

## NOTE FROM THE EDITOR

The *Alaska Law Review* is pleased to present our December 2017 issue, the second in our thirty-fourth volume. We are especially excited to share with you what may be one of the most timely issues this journal has published. The articles cover several topics that are currently the subject of discussion among many in Alaska, including judicial retention, criminal justice reform, and the State's revenue generation.

Our first article builds on research incorporated into a panel discussion at the 2017 Alaska Bar Association Convention regarding Alaska's judicial retention elections. In *Alaska's Judicial Retention Elections: A Comparative Analysis*, Dr. Albert J. Klumpp cautions that judges in Alaska may be uniquely vulnerable to removal because they are already garnering lower-than-average approval ratings in retention elections. Dr. Klumpp notes that while removals are still rare, those who are concerned about judicial removal should be aware that it may require a less dramatic electoral event to trigger a removal in Alaska relative to other states. Dr. Klumpp is a research analyst who has been studying judicial retention elections since earning a Ph.D in public policy analysis from the University of Illinois at Chicago in 2005.

Our second article is *Placing Children with Relatives: The Case for a Clear Rationale for Separate Foster Care Licensing Standards, Background Check Procedures, and Improved Relative Placement Statutes in Alaska*. In it, Courtney Lewis highlights practical problems in foster care licensing that are hindering the State of Alaska's ability to place children with relatives who may well be capable and appropriate caretakers. Ms. Lewis argues that the legal regime has become muddled, and proposes fixes that could improve not just placement outcomes but also efficiency. Ms. Lewis is an assistant public defender with the Alaska Public Defender Agency, and is certified as a child welfare law specialist. She earned her J.D. from the University of Cincinnati College of Law in 2008.

Our third article, *The Grand Compromise: The ANCSA Section 7(i) Settlement Agreement*, is a follow-on to an article published in the December 2016 issue. Aaron M. Schutt and Ethan G. Schutt build on previous discussion of the ambiguities of section 7(i) of the Alaska Native Claims Settlement Act by providing insight into the negotiations among the regional corporations that helped resolve those complications. The authors further suggest amendments that might help update the agreement to address new issues and practices. Ethan G. Schutt graduated from Stanford Law School in 1999 and is currently the Senior

Vice President for Land and Energy Development for Cook Inlet Region, Inc. Aaron M. Schutt is President and Chief Executive Officer of Doyon, Ltd. He graduated from Stanford Law School in 2000.

In our first student note, *Justice Reinvestment in Alaska: The Past, Present, and Future of SB 91*, I illuminate what SB 91—Alaska’s 2016 criminal justice reform bill—did and why. The Note examines lessons from other states that have implemented reform by “justice reinvestment,” as well as scholarly commentary. Ultimately, I argue that SB 91 was an important first step to resolving a severe problem in Alaska, and am hopeful that Alaska can achieve a fairer and better criminal justice system with the right type of follow-up.

Our second student note, *Intrastate Crowdfunding in Alaska: Is There Security in Following the Crowd?*, looks at recent amendments to Alaskan securities law that have made it easier for entrepreneurs to obtain investments in their small businesses. The author, Evan Glustrom, explains how intrastate crowdfunding works, compares Alaska’s program to the federal crowdfunding regulations, and points out some of the benefits of, and cautions for, using this method to build a business. He advises that while intrastate crowdfunding can have important upsides, the success of the program will depend largely upon monitoring and investor protection.

Our third student note, *The Oil Production Tax in Alaska: An Evolution Away from a “True” Production Tax*, provides a history of how Alaska has taxed oil since statehood. Andrew MacMillan analyzes the State’s various oil taxation schemes, and draws out key lessons for policymakers to consider as they seek to generate more revenue from Alaska’s most precious natural resource. He concludes that although Alaska’s current oil tax structure actually more resembles an income tax than a production tax, but argues that this ultimately may be a better approach.

This issue of *Alaska Law Review*, as with all of our previous issues, is freely available on our website, [alr.law.duke.edu](http://alr.law.duke.edu). There, anybody can access PDFs of all of our content, which are both printable and searchable. We hope that you will visit our site, and continue to engage with the journal. We always welcome your comments, responses, and feedback; please feel free to email us at [alr@law.duke.edu](mailto:alr@law.duke.edu).

On behalf of my peers on the *Alaska Law Review* editorial staff, I hope that you find this issue to be informative, thought-provoking, and enjoyable. We take immense pride in the Alaska Bar Association’s confidence in Duke University School of Law and its students, and thank the Bar Association, and our readers, for this special privilege.

*Michael A. Rosengart*  
*Editor-in-Chief 2017–18*