



**Justice at Stake**  
c a m p a i g n

March 24, 2010

**VIA ELECTRONIC FILING**

Cathy A. Catterson  
Clerk of the Court  
United States Court of Appeals for the Ninth Circuit  
95 Seventh Street  
San Francisco, California 94103-1526

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**RE: Kirk v. Carpeneti, No. 09-35860**

To the Honorable Chief Judge and Circuit Judges:

On March 5, 2010, the American Judicature Society filed an amicus brief in support of Appellees with the consent of all of the parties. On March 9, 2010, the Brennan Center for Justice filed an amicus brief in support of Appellees with the consent of all of the parties.

Pursuant to the Ninth Circuit Advisory Committee Note to Ninth Circuit Rule 29-1, Justice at Stake hereby joins in the arguments and factual statements made by both the American Judicature Society and the Brennan Center for Justice in the above-referenced action.

Justice at Stake is a non-partisan campaign of more than 50 organizations working to keep courts fair and impartial. Justice at Stake Campaign partners educate the public and work for reforms to keep special interest pressure out of the courtroom. (The arguments expressed in the briefs do not necessarily express the opinion of every Justice at Stake partner or board member. Members of Justice at Stake's board of directors who are sitting judges did not participate in the formulation or approval of the briefs or this letter of support.)

As argued by the amici, merit-based selection of judges is a well-recognized and effective method of choosing qualified, nonpartisan judges. Alaska's decision to give the state bar responsibility for appointing attorney members to the nominating commission, rather than allowing a political branch of government to appoint all members, promotes the constitutionally vital goals of judicial independence and judicial quality. Moreover, striking down the Alaska system would directly affect the selection process in fourteen other states and the District of Columbia as well as indirectly affect the process in eighteen other states. Justice at Stake urges this Court to uphold the dismissal of this action.

Respectfully submitted,

*Bert Brandenburg*  
Bert Brandenburg  
Executive Director

cc: All counsel