: Case No. 11-01-CD *Obermeyer v. Alaska Judicial Council*

<http://aws.state.ak.us/apocInterim/ViewCommissionComplaints.aspx>

Complaint No. 11-01-CD

<http://aws.state.ak.us/ApocInterimReportingFiles/110714%20Obermeyer%20Re-Current%20Status%20part%20one.pdf>^L

<http://aws.state.ak.us/ApocInterimReportingFiles/110714%20Obermeyer%20Re-Current%20Status%20part%20two.pdf>

Dear Alaska Public Office Commission (APOC):

In receipt of Alaska Judicial Council's "Request for Reconsideration," 7/5/11 by Mr. Andy Harrington, Assistant Attorney General and Counsel for Alaska Judicial Council, and the "Order Granting Reconsideration" dated 7/7/11, I am pleased that the matter is still open because the most important issues were not included in APOC "Order and Decision" of 6/17/11.

INTRODUCTION

This matter is of great importance as it concerns the agency, Alaska Judicial Council, that decides judicial appointments and recommendations and expenditures for retention of Alaska judges/justices. I labeled both Alaska Judicial Council and Alaska Bar Poll a fraud on 6/9/11 after my long history with the organization. There are currently a total of five judge/justiceships pending including Fairbanks District Court, Dillingham Superior Court, and Bethel Superior Court (**Tab 1**) as well as an opening on Alaska Supreme Court to replace Justice Morgan Christen and an opening on Anchorage Superior Court to replace Judge Sharon Gleason. I am also very concerned about the appointment by Governor Sean Parnell to the vacant Public Seat, Alaska Judicial Council. I understand

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from Mr. Brandon Maitlen, Boards and Commissions, Governor's Office, that the appointment is under review at the present time after the fiasco April 4-5, 2011 when Mr. Don Haase withdrew after he had been sworn in by Chief Justice Carpeneti. I sent Judge Postma and "Alaska Judicial Selection April 4-5, 2011" (Tab 2) and "CD of Hearing 6/9/11 and Ruling 6/17/11" 6/28/11 (Tab 3) and have been sending the "Interested Parties" documents.

Per APOC "Order and Decision" "Analysis" Pages 13-14 of 15, APOC agreed that Alaska Judicial "Council did not file timely reports of the advertising expenditures it made on October 26 and 27, 2010" but stated per Page 14 of 15 that: ". . . Alaska Judicial Council did not violate AS 15.13.145. A judicial retention election is a ballot question. And because the legislature specifically appropriated money to the Council for the purpose of influencing the outcome of the November 2010 judicial retention elections, AS 15.13.145(b) permitted the Council to spend public money for that purpose."

This writing will show clearly that Alaska Judicial Council violated Alaska Campaign Finance Law AS 15.13.040, AS 15.13.110, AS 15.13.145, AS 15.13.150, and probably other Statutes, Regulations, and Administrative Codes which I will make an effort to cite below. All the relevant Statutes and Regulations are at <http://www.doa.alaska.gov/apoc/apoclaws.html>. I am not an expert on Alaska Campaign Finance Laws and Alaska Statutes but you are. I would have expected that highly paid Alaska Assistant Attorneys General to have written excellently about each Alaska Statute, Regulation, and Alaska Administrative Code that was not followed in this matter but seemingly all are allowing this matter to simply be "swept under the carpet" at this time. Is that the way everyone keeps his/her paycheck and, if you will forgive me, gets a judge/justiceship him/herself?

Those who read APOC "Order and Decision" 6/17/11 might not even know that my complaint was brought over Judge Postma's treatment. Judge Postma's name was cited only on Page 4:

”Complainant asserted that the Council spent \$41,887.55 (sic) on advertising for the retention election, that ‘it was as though all the money was spent against one judge, i.e., Richard Postma’ and that she believed Judge Postma ‘was treated very unfairly.’”

What was done to Judge Postma is not based on my belief; it is based on facts that I presented in my original complaint of 12/30/10. Please reread it. I thought my letter to Judge Richard Postma on 6/28/11 (Tab 3) concluded the matter since I was out of town during the Hearing 6/9/11 and unable to fully participate. I received a tape of the 6/9/11 Hearing but am unable to write direct quotes from it because I do not have a transcript. Please order one for my response. As you know, I had asked that the “Hearing” be delayed because I had let you know about a month before the Hearing date was set and two months before the Hearing 6/9/11 was held in an email that I also mailed to each of you that I had scheduled to be out of town until June 12. My request was denied.

Enclosed are Alaska Commission on Judicial Conduct “Hearing Notice” In the matter of the proceeding pursuant to AS 22.03.011 (a) in relation to: RICHARD POSTMA, Judge of the District Court, Third Judicial District at Anchorage File No. 2010-005 12/6/10 (Tab 4) and “Stipulation for Findings and Disposition” 12/15/10 (Tab 5). I have some of Judge Postma’s appeals from *Kruse et al. v. Fenumiai, et al.*, 3AN-10-11796 CI; *Postma v. State of Alaska Court System, et al.*, 3:10-CV-0249-HRH; and *In the Matter of Richard W. Postma*, Case No. S-14124, ACJC No. 2010-005. Please let me know if you would like to review them. He is an excellent legal writer.

Exclusion of Essential Issues Case No. 11-01-CD *Obermeyer v. Alaska Judicial Council*

Please review Ms. Barbara Dreyer’s 2/4/11 APOC Staff Report 11-01-CD *Obermeyer v. Alaska Judicial Council* that I mailed to all Alaska Judicial Council members on 3/23/11. Mr. James Cannon’s envelope was “Return to Sender.” Ms. Dreyer’s “Short Answers” on Page 1 both should have been “Yes” because Alaska Judicial Council failed to timely

report six expenditures made October 26 and 27, 2010. Alaska Judicial Council spent as follows:

Tab 6 (Dreyer Exhibit 2) to APOC on 9/2/7/10 for \$7,336.00

Tab 7 (Dreyer Exhibit 3) to APOC on 10/5/10 for \$31,405.02

Tab 8 (Dreyer Exhibit 4) to APOC on 11/5/10 for \$3,146.53

Tab 9 (Dreyer Exhibit 5) to APOC on 1/26/11 for \$1,822.67

Alaska Judicial Council's total expenditures for the Retention Election were \$43,710.22 or \$19,610.22 over its allocated amount of \$24,100.00 in State of Alaska Line Item Budget for "Advertising" "Hearing Exhibit I" (**Tab 10**). In other words, Alaska Judicial Council spent almost double the amount it was allocated by State of Alaska. **Tab 7** (Dreyer Exhibit 3) is one submission to APOC of \$31,405.02 on 10/6/10 which in and of itself was \$7,305.02 over its yearly allocated "Advertising" Budget. Ms. Dreyer's total of \$41,887.55 in "APOC Staff Report 11-01-CD *Obermeyer v. Alaska Judicial Council*" 2/4/11 did not include Mr. Cohn's final submission \$1,822.67 on 1/26/11 after he met with her on 1/19/11.

1.) Failure to Timely Report to APOC Six Expenditures by Alaska Judicial Council

Enclosed "Statement of Independent Expenditures" form (**Tab 11**) and "24 Hour Report" form (**Tab 12**) are at your website http://doa.alaska.gov/apoc/forms_campaign.html which every candidate and/or group must file at APOC. Mr. Harrington's argument in the "Request for Reconsideration" 7/5/11 is about Alaska Judicial Council not filing six timely expenditures October 26 and 27 for a total of \$3,133.35 (**Tab 6 Page 3 of 3**). The six expenditures are also listed on Page 2 of Ms. Dreyer 2/4/11 "APOC Staff Report 11-01-CD *Obermeyer v. Alaska Judicial Council*." This issue is addressed clearly in AS 15.13.110(b) and AS 15.13.110(h). If you rule in favor of Alaska Judicial Council, you will have gutted your most basic campaign disclosure requirement in the heat of any election campaign, i.e., requiring candidates and groups to file 24 hour reports during the nine days before an election if they spend over \$250 daily. Candidates and groups are

routinely assessed fines for not reporting within 24 hours during the last nine days of a campaign. I myself was fined \$40.00 for this reason in 1994. I paid my fine without appeal.

Ms. Dreyer's "Staff Conclusion" Page 4 incorrectly states: "AJC did not violate AS 15.13.110(h) when it filed estimates of the amounts and timing of the Six Independent Expenditures incurred within nine days of the November 2, 2010 election." Alaska Judicial Council's expenditures signed and submitted to APOC by Mr. Larry Cohn October 26 and October 27 were not estimates but "Paid in Advance" print media buys. Mr. Cohn submitted them late on November 5, 2010. Ms. Dreyer in good faith wrote what Mr. Cohn had stated to her on 1/19/11 at which time I was not present that he filed "estimates of the amounts and timing of the Six Independent Expenditures incurred within nine days of the November 2, 2010 election." This was a blatant falsehood on Mr. Cohn's part.

I allege that Mr. Larry Cohn, Executive Director, Alaska Judicial Council, committed criminal forgery when he submitted payments of bills from media outlets after the November, 2010 Retention Election on 1/26/11 (Tab 9 Dreyer Exhibit 5). Mr. Cohn has held this position since about 2001 or about 10 years. Does he know about "24 Hour Reports" (Tabs 11 and 12)? Has he not had to submit the "Reports" biennially for probably the last 10 years which would have been at least 4 times if not 5? Has anyone questioned Mr. Cohn's expenditure reports previously? Why did Mr. Cohn submit more bills on 1/26/11? I assume he was attempting to "cover his tracks" so that he would not be fined for the original breach of not submitting his six "24 Hour Reports." Did he make up these expenditures totaling \$1,822.17 at the behest of certain Council member/s from Southcentral Alaska or had he actually spent the money on the dates listed of 9/27/10, 9/29/10, 10/6/10, and 10/26/10 (10/6/10 and 10/26/10 submitted as one bill) totaling three expenditures which should have been four and neglected to submit them? This issue will be addressed further below.

I was told by Mr. William F. Clarke, Public Member, Alaska Judicial Council, Chugiak-Eagle River, that he supported Judge Postma which I wrote “Alaska Judicial Council Judicial Selection April 4-5, 2011” **Tab 2** Page 2 of 5 enclosed. It does not matter if Mr. Cohn did what other/s asked him to do but it does explain why he would have committed a criminal act. I assume it was for the reason that he wants to keep his prestigious and lucrative State of Alaska employment with its retirement, medical for life, travel, and perks. Mr. Cohn is accountable for his signature. Please review Ms. Barbara Dreyer’s 2/4/11 “APOC Staff Report :11-01-CD *Obermeyer v. Alaska Judicial Council*” Page 3 “Analysis:”

“ . . .AJC’s Executive Director Larry Cohn stated during his informal interview that it is difficult for a filer such as AJC to accurately value media buys (and swaps) when they are ordered close to an election. This is a common valuation problem in Alaska media markets. In order to promote a robust and flexible marketplace for political speech, APOC staff permits speech makers like AJC to make initial estimates of their proposed speech and then correct those estimates once the speech maker can truly value the cost of the activity. This is what happened here. . .

When AJC filed its 15-6 Forms on September 27, 2010 and October 7, 2010, AJC was making a good faith disclosure that AJC would be spending \$38,741.02 on independent expenditures in 2010. AJC’s Executive Director Larry Cohn described in his informal interview that, in the weeks leading up to the election, unforeseen developments required AJC to withdraw some of its proposed newspaper advertisements and place new advertisements. The newspapers were unable to give AJC a concrete value for these changes. Without certainty from the newspapers, AJC was placed in an unstable reporting position. Thus, AJC waited until after the election and amended its disclosure filings on November 5, 2010. The changes made by AJC results in an increase of independent expenditures of only a few thousand dollars from \$38,741.02 to \$41,887.55 (sic). Because AJC’s initial estimate was reasonable and the corrections were made when values became known, the Commission should find no violation.”

Additionally, Ms. Dreyer wrote on Page 3 Footnote 5:

“ . . . During his informal interview, AJC’s Executive Director Larry Cohn informed APOC that one newspaper did not produce a final bill to AJC until January 2011 for the ads run concerning the November election.”

Where is the “final bill” that Mr. Cohn stated to Ms. Dreyer was received in January, 2011?

Please review **Tab 9** (Dreyer Exhibit 5 Page 3 of 3), that are “Expenditures” that were submitted to APOC in what I allege are forged on 1/26/11. Because Mr. Cohn had already met with Ms. Dreyer, he knew he was in trouble so he made up something else instead of admitting he had not filed his “24 Hour Reports.” The expenditures are Wrangell Sentinel \$123.50 on 9/27/10, Valdez Star \$500.00 on 9/29/10, and Juneau Empire \$1,198.67 on 10/6/10 and 10/26/10 submitted together as one amount of money. What was the amount of the Juneau Empire 10/26/10? Because it is lumped in with another expenditure 10/6/10, we do not know if it was over \$250.00 which would be another violation of the “24 Report” requirement. All four of the “bills” were prior to 11/2/10 Retention Election.

Please compare the 1/26/11 (**Tab 9**) expenditures with the other Financial Disclosures (**Tab 7**) to the same print media outlets. This is the first payment to Wrangell Sentinel. Valdez Star had been paid \$490.00 on 9/29/10 (**Tab 7**) and Juneau Empire had been paid \$924.00 on 10/6/10 (**Tab 7**). Is this significant? I cannot analyze it except the dates of the two payments to Valdez Star were both on the same day and two payments to the Juneau Empire were the same date of 10/6/10 but another payment was lumped in with it on 10/26/10. The reporting of two payments as one amount of money is also a violation.

Please investigate your own staff and ask them if in the past they have permitted Alaska Judicial Council to “. . .make initial estimates of their proposed speech and then correct those estimates once the speech maker can truly value the cost of the activity.” I know this is not true. I have written and stated previously that there is no “common valuation problem in Alaska media markets.” Any person who is running political or ballot/retention ads for Municipal or State of Alaska Elections must pay for the ads before the ads run.

On 5/23/11 Mr. Cohn and Chief Justice Carpeneti affixed their signatures to a response to “Amended Staff Report by Vullnet Greva 11-01-CD *Obermeyer v. Alaska Judicial*

Council.” I believe this document is the only signature of Chief Justice Carpeneti in this matter. Above both signatures on Pages 8-9 is the double talk about “incurring” and “making” expenditures. There is not such thing in Alaska as all media buys must be paid for in advance of airing.

2.) Vic Fischer Radio Ads

You have not addressed Alaska Judicial Council’s expenditure of public money spent to pay for ads that Vic Fischer spoke in days before the Retention Election which were the dirtiest of partisan politics. 2 AAC 50.356(b), AS 15.13.040(h)(2), AS 15.13.145(c)(2), AS 15.13.150 and other Alaska Statutes, Alaska Regulations, and Alaska Administrative Codes clearly do not allow anything like what Mr. Fischer broadcast with his voice using State of Alaska funds in an effort to defame Judge Postma with the goal of making certain the Judge was not retained. Mr. Harrington referred to these expenditures as “routine ads” as opposed to “unusual ads” in his comments at the 6/9/11 “Hearing” according to the tape. The radio ads certainly were “unusual” and meant to destroy Judge Postma. To my knowledge, a last minute partisan smear campaign on the radio such as the one done to Judge Postma has never occurred in the history of Alaska Retention Elections previously. I question why any Retention Election requires sensational radio advertising in the final day of a Retention Election. I am trying to make sure there is a great deal of reflective thinking about what happened in this instance so that it is never allowed to occur again.

Please review “APOC Staff Report:11-01-CD *Obermeyer vs. Alaska Judicial Council*” dated 2/4/11 [Tab 6](#) and [Tab 7](#).

Per [Tab 6](#), Mr. Cohn placed radio ads to:

- *Spirit of Alaska Broadcasting, Wasilla, Alaska on 9/15/10 for \$704.00;
- *Clear Channel Communications, Dallas, Texas on 9/16/10 for \$2,332.00; and
- *Anchorage Media Groups, Anchorage on 9/16/10 for \$4,300.00.

The total for the above radio ads was \$7,336.00.

Per [Tab 7](#), Mr. Cohn then placed more radio ads to the same businesses:

*Spirit of Alaska Broadcasting on 9/29/10 for \$384.00 for a total of \$1,088.00;
*Clear Channel on 9/29/10 for \$1,356.00 for a total of \$3,688.00;
*Alaska Media Group on 9/28/10 for \$2,010.00 for a total of \$6,310.00

The grand total for all the radio ads in **Tab 6** 9/27/10 and **Tab 7** 10/7/10 is \$11,086.00 or about half of Alaska Judicial Council's allocated yearly budget of \$24,100.00 and about one-fourth of the amount of the \$43,710.22 Mr. Cohn actually spent.

Judge Postma could have checked both APOC Financial Disclosure Statements of 9/27/10 and 10/7/10 after Mr. Cohn submitted them. Why would he have thought that a last minute smear campaign was being planned against him? Even if he had known that Mr. Cohn was placing radio ads in the last days of the Retention Election, he might not have guessed how malicious they really were. I assume that Judge Postma knows about the radio ads today but I do not know if he realizes how much bearing those ads had on the negative outcome of his Retention Election. I grew up in politics and have run for political offices in Alaska so I know that radio ads like the ones Vic Fischer spoke in during the final days of the Retention Election are very effective for a couple of reasons. The target of the radio ad over a week-end before the election does not have a chance to respond and the radio ads are a subliminal ridiculing the candidate so they have a strongly negative subconscious effect on the voter immediately before s/he goes to the Polls. They are a very effective tool to harm a candidate, in this case, District Court Judge Richard Postma. This type of ad should be reserved for partisan candidates with the ads paid for by private funds and a disclaimer at the end about the individual or group who is paying for them.

The radio ad of Mr. Fischer the week-end before November 2, 1010 Retention Election to my memory started with Vic Fischer stating that he had been a participant in the Constitutional Convention 1959 that created Alaska Judicial Council. The ad went on to state in detail how bad Judge Postma was as a judge on the District Court bench and that he should not be retained. I would like to get a transcript of what Vic Fischer actually stated which was defamatory and sensational. Judge Postma did not deserve Mr. Fischer's insulting ad and Mr. Fischer should not have been allowed to air it under the

circumstances that Alaska Judicial Council paid for the advertising. If Mr. Fischer as a private citizen had wanted to place radio ads against Judge Postma, he could have done so with his own money after having filed a Financial Disclosure Statement with APOC. He would have then been required to have a disclaimer at the end of the ad that he was paying for it. Please request a transcript of the “Vic Fischer ads” which will prove my point.

What Vic Fischer did by cutting the radio ads that cost a total of \$11,086.00 was not what Alaska Legislature intended when they wrote 2 AAC 50.356 USE OF PUBLIC MONEY which is at APOC’s website <http://doa.alaska.gov/apoc/CampaignDisclosure/cd356.html>. 2 AAC 50.356(b) states: “. . . an officer or employee of an entity who is identified in AS 15.13.145 (a)(4) may use money held by that entity to communicate about a ballot proposition or question if the communication is made in the usual and customary way.” (Emphasis added.) Those ads were not “usual and customary” by any means. They were malicious and a last minute smear. I would like to understand why “the powers that be” felt it was their prerogative to treat Judge Postma so unfairly using State of Alaska funds. If they did not like Judge Postma, they could have emptied their own private bank accounts of \$11,086.00 to pay for the demented radio ads. How dare they use State funds for this purpose? They knew better but they must have thought no one would notice or that no one would dare to stand up to them.

The “Vic Fischers of the world” are required to register with APOC in a timely manner. Alaska law is clear that someone like Vic Fischer can only advertise as a private citizen trying to affect the outcome of a Retention Election. Mr. Fischer knew he was not paying for the radio ads. As a former Alaska State Senator and, as he stated on the ad, as someone who wrote the original language for the State Constitution that created Alaska Judicial Council, he had to have known that the cost of the ads that he was doing were being paid for by State of Alaska funds and that he was breaking Alaska Statutes and Alaska Administrative Code. He wrote it! After you receive the transcript of the ad, I hope that you will agree that Mr. Fischer should be subpoenaed for his statement.

AS 15.13.040(h)(2) only allows State of Alaska “Supplying of Services” when they:” . . . are made only for billboards, signs, or printed material concerning a ballot proposition as that term is define by AS 15.13.065(c). ” APOC has interpreted Retention Elections as “ballot propositions.”

Were the ads what it means to be Democrat/s against a Republican appointed Alaska District Court judge? AS 15.13.145 (c)(2) states:” . . .to provide the public with nonpartisan information about a ballot proposition or question or about all the candidates seeking election to a particular public office.” Emphasis added. AS 15.13.150 entitled:”Election educational activities not prohibited” addresses specific “educational election-related communications and activities” which, of course, does not include a last minute radio smear. I do not know today if Judge Postma knows partisan politics well. His sworn duty as Alaska District Court Judge was to “administer justice” which Alaska Commission on Judicial Conduct “Hearing Notice” In the matter of the proceeding pursuant to AS 22.03.011 (a) in relation to:RICHARD POSTMA, Judge of the District Court, Third Judicial District at Anchorage File No. 2010-005 12/6/10 (Tab 4) showed he did very well. He was not supposed to be an expert on partisan politics because Alaska judges are not allowed to participate partisan politics.

Did Chief Justice Carpeneti, a Democrat, authorize and participate in the running of the “Vic Fischer ads?” I am holding out hope that he did not. Chief Justice Carpeneti is from Juneau. Vic Fischer, a Democrat as well, spoke in dementedly partisan radio ads ran in Southcentral Alaska the week-end before the 10/2/10 Retention Election. I heard the ad for the first time on Friday, October 29. Could it be that Chief Justice Carpeneti did not know about the ads or did he authorize and participate in the running of the ads? If Chief Justice Carpeneti was a party to the “Vic Fischer radio ads,” it was beneath his office as Chief Justice. I conclude that Mr. Cohn did not act on his own to pay for the radio ads to be cut and broadcast in the days before the Retention Election. Were Mr. Cohn’s actions at the direction of certain Alaska Judicial Council member/s? Why did Chief Justice Carpeneti sign the document 5/23/11 in this matter?

3.) Violation of AS. 15.13.145 by Alaska Judicial Council

6/9/11 Hearing Exhibit 1 “Alaska Judicial Council Budget” stamped 1/20/11 (Tab 10) put in the Hearing Record by you, Ms. Hickerson, states: ”Code 73450 Advertising advertise Council meetings; public hearings; publicize judicial performance information. FY10 \$24,000.00 FY11 Adjusted Base \$24,100.00 FY11 Governor \$24,100.00.” Ms. Dreyer’s wrote in her “APOC Staff Report 11-01-CD *Obermeyer v. Alaska Judicial Council*” 2/4/11 “Short Answers” on Page 1:“Yes, AJC violated AS 15.13.145 when AJC spent money to influence the outcome of an election in excess of its appropriations.” She also wrote on Page 4 “Staff Conclusion” “AJC violated AS 15.13.145 when it used State money in excess of its appropriations in FY 98, 01, 05, and 11.”

Alaska Judicial Council is a State of Alaska agency and must be held accountable. I am unable to get information about FY 98, FY01, and FY05 but I believe what Alaska Judicial Council was allowed to do with State of Alaska funds last Fall, 2010 is the direct result of lack of fiscal accountability in FY98, FY01, and FY05. I believe that “the powers that be” felt that he/they could do anything he/they liked last Fall, 2010 with State of Alaska funds. He/they must be stopped. What does the future hold for Alaska Judiciary if Mr. Cohn and Company can spend any amount of State of Alaska funds they want to harm good Alaska judges/justices and destroy their judicial careers. Who is next?

Questions Not Addressed

Mr. Cohn, a highly paid State of Alaska employee and Alaska attorney, overspent \$19,610.22 in State of Alaska funds for a total of \$43,710.22 during and possibly after Retention Election 11/2/10. Please investigate the misappropriation of State of Alaska funds further. Is Mr. Cohn responsible for the misappropriation of \$11,086.00 for radio ads, the amount paid for the last minute radio smear against Judge Postma? Should you access a fine for the six expenditures that Mr. Cohn made but did not report within 24 Hours on October 26 and 27 (Tab 8)? What about the lumping of two amounts of money

to the Juneau Empire 10/6/10 and 10/26/10 (Tab 9)? I have alleged that \$1,822.17, the total amount of Mr. Cohn's last signed submission on 1/26/11 (Tab 9), is forgery. This matter is very grave. Please address these issues.

Recommendation for Retention Election 2012

Chief Justice Carpeneti is up for Retention in November, 2012. His term as Chief Justice expires on 6/30/12. Is he responsible for the ruination of Judge Postma's career? I am still holding out hope that Mr. Cohn and Council member/s are responsible and that Mr. Cohn acted because he was told to by certain Council member/s. I ask you to investigate this matter more fully for the sake of the future of our Alaska courts.

I have asked that APOC consider a method of allowing Alaska Judicial Council only to decide which judges/justices they will endorse for Retention and that another body should be formed to spend money on Retention Elections which you have not addressed. Of course, anything like the "Vic Fischer radio ads" can only be done and paid for by private sources; not with public money. Possibly, you do not feel that changes in the way Alaska Judicial Council currently functions fall within your jurisdiction but because of the way Judge Postma was treated, there must be discussion of a better approach. Should this issue be on the Agenda of the next Alaska Bar Association Board of Governors Meeting?

Conclusion

Please request a transcript of the 6/9/11 Hearing and a transcript of Vic Fischer's statements on the radio ads in the final days of the Retention Election and let me know when I can pick both up at your office.

Thank you for your consideration.

Sincerely yours,

Theresa Nangle Obermeyer

cc: Alaska State Senate Judiciary Committee

Alaska State House Judiciary Committee

Alaska Judicial Council

Chief Justice Carpeneti

Judge Richard Postma

Ms. Darbe Lopez

Judge Patrick Hanley

Judge Brian Clark

Judge David Landry

Judge Karl Johnstone

Judge Dennis Cummings

Senator Willie Hensley

Senator Ralph Seekins

Ms. Hayden Gravley

Ms. Kathleen Tompkins-Miller

Mr. Paul Dauphinais

Mr. Jerry Anderson, Attorney

Ms. Holly Hill, Attorney

Ms. Barbara Dreyer, Attorney

Ms. Krista Stearns, Attorney

Mr. Frederick Triem, Attorney

Mr. Frank Vondersaar, Attorney

Mr. Daniel Cuudy, Attorney

Mr. Jason Hooley

Ms. Susan McKelvie

Enclosures: 12 Tabs