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August 3, 2018

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

In Reg: Office Qualifications of Judicial Candidates
Att: Chief Justice Joel H. Bolger

Honorable Chief Justice Joel H. Bolger and Members of the Alaska Judicial Council

Enclosed is a "Packet" of "Letters" and "Articles" addressing "Licenses" to "Practice Law." This "Packet" is submitted in support of this "Letter of Testimony" and they are to be made a part of the "Record" of the "Alaska Judicial Council." Please make sufficient copies for all members of the "Council." This "Packet" of "Letters" and "Articles" is posted on the "Internet" at: "<https://tinyurl.com/y8lc7l2c>"

INTRODUCTION

This letter is submitted into the record for there appears to be a serious question of "Office Qualifications" for the "Judgeship Candidates" whom are before the "Alaska Judicial Council" for consideration of an "Public Office of Trust" of "Judge" for a "Superior Court" of the "State of Alaska." There is an

appearance that they don't have any "State" issued "License" to "Practice Law" in their possession as required by the "Statutes" /¹ and "Constitution" /² for the "State of Alaska."

This appearance of a want of "Licenses" to "Practice Law" comes about when the "members" of the "Alaska Judicial Council" has refused to furnish "Gordon Warren Epperly" and the "Office of the Governor" /³ with "photo-copies" of Attorney "Amy Mead's Membership Card" for the "Alaska BAR Association" and the "photo-copies" of Attorney "Amy Mead's License" to "Practice Law" as issued under the "Seal" of the "State of Alaska" having the "signature" of an "Officer" of the "Office of the Governor." According to "A.P. Wire" and the "Juneau Empire," the "Alaska Judicial Council" submitted the "name" of Attorney "Amy Mead" to "Governor Bill Walker" for appointment to the "Office of Public Trust" of "Judge" for the "Superior Court, First Judicial District" at "Juneau, Alaska."

The minimum requirements of the "Alaska Judicial Council" in reviewing of "Office Qualifications" of "Judicial Candidates" is for the "Judicial Candidates" to have in their possession a valid "Membership Card" of the "Alaska BAR Association" /⁴ and a valid "State" issued "License" to "Practice Law" as issued under "Seal" of the "State of Alaska" available for "examination." As the "Office Qualifications" of "Justices" for the "Alaska State Supreme Court" and "Judges" for

^{1/} AS 22.15.160. Qualifications of District Judges and Magistrates. – "A district judge shall be a citizen of the United States and of the state, at least 21 years of age, a resident of the state for at least five years immediately preceding appointment, and (1) have been engaged in the active practice of law for not less than three years immediately preceding appointment and **at the time of appointment licensed to practice law in the State of Alaska**; or (2) have served for at least seven years as a magistrate in the state. The supreme court may prescribe additional qualifications. [*Emphasis added*]

AS 22.07.040. Qualifications of Judges. – "A judge of the court of appeals shall be a citizen of the United States and of the state, a resident of the state for five years immediately preceding appointment, have been engaged for not less than eight years immediately preceding appointment in the active practice of law, **and at the time of appointment be licensed to practice law in the state**. For purposes of this section, the active practice of law is the same as defined for the justices of the supreme court in AS 22.05.070." [*Emphasis added*]

^{2/} Alaska Constitution, Article IV, Section 4 Qualification of Justices and Judges – "Supreme court justices and superior court judges shall be citizens of the United States and of the State, **licensed to practice law in the State**, and possessing any additional qualifications prescribed by law." [*Emphasis added*]

^{3/} AS 44.19.010. Office of the Governor. – "The Office of the Governor includes the lieutenant governor, the budget officer, and the staff that the governor finds necessary to administer the executive powers of the state."

^{4/} AS 08.08.020. Members. – "(a) **Every person licensed to practice law in the state shall become a member in the Alaska Bar**. All active and inactive members in good standing as of September 14, 1976, shall be considered to be members." [*Emphasis added*]

the “Superior Court” for the “State of Alaska” are established by the “Constitution” for the “State of Alaska,” the “State Legislature” has no authority to delegate the issuance of that “License” to any “instrumentality” as established by “law.” /⁵ The “Alaska Judicial Council” is required to have on file “Certified Copies” of those “Documents” with “Certified Copies” being forwarded to the “Governor” along with the “name” of the “Candidate” for appointment of “Judge” /⁶ and for the purpose of having those “Documents” being “recorded” with the “Archivist” of the “State of Alaska.” /⁷ The “Membership Cards” for the “Alaska BAR Association” and the “Licenses” to “Practice Law” are “Public Documents” which are required to be made available for viewing by the “General Public” upon request. /⁸

^{5/} AS 08.08.010. – “There is created an **instrumentality** of the state known as the Alaska Bar Association, referred to in this chapter as the Alaska Bar. The Alaska Bar shall have a **common seal**, may sue and be sued, and may, for the purpose of carrying into effect and promoting the objects of the Alaska Bar, enter into contracts and acquire, hold, encumber, and dispose of real and personal property.” [Emphasis added] **Note:** The “**common seal**” of the “Alaska Bar” is not the “Seal” of the “State of Alaska.” The “Seal” for the “State of Alaska” is established by law of AS 44.09.010.

^{6/} Alaska Constitution, Article IV, Section 5 Nomination and appointment – “**The governor shall fill any vacancy in the office of supreme court justice or superior court judge** by appointing one or two or more persons nominated by the judicial council.” [Emphasis added]

^{7/} AS 40.21.020. Archival and Records Management Program Creation and Administration. – “There is established in the Department of Education and Early Development the Alaska State Archives. The department shall establish and administer a state archives and records management program. To implement the program and head the Alaska State Archives, the department shall create the position of state archivist, and shall appoint as state archivist a person qualified by special training or experience in archival or historical work. The state archivist shall be the official custodian of the archival resources of the state.”

AS 40.21.030. Duties of the State Archivist. – “(a) In order to carry out the archival program, the state archivist shall

“(1) negotiate for, acquire, and receive public records of permanent value including **public records of the state** and political subdivisions of the state and of defunct public agencies;

“(3) review and approve all agency records retention schedules to identify and **to ensure the preservation of those records having permanent value;**” [Emphasis added]

^{8/} AS 40.25.120. Public Records; Exceptions; Certified Copies.– “(a) **Every person has a right to inspect a public record in the state, including public records in recorders' offices,**

“(b) **Every public officer having the custody of records not included in the exceptions shall permit the inspection, and give on demand and on payment of the fees under AS 40.25.110 - 40.25.115 a certified copy of the record, and the copy shall in all cases be evidence of the original.**” [Emphasis added]

PRODUCTION OF PHOTO-COPIES OF DOCUMENTS

COMES NOW "Gordon Warren Epperly" hereby moves the "Alaska Judicial Council" for the production of "Photo-Copies" of "Membership Cards" of the "Alaska BAR Association" and "Photo-Copies" of the "State" issued "License" to "Practice Law" of:

- (1) "Attorney Amy Mead" as a "Judicial Candidate" being submitted to the "Governor" for appointment to "Judgeship" of a "Judge" for the "Superior Court" for the "First Judicial District" at "Juneau, Alaska"; and,
- (2) "Judge Philip M. Pallenberg" as acting "Judge" of the "Superior Court" for the "First Judicial District" at "Juneau, Alaska." According to the "Juneau Empire," Judge "Philip M. Pallenberg" has submitted an "Application" for a position of a "Judge" for the "Appellate Court" for the "State of Alaska." Even though no "Statute" or "Constitutional" provision has been located that authorizes the "Alaska Judicial Council" to review the credentials of "Candidate Judges" for the "Appellate Court," the "Alaska Judicial Council" did review the credentials of "Judge Pallenberg" at the time his "name" was submitted to the "Governor" for appoint to "Judgeship" of a "Superior Court" for the "State of Alaska." From that "Judgeship" appointment, Judge "Pallenberg" must have provided the "Alaska Judicial Council" with "photo-copies" of his "Membership Card" to the "Alaska BAR Association" and a photo-copy of his "State" issued "License" to "Practice Law."
- (3) Those "names" of "Judicial Candidates" which will be submitted to the "Governor" for appointment to the "Public Office of Trust" of "Judge" for the "Superior Court" of the "State of Alaska."

Please "U.S.P.S." ("United States Postal Service") mail the requested "Documents" to:

Gordon Warren Epperly
P.O. Box 34358
Juneau, Alaska 99803

ENFORCEMENT

I have been approached as to what may be done with our “Justices” and “Judges” when they choose to become “Outlaws” /⁹ by usurping the “Office of Public Trust” of “Judge” by conducting a “Court” and “Practicing Law” from within that “Court” / without a “State” issued “License” to “Practice Law”?

All “Constitutions” of our “Nation” are written in the “name” of the “people.” They are the “bodies of law” that are handed down to all “Officers,” “Officials,” and “Employees” of the “government” of which the “people” have established. The “people” have the resource of “unlimited powers” to enforce the “provisions” of a “Constitution” as those “Enforcement Powers” have been established by the “Common Law” /¹⁰ and the “Declaration of Independence” of “July 4, 1776.” /¹¹ This authority to make an “Citizens Arrest” of “Outlaw Public Officials” is also found within the “Alaska Statutes” at:

“AS 12.25.030. - Grounds For Arrest By Private Person or Peace Officer Without Warrant.”

“(a) A private person or a peace officer without a warrant may arrest a person

“(1) for a crime committed or attempted in the presence of the person making the arrest;

“(2) when the person has committed a felony, although not in the presence of the person making the arrest;

“(3) when a felony has in fact been committed, and the person making the arrest has reasonable cause for believing the person to have committed it.” [Emphasis added]

The “Crimes” committed by “Outlaw Judges” or “Outlaw Justices” (not to mention “Outlaw Attorneys”) are:

(1) “Perjury of Oath of Office” for refusing to “support” the “Constitution” for the “State of Alaska” and the “Constitution” for “The United States of America,” and,

^{9/} Outlaw - 1 : a person excluded from the benefit or protection of the law

2 : one that is unconventional or rebellious. [*Merriam-Webster Dictionary*]

^{10/} In common law jurisdictions, the practice dates back to medieval England and the English common law, in which sheriffs encouraged ordinary citizens to help apprehend law breakers. [*Wikipedia, the free encyclopedia*].

^{11/} Declaration of Independence – “... governments are instituted among men, derived their just powers from the consent of the governed, that when-ever any form of government becomes destructive to those ends, it is the right of the people to alter or abolish it, and to institute new government ...”

- (2) “Usurping” or acted to forfeit the “Public Office of Trust” of a “Judge” or “Justice;” /¹² and,
(3) “Practicing Law” without a “State” issued “License” to “Practice Law.” /¹³

If “photo-copies” of “Membership Cards” of the “Alaska BAR Association” and the “photo-copies” of “Licenses” to “Practice Law” of “Judges” are not forth coming, the “authority” of the “people” will be exercised in that they will enter into a “Courtroom” and make a “demand” of the sitting “Judge” to produce those described “Documents” for “inspection.” If that “Judge” refuses to allow the “examination” of such “Documents” as described herein, such “refusal” will be “prima facie” evidence that the “Judge” does not have the “qualifications” of “Office” and the “refusal” will establish a “probable cause” and belief that he / she has committed “criminal offences” and shall be placed under “arrest” and shall be “surrendered” to a “law enforcement Officer” for “incarceration.”

To avoid “embarrassments” of the “General Public” and of the “Judicial Offers” of our “Courts,” it is suggested that our “Judicial Officers” post their “Credentials” of “certified photo-copies” of their

^{12/} AS 09.50.310 – “An action may be brought by the **attorney general** upon the attorney general's own information or **upon complaint of a private party** against

“(1) a person who usurps, intrudes into, or unlawfully holds or exercises a public office, civil or military, or a franchise, or an office in a corporation, either public or private;

“(2) a **public officer who has acted to forfeit the office;** or

“(3) any number of persons acting as a corporation without being incorporated.”

Comment: There appears to be no “Attorney General” for the “State of Alaska” that has authority to exercise this provision of law for he / she holds no “State” issued “License” to “Practice Law” as mandated by AS 08.08.020.

^{13/} Alaska BAR Rule 2. Eligibility for Admission – “Section 2(c). For the purpose of this section, the “**active practice of law**” shall mean at least 750 hours per year in one or more of the following activities:

“(5) **serving as a judge in a court** of the United States, **its states,** its territories, or the District of Columbia; ...”

AS 22.05.070. Qualifications of Justices. - “A justice of the supreme court shall be a citizen of the United States and of the state, a resident of the state for five years immediately preceding appointment, have been engaged for not less than eight years immediately preceding appointment in the active practice of law, and at the time of appointment be licensed to practice law in the state. **The active practice of law includes**

“(1) **sitting as a judge in a state** or territorial court; ...”

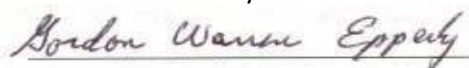
“Membership Cards” for the “Alaska BAR Association” and their “State” issued “License” to “Practice Law” under a “lock and key display cabinet” at the “outside door” of each “Courtroom” to which they hold sessions of “Court.” The “people” are “entitled” to “litigation” before “legitimate Courts” with “legitimate Judges,” which does not appear to exist today.

REMEDIES

There appears to be serious “flaws” in the “Judicial Courts” for the “State of Alaska.” There are two (2) options available, the first (1) is a temporary repair in that the “Office of the Governor” defines the “Practicing of Law” and adopts “Procedures” (“Regulations”) by which an “Individual” may obtain such a “License” /¹⁴ which is issued under the “Seal” of the “State.” This may be a challenge as many “Courts” of our “Nation” have “ruled” that there is no such thing as the “practicing of law” and if such “practice” exist, it exist as a “matter of right” which cannot be “regulated.”

The second (2) option is for the “Governor” to convene the “Legislature” in an “emergency session” for the purpose of convening a “Constitutional Convention” to “repair” the “defective provisions” of the “Constitution” for the “State of Alaska.”

Sincerely Yours



Gordon Warren Epperly

Cc: Governor Bill Walker
Alaska BAR Association
Alaska State Legislature
Press

^{14/} The “License” to “Practice Law” should be patterned after the “Alaska Driver License.” The “License” should contain a “Photograph” of the “Licensee” and the “Title of Office” of the “Licensee.”

Proof of Mailing

Alaska Judicial Council

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