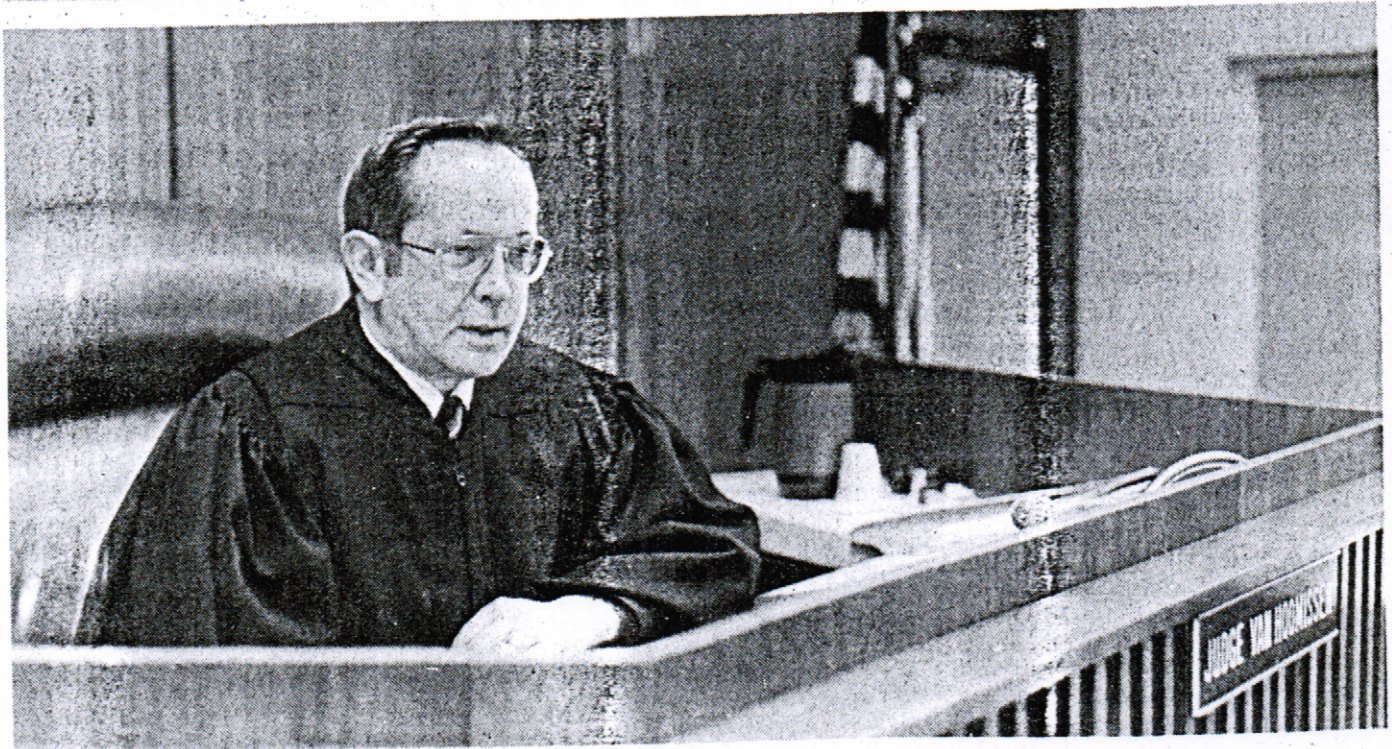




Flying judge!



by Debbie Miller

"You are supposed to be in the air by six a.m. so you can make the hearing in Kaltag and still be on time for the sentencing in Galena," said Judge Van Hoomissen's secretary.

Tomorrow the judge would load his Cessna 180 with winter survival gear, two attorneys and a court clerk, taking off for the Lower Yukon region to attend a series of hearings, trials and a sentencing. Two prisoners, a jail guard and the area court administrator would have to fly commercially—not everybody could fit into the judge's four-place Cessna.

Judge Van Hoomissen obtained his private pilot's license in 1965 while working for the U.S. Attorney in Anchorage. Since then he has logged 2,600 hours in the air, flying a variety of planes for both business and pleasure. The judicial-related flying adds a great deal of color to his position as a Superior Court Judge, while saving thousands of dollars in air-taxi chartering costs.

"Walking from courtroom to courtroom can get a little dull. I enjoy flying to remote villages and working within the small communities," Van Hoomissen said.

As late as the early 1940s, territorial deputy marshalls covered the Fourth Judicial District by dog team for their investigations and arrests. Now it is more feasible for judges and law enforcement officials to visit the outlying villages by airplane.

Van Hoomissen's jurisdiction includes the Interior region of the Fourth Judicial District, an area the size of Texas but holding less than 75,000 people. Each year the judge visits dozens of small villages, making between 15 and 20 major trips. Last year the judge held more than 100 hearings and trials in the rural areas.

In the summertime there's plenty of daylight for the judge to hear a few cases in Fairbanks, and then hop in his plane and hear late afternoon and evening hearings in the rural communities.

Magistrates have been appointed in towns such as Tok, Fort Yukon, Big Delta and Nenana. Whenever possible the magistrates handle misdemeanor cases and minor offenses like traffic violations and small claims. Van Hoomissen believes that magistrates are usually highly respected within the community and are ideal individuals for settling minor cases.

By law, an accused individual is entitled to have a jury within his own election district, and the trial must be held close to where a crime was committed. Selecting a jury in a remote village is a complex and expensive process.

In the case of one trial in Galena, 96 jurors were flown into Galena from other outlying villages in order for the presiding judge to select a 12-man jury. Travel and housing costs for the jury and court staff can run as high as \$12,000 per case!

More than half of Van Hoomissen's cases are juve-

nile-related—child welfare cases, adoption, custody and alcohol-related.

Van Hoomissen attempts to work informally with Village Councils, seeking recommendations or suggestions regarding juvenile cases. Although there is a natural reluctance to point fingers at another family's child, some villagers are quick to offer constructive forms of punishment, like hauling wood or water for a winter to help the elders.

The judge recalled one case in Pt. Hope where an individual had stolen some property. The village, consulting with the judge, decided that the thief should spend some time in jail—but there was no jail in the village. The local people believed that the convicted thief should serve his time within the community, so the village converted a dog-food storage shed into a jail cell.

"The last thing the court system should do is take a juvenile away from his home village. Whenever possible, cases should be resolved within the local community," Van Hoomissen said.

Van Hoomissen attempts to follow up on his sentences in the rural areas. In Northway, for instance, the judge sentenced the individuals to rebuild a home they had burned down. When the judge returned to Northway a few months later, he discovered that the two arsonists had erected a telephone booth-sized structure instead of a livable cabin. As a result, the judge had them build it a second time.

Holding trials in the bush can also be a learning experience for both villagers and school students. In 1972 Galena's entire high school was able to observe the first case tried in Galena. The judge remembered one student asking the defense attorney where he had attended law school. The attorney replied, "Harvard," and the puzzled student asked, "What are you doing way out here?"

Van Hoomissen has presided as a Superior Court judge for the last 12 years and traveled extensively throughout the Interior. He feels that one of the greatest challenges, and difficulties, facing judges and Alaskan Natives is the courtroom vernacular. In villages where little English is spoken, translation can be a problem. How do you translate words like subpoena, or define terms like "reasonable doubt?" In many cases, there are no words in the Native tongue that can be substituted.

Van Hoomissen feels there is a strong need to simplify courtroom language by working closely with linguists. He hopes that judges will work with the Native Language Center at the University of Alaska in the near future, to develop a less technical and more meaningful language.

The flying judge looks forward to more cases in the bush. Gassing up his plane for the next trip he said, "I don't spend the time in the bush that I really would like to." Surely there will be many more trips in the future.