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Thirteenth Report: 1985-1986 to the Legislature and Supreme Court

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alaska judicial council





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alaska judicial council

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Harold M. Brown

NON-ATTORNEY MEMBERS
Mary Jane Fate
Hilbert J. Henrickson, M.D.
Renee Murray

ATTORNEY MEMBERS
William T. Council
James C. Gilmore
Barbara L. Schuhmann

CHAIRMAN, EX OFFICIO
Jay A. Rabinowitz
Chief Justice
Supreme Court

✓
THIRTEENTH REPORT: 1985-1986
TO THE
LEGISLATURE AND SUPREME COURT
L

MAY 1987

U.S. Department of Justice
National Institute of Justice

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ALASKA JUDICIAL COUNCIL

THE ALASKA JUDICIAL COUNCIL (1985-1986): MEMBERS & TERMS

CHAIRMAN

Jay A. Rabinowitz
Chief Justice (1984-1987)

ATTORNEY MEMBERS

James B. Bradley (1981-1986)
William T. Council (1986-1992)
James D. Gilmore (1984-1990)
Barbara L. Schuhmann (1982-1988)

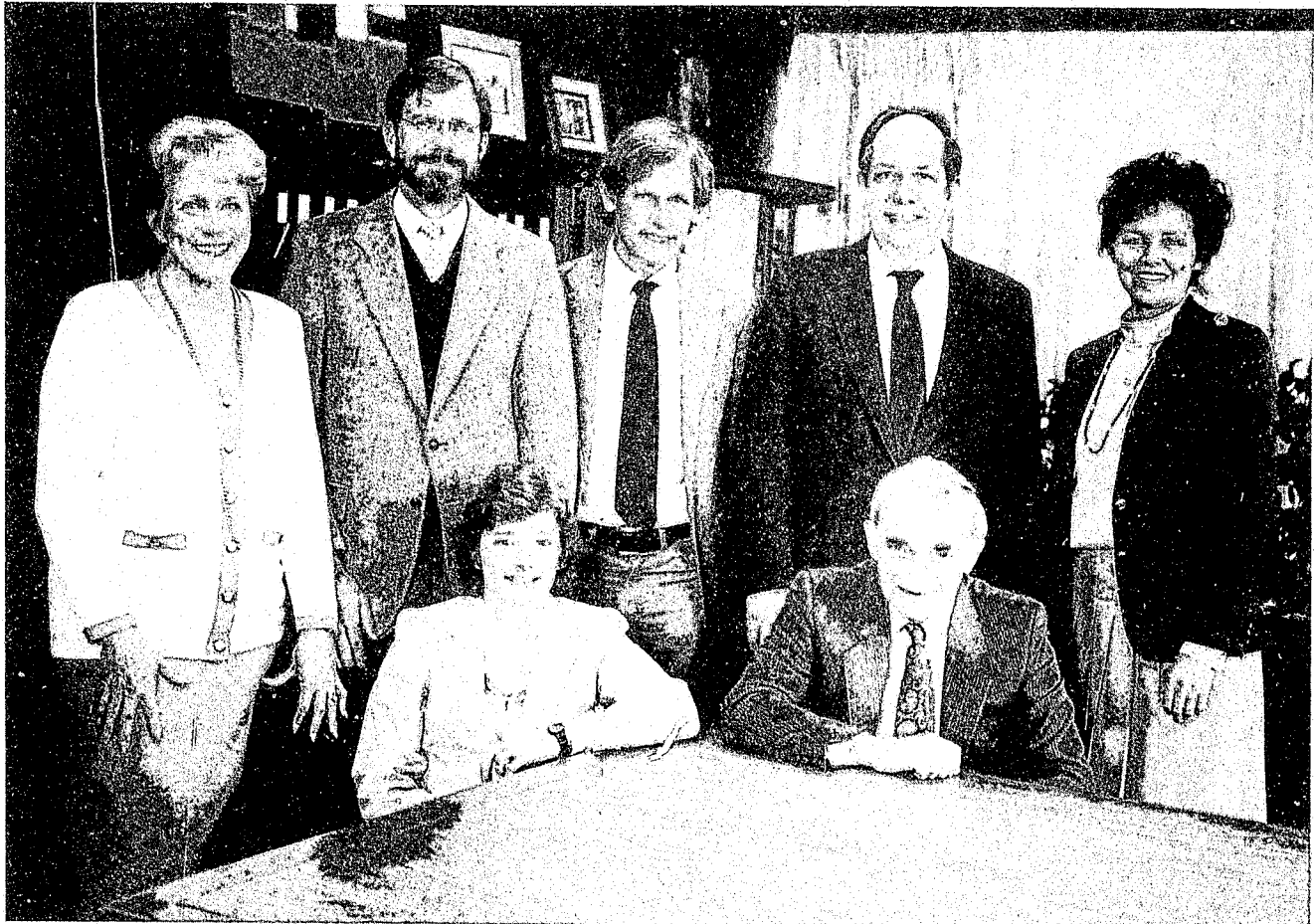
NON-ATTORNEY MEMBERS

Mary Jane Fate (1981-1987)
Hilbert J. Henrickson, M.D. (1985-1991)
Robert H. Moss (1974-1985)
Renee Murray (1983-1989)

COUNCIL STAFF

1985-1986

Harold M. Brown, Present Executive Director
Francis L. Bremson, Past Executive Director
Teresa W. Carns, Senior Staff Associate
Marla N. Greenstein, Staff Attorney
Josefa M. Zywna, Executive Secretary
Cathryn D. Wells, Research Associate
Sheila R. Vonesh, Administrative Assistant
Kathryn A. Friedle, Secretary
Cynthia Felton, Student Intern



JUDICIAL COUNCIL MEMBERSHIP, 1987

Members, left to right (standing)

Renee Murray, William T. Council, James D. Gilmore

Dr. Hilbert J. Henrickson, Mary Jane Fate

(seated) Barbara L. Schuhmann, Chief Justice Jay A. Rabinowitz

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PART I
INTRODUCTION

Alaska's Constitution established the Alaska Judicial Council and required it to "make reports and recommendations to the supreme court and to the legislature at intervals of not more than two years" (Article IV, Section 9). This is the Judicial Council's Thirteenth Report to the legislature and the supreme court since statehood. It summarizes the Council's activities in 1985 and 1986 in the field of judicial selection, retention election evaluation of judges and research. The report includes appendices that describe the council's membership (Appendix B), judicial selection procedures (Appendix D), retention election evaluation procedures (Appendix G), and judicial nominations and appointments since statehood (Appendix E). In addition, executive summaries from each of the major reports published by the Judicial Council are included as appendices.

A. ESTABLISHMENT OF THE JUDICIAL COUNCIL

Delegates to Alaska's Constitutional Convention established the Judicial Council for two purposes: to nominate candidates for supreme and superior court judgeships, and to conduct studies and to recommend improvements in the administration of justice. The legislature has since expanded the scope of Council activity to include nomination of court of appeals and district court judges and candidates for the state public defender's office, as well as evaluation of judicial performance of all judges and justices for retention election purposes. (Appendix A provides constitutional and statutory references to all mandated Judicial Council functions).

B. COUNCIL MEMBERSHIP

Article IV, Section 8 of Alaska's Constitution establishes the membership of the Council as three non-attorney members appointed by the Governor, three attorney members appointed by the Board of Governors of the Alaska Bar Association, and the Chief Justice of the Supreme Court of Alaska who serves, ex officio, as Chairman.

The Constitution provides that all appointments shall be made "with due consideration to area representation and without regard to political affiliation."

Non-attorney member appointments are subject to confirmation by a majority of both houses of the legislature, while attorney members are appointed by the Board of Governors of the Alaska Bar Association following advisory elections conducted among bar members within local judicial districts. Members are appointed for six-year staggered terms.

In 1985, Dr. Hilbert Henrickson of Ketchikan was appointed by Governor Sheffield to fill the non-attorney seat vacated by Robert Moss of Homer. Mr. Moss had served on the Judicial Council for a total of ten years. William T. Council of Juneau was appointed by the Bar Association to succeed Juneau attorney James B. Bradley.

C. ORGANIZATION AND ADMINISTRATION OF THE COUNCIL

The Judicial Council is governed by bylaws that were adopted in 1959 and that have undergone two major revisions in 1973 and 1983. The current bylaws are in Appendix C. The most important changes since 1983 were the addition of new bylaws numbers X and XI regarding extra-Council communications and access to Council records.

Judicial Council activities are primarily funded by the legislature from the General Fund; however, the Council is eligible to receive grants from other sources and has conducted much of its past research under grants from the federal government. Prior to 1973 the Judicial Council was staffed either by the Court System or by contract. Since that time, the Council has maintained its own internal staff. The Council's staff currently includes an executive director, senior staff associate, staff attorney and executive secretary. Additional temporary staff are employed from time to time as required for major research projects.

PART II
JUDICIAL SELECTION AND RETENTION 1985-1986

A. JUDICIAL SELECTION

The Judicial Council filled two rural superior court vacancies in the past two years. Judge Henry Keene retired from the Wrangell-Petersburg Superior Court judgeship in late 1984, and Judge Christopher Cooke resigned from the Bethel Superior Court in late 1985. The Judicial Council met in Ketchikan on March 28, 1985 to make its nominations for the Wrangell-Petersburg position. Thomas Jahnke was subsequently appointed by Governor Bill Sheffield to the seat. The Council met in Bethel on April 7 and 8, 1986 to conduct a public hearing and make nominations. Governor Sheffield appointed Gail Fraties to the Bethel Superior Court seat. Names of applicants and nominees for both positions are included in the judicial appointment log, Appendix F.

B. JUDICIAL SELECTION PROCEDURES

1. Bar Survey

The form used to survey all members of the Alaska Bar Association regarding each judicial applicant was completely revised prior to the Bethel judgeship. The new survey form has four measures of judicial qualities (Professional Skills, Fairness, Integrity and Suitability of Experience for the Position) rather than twelve previously used. Each measure has a detailed description of the one-to-five rating scale. Respondents have half a page for comments on each applicant rather than two lines. The form has been tested in two judgeships to date (see Appendix E for sample format). The new survey form replaces the counsel questionnaires that were previously sent to ten or more attorneys and judges for each applicant.

2. Training Seminar

A half-day training seminar on Judicial Council selection policies was conducted on September 22, 1986. The seminar gave new members an overview of

Council policies and provided an opportunity for discussion of selection procedure changes. As a result of the seminar, a new bylaw regarding extra-Council communications was adopted.

C. RETENTION ELECTION EVALUATIONS

Alaska's constitution and statutes require every judge to periodically stand for retention in the general elections. Judges appear on the ballot unopposed. Judges' terms vary depending on the court in which the judge serves.

Statutes enacted in 1975 authorize the Judicial Council to evaluate each justice or judge eligible to stand for retention. The Council must publicize its evaluation of each judge and must provide information about the evaluations to the Lieutenant Governor for inclusion in the Official Election Pamphlet. The Council may also make a recommendation about each judge.

Eighteen judges were eligible to stand for retention in 1986, including one supreme court justice, six superior court judges and eleven district court judges. All eighteen judges were evaluated as "qualified" by the Judicial Council and recommended for retention. The eighteen judges were all retained.

The Council used the procedures established in 1984 to evaluate judges in 1986 (see Appendix G). In addition to surveying active members of the Alaska Bar Association and peace and probation officers by mail, the Council reviewed court and public records and held public hearings. The public hearings were conducted in Homer, Sitka and Barrow. The Retention Consultant Committee, composed of three attorneys and three judges, continued to advise the Council on retention election issues in 1986.

PART III
RESEARCH AND RECOMMENDATIONS

A. INTRODUCTION

Alaska's Constitution requires the Judicial Council to "conduct studies for the improvement of the administration of justice, and make reports and recommendations to the supreme court and to the legislature." Since statehood the Council has responded to this mandate by recommending changes to the justice system that have included establishment of the Public Defender agency, adoption of presumptive sentencing and revisions of the Court System's fee structure. Two appendices to this report list the Council's major recommendations (Appendix I) and its publications since statehood (Appendix J).

B. MAJOR STUDIES, 1985 AND 1986

The three major reports prepared by the Council in 1985 and 1986 were Fairbanks Televised Arraignments: Final Report (March 1986); The Investigative Grand Jury in Alaska (February 1987) and Alaska Felony Sentences: 1984 (March 1987). Each of these is discussed below and the studies' executive summaries are included as Appendices K through M of this report. The full reports are available from the Judicial Council upon request. In addition, the Council served as staff to two supreme court committees. Its work in these areas is also described.

1. Fairbanks Televised Arraignments: Final Report

The first televised arraignment in Alaska was held on November 6, 1984 with the judge, clerk and attorneys in a Fairbanks courtroom and the in-custody defendants participating from the jail. The Fairbanks Televised Arraignment Project was Alaska's first step towards the use of live video technology to conduct court proceedings. The benefits found from the Fairbanks project were similar to those experienced by other jurisdictions nationwide: reduced costs for transporting in-custody defendants to the courtroom, improved security for all parties, reduced

liability for the state and more efficient release from jail of defendants who were able to comply with bail conditions.

The Judicial Council evaluated the televised arraignments at the request of the supreme court. Interviews with participants in the project, a statistical analysis of sentences imposed, and analyses of the legal issues and costs were the primary components of the evaluation. The executive summary of the final report, which contains the evaluation's findings and the Council's recommendations is Appendix K of this report.

The supreme court, after reviewing the Council's recommendations, made the experimental program permanent by adopting Criminal Rule 38.2. Steps were taken towards a permanent placement of the television and other equipment in the Fairbanks courthouse. Finally, the court, Department of Public Safety, prosecutors, Department of Corrections and Public Defender agency have been meeting to determine where the next televised arraignment program should be installed. The supreme court has asked the Judicial Council to monitor the progress of televised arraignment programs throughout the state.

2. The Investigative Grand Jury in Alaska

The Alaska Senate on August 5, 1985 unanimously adopted Senate Resolution 5 am requesting the Judicial Council to "study use of the power of the grand jury to investigate and make recommendations," and to "make recommendations to the supreme court and legislature to assure effective and proper use of that power with effective safeguards to prevent abuse and assure basic fairness." The resolution was the final product of a special legislative session called in response to a Juneau grand jury's recommendation in a report that the Alaska Senate consider impeachment proceedings against then-Governor Bill Sheffield. The Senate voted against impeachment proceedings but asked for a study of the grand jury's powers.

The Judicial Council considered the full range of investigative grand jury powers from initiation of an investigation through issuance of indictments or reports, and then focused on a detailed review of the reporting powers. The Council found that the broad constitutional grant of power to grand juries was unique to Alaska. Alaska's constitution allows grand juries to investigate any matter of public concern and to recommend any action that appears appropriate to the grand

jury. To preserve these powers the Council suggested that no amendment be made to the state's constitution.

The Council, noted, however, that the grand jury's powers had to be balanced against the constitutional guarantees of due process and privacy for individuals. Because the balancing process is primarily procedural, the council recommended that the supreme court adopt a new rule. The proposed Criminal Rule 6.1 (see Appendix L.5-7) provides guidelines for judicial review of grand jury reports, an opportunity for an in camera hearing for persons named in reports and guidelines for publication of reports.

The Judicial Council's report was formally presented to the legislature at the Council's annual meeting with the House and Senate Judiciary Committees on March 19, 1987. The proposed rule has been transmitted to the supreme court for its consideration.

3. Alaska Felony Sentences: 1984

The study of sentences imposed for 1984 felony offenders was the ninth major study of sentencing patterns prepared by the Judicial Council since 1975. Earlier studies included an analysis of the effects of prohibiting plea bargaining, the incidence of racial disparities in sentencing and the initial effects of the adoption of presumptive sentencing in 1980. Other Council studies have reviewed special databases, such as 1981 driving while intoxicated sentences and 1980-81 fish and game sentences.

The study of 1984 sentences used a new methodology for the data collection. Past studies have relied on trained research assistants to record data from original case files. Those data were costly, but control of data quality was good. The 1984 study used computerized databases that were not available in earlier years. The computer databases were substantially less expensive, but less control over the data quality was possible. The new methodology provided a more limited study of sentencing patterns (due to the inclusion of fewer variables), but at a low enough cost that it may prove feasible to replicate the study with more recent data in coming years.

The study drew on numerous secondary data sources, including Court System annual reports, Department of Public Safety reports, the legislative House Research Agency memoranda, and data from the Office of Management and Budget to assess the impacts of changes in the criminal justice system. The Council found that between 1980 and 1984 the number of convicted offenders doubled (with the number of convicted sexual offenders increasing by 300%), the legislature made several important amendments to the criminal code and sentencing laws, and the percentage of serious offenders increased (as a percentage of all convicted offenders). The Council estimated that these changes combined resulted in a 100% increase between 1980 and 1984 in the total amount of prison time sentenced. These findings are detailed in the executive summary of the report which is Appendix M of this report.

4. Sentencing Practices and Procedures Committee

This supreme court committee, formerly known as the Sentencing Guidelines Committee, was reconstituted and renamed in August 1985. Judge Walter Carpeneti, Juneau Superior Court, was appointed Chairman with members Chief Judge Alexander Bryner (Court of Appeals), Judge James Blair (Fairbanks Superior Court), Judge Brian Shortell (Anchorage Superior Court) and Judge Michael White (Anchorage District Court). The Judicial Council was asked by the Chief Justice to share reporting responsibilities for the Committee with the Court Rules Attorney. The Committee has reviewed consecutive/concurrent sentencing practices, alternatives to incarceration, the use of guidelines for fish and game sentences, and sentencing information systems.

5. Pro Tem Judge Performance Special Committee

The supreme court on April 24, 1986 amended Administrative Rule 23 to provide new guidelines for appointments of pro tem judges and to establish a means of evaluating the fitness of pro tem judges for continued appointment. Pro tem judges are retired judges who may accept temporary assignments to the bench and who do not stand for retention election. The provision for evaluating their performance on a biennial basis allows a more substantial basis for accountability.

The Pro Tem Judge Performance Evaluation Special Committee is comprised of two attorneys (James Gilmore, Judicial Council representative, and Stanley Ditus, Alaska Bar Association Board of Governors representative) and two judges (Third Judicial

District Presiding Judge Douglas Serdahely and District Court Judge Glen Anderson) with retired Judge Thomas Stewart as Chairman. Judicial Council staff served as staff to the Committee. The Committee has drafted guidelines for the evaluation of pro tem judges. These guidelines, together with draft materials such as survey questionnaires to be used in evaluation, will be presented to the supreme court in 1987.

The Committee's work is also part of an American Bar Association project to demonstrate the use of ABA Guidelines for the Evaluation of Judicial Performance in various jurisdictions. In 1986 Alaska was named as one of the ABA's five pilot sites (the other sites are Washington, Delaware, Puerto Rico and Illinois). The program designed for Alaska's pro tem judges will aid in evaluating the effectiveness of the ABA Guidelines.

C. RESEARCH IN PROGRESS

The Council has undertaken several new projects in 1985 and 1986 in addition to those reported above. The supreme court asked the Council to evaluate the use of cameras in the courts (Court Order No. 647); the Anchorage trial courts have asked for the Council's help in assessing the "fast-track" program for civil cases, and the supreme court requested participation by the Council in the development of performance evaluation guidelines for pro tem judges (Administrative Rule 23[b]).

The Council, on its own initiative, has drafted a profile of the characteristics of all judicial applicants and nominees since 1984. The profile will be completed in the next year. A second in-house research project undertaken in 1985 was the development of chronological and subject matter indices of Judicial Council meeting minutes. Finally, an update of the Council's sentencing database will begin as soon as possible. Each of these projects is described below.

1. Cameras in the Courts

The Alaska Supreme Court adopted a new policy for electronic and still camera coverage of judicial proceedings effective July 1, 1985. The new policy adopted on an experimental basis until July 1, 1987 allows cameras in most court proceedings

unless the judge bans them for reasons consistent with supreme court guidelines. The former court rule required that the judge and defendant agree to the presence of cameras in the courtroom. The purpose of the policy was to open the judicial system to greater public observation. However juvenile proceedings and family court matters may not be photographed, and in sex offense cases the victim's consent to cameras is required.

The Council's evaluation will review the quantity and quality of television coverage of the courts before and after the rule change, coverage of selected cases by newspapers, and the legal issues raised by the rule change. Interviews with attorneys, reporters and court personnel, as well as surveys of the same groups will provide measures of attitude changes and documentation of benefits and problems of the experimental program. A report of the Council's findings is expected in the late summer of 1987.

2. Anchorage "Fast-Track" Program

The Anchorage trial courts asked the Judicial Council in June of 1985 to assist in evaluation of the court's planned "fast-track" program. The Council analyzed data provided by the courts to determine the amount of time required to dispose of typical civil cases. Half of the general civil cases handled by the court in 1984 were less than 555 days old at the time of disposition; half were more than 555 days old. The "median" time to disposition was 555 days. This analysis provided baseline data against which to measure the effects of the "fast-track" program that was implemented in late 1985.

The next measurement of processing time will begin in May of 1987. The disposition times of cases closed in 1986 and early 1987 will be measured and compared to the 1984 data. In addition to this measure of effectiveness, the court is considering comments from the Bar, length of trial data and other data accumulated by its own staff.

3. Judicial Profile

Characteristics of judicial applicants may vary from community to community or from one level of court to the next. The Council reviewed 67 applicants for judgeships between 1984 and 1986 to assess the qualities of applicants, nominees and

appointees to the district and superior court positions that were filled in those years. The profile will provide the Council with an analysis of the criteria used in previous evaluations of candidates for judicial office and the importance attached to various qualifications and characteristics. The profile may also suggest guidelines to be used in evaluating candidates for future judgeships.

Data were compiled on 34 different characteristics of each applicant, including Bar survey scores, education and honors, type of legal experience, numbers of trials and prior applications. The findings to date include:

- * Nearly half of the applicants (46%), 58% of the nominees and 69% of the appointees were previously employed in the public sector rather than in a private or corporate practice. The majority of the applicants from the public sector were Assistant District Attorneys. Most of the applicants in private practice worked as sole practitioners (67%).
- * Applicants had a one out of two chance of being nominated and a one in five chance of being appointed to a judgeship.
- * Women constituted 15% of the applicant pool, 12% of the nominees and 23% of the appointees, while constituting 17% of the Alaska Bar.

The final report will be available in 1987. Information regarding applicants, nominees and appointees will be updated periodically to enable the Council to track changes in candidate characteristics.

4. Minutes Index

An index of the Council Meeting Minutes since statehood is being prepared. The index references the minutes by name, by date and by subject matter. Periodic updates will assure the continued usefulness of the index.

5. Updated Sentencing Database

The legislature and courts responded to the Council's study of 1984 felonies by asking for more current information about sentencing patterns. The legislature has expressed interest in sentencing patterns for particular offenses such as

vehicular homicide, child abuse resulting in the death of the victim and assault of a child. Additional data from more recent years would also provide a more adequate database for the analysis of offenses such as various levels of homicide. Too few homicide convictions occur in any single year to allow statistical analysis of the sentences. The updated sentencing database will include cases sentenced in 1985, 1986 and early 1987.

APPENDIX A

CONSTITUTIONAL AND STATUTORY REFERENCES TO THE JUDICIAL COUNCIL

**CATALOGUE OF CURRENT LAW
RELATING TO
ALASKA JUDICIAL COUNCIL**

ALASKA CONSTITUTION:

ARTICLE IV, SECTION 5	Duty to nominate supreme court justices and superior court judges.
ARTICLE IV, SECTION 6	Retention.
ARTICLE IV, SECTION 7	Judicial vacancy.
ARTICLE IV, SECTION 8	Composition of Judicial Council and manner of appointment of members, necessity of four votes.
ARTICLE IV, SECTION 9	Duty to conduct studies to improve the administration of justice.
ARTICLE IV, SECTION 13	Compensation of Judicial Council members to be prescribed by law.
ARTICLE XV, SECTION 16	First Judicial Council.

ALASKA STATUTES:

01.10.055	Residency requirements for judicial applicants.
09.25.110-120; (39.51.020)	Inspection and copying of public records, including applications for public employment; (compliance without penalty).
15.15.030(10)	Election ballot for judicial retention.
15.15.450	Certification of retention vote.
15.35.030	Approval/rejection of supreme court justice.
15.35.040	Retention filing date for supreme court.
15.35.053	Approval/rejection of court of appeals judge.

ALASKA STATUTES CONTINUED:

15.35.055	Retention filing date for court of appeals.
15.35.060	Approval/rejection of superior court judge.
15.35.070	Retention filing date for superior court.
15.35.100	Approval/rejection of district court judge.
15.35.110	Retention filing date for district court.
15.58.020(2)	Election pamphlet must contain retention election information from Judicial Council.
15.58.030(g)	August 7 deadline for judges to file photograph and statement for OEP.
15.58.050	Information must be filed with lieutenant governor no later than August 7 of the year in which the general election will be held.
15.58.060(c)	Judicial Council does not have to pay for space in election pamphlet.
18.85.030	Duty of Council to nominate public defender candidates.
18.85.050	Duty to nominate public defender candidates as soon as possible if vacancy occurs midterm.
22.05.070	Qualifications of supreme court justices.
22.05.080	Duty to nominate supreme court justice candidates; vacancy occurs 90 days after election at which rejected or for which judge failed to file for retention.

ALASKA STATUTES CONTINUED

22.05.100	Duty to provide information to public on supreme court justice on retention.
22.05.130	Restrictions on supreme court justice.
22.07.040	Qualifications of court of appeals judges.
22.07.060	Duty to provide information to public on court of appeals judge on retention.
22.07.070	Duty to nominate court of appeals judge candidates; vacancy occurs 90 days after election at which rejected or for which judge failed to file for retention.
22.07.080	Restrictions on court of appeals judges.
22.10.090	Qualifications of superior court judges.
22.10.100	Duty to nominate superior court candidates; vacancy occurs 90 days after election at which rejected or for which judge failed to file for retention.
22.10.120	Council to designate judicial district in which appointee to reside and serve.
22.10.150	Duty to provide information to public on superior court judge on retention.
22.10.180	Restrictions on superior court judges.
22.15.160	Qualifications of district court judges.
22.15.170	Duty to nominate district court judge candidates; vacancy occurs 90 days after election at which rejected or for which judge failed to file for retention.

ALASKA STATUTES CONTINUED

22.15.195	Duty to provide information to the public on district court judge on retention.
22.15.210	Restrictions on district court judges.
22.20.037	Judicial Council employees subject to state laws regarding leave, retirement, travel; annual salary survey.
22.25.010	Copy of declaration of judge incapacity to be filed with Council.
22.30.010	Council members may not serve on both Council and Commission on Judicial Conduct simultaneously
24.20.075	Legislative recommendations of the Council to be reviewed by the Code Revision Commission.
24.55.330	Judicial Council subject to jurisdiction of Ombudsman.
39.05.035	Commission of office.
39.05.045	Oath of office.
39.05.070	Uniformity of appointment process.
39.05.080	Appointment procedure.
39.05.100	Qualifications for appointment.
39.05.200	Definitions.
39.20.110	Per Diem.
39.20.120	Allowable expenses.
39.20.130	Mileage.
39.20.140	Travel costs and travel out-of-state.
39.20.150	Advances.
39.20.160	Regulations.

ALASKA STATUTES CONTINUED

39.20.170	Construction
39.20.180	Transportation and per diem reimbursement of council members.
39.20.185	Per diem--when not entitled to.
39.20.190	Definitions.
39.20.200-.350	Leaves of absence.
39.23.240	State officers compensation commission.
39.25.080	Public records.
39.25.090	State Personnel Act.
39.25.100	Classified service.
39.25.110(2), (10)	Staff exempt from coverage of State Personnel Act; Council members exempt.
39.25.178	Employee political rights.
39.27.011(a), Sec. 6 ch. 87 SLA 1985	Cost of living increases for employees of judicial branch.
39.30; 39.35; 39.45	Insurance and supplemental employee benefits; public employees' retirement system; public employees' deferred compensation program (refer to statutes).
39.50.010-.200(b) (15)	Report of financial and business interests.
44.62.310	Requirement that Council meetings be open to the public.
44.62.312	State policy regarding meetings.

RESOLUTIONS

S. Res. 5am (8/16/85)

Council to study grand jury.

RULES OF COURT

Adm.R.23(a-b) (9/15/86)

Pro tem judge performance evaluation by Council.

ADMINISTRATIVE CODE

2 AAC 37.010

Judicial retirement for
incapacity.

STATE ADMIN. REGULATIONS

7602-7684

Travel and moving.

APPENDIX B

JUDICIAL COUNCIL MEMBERSHIP

HISTORICAL ROSTER OF ALASKA JUDICIAL COUNCIL MEMBERS

<u>POSITION</u>	<u>RESIDENCE</u>	<u>APPOINTMENT EFFECTIVE</u>	<u>EXPIRATION OF TERM</u>
<u>CHAIRMAN¹ (CURRENT TERM EXPIRES 9/30/87)</u>			
Chief Justice Buell A. Nesbett		11/29/59	6/18/70
Chief Justice George F. Boney		6/18/70	11/16/72
Chief Justice Jay A. Rabinowitz		11/16/72	11/16/75
Chief Justice Robert Boochever		11/16/75	11/16/78
Chief Justice Jay A. Rabinowitz		11/16/78	11/17/81
Chief Justice Edmond W. Burke		11/16/81	9/30/84
Chief Justice Jay A. Rabinowitz		10/1/84	9/30/87
<u>ATTORNEY MEMBERS</u>			
<u>CURRENT TERM EXPIRES 2/24/92</u>			
E.E. Bailey ²	Ketchikan	2/24/59	2/24/62
E.E. Bailey	Ketchikan	2/24/62	2/24/68
Frank M. Doogan ³	Juneau	10/15/68	4/73
Michael L. Holmes ⁴	Juneau	5/73	2/24/74
Michael L. Holmes	Juneau	2/24/74	2/24/80
Walter L. Carpeneti ⁵	Juneau	2/24/80	2/81
James B. Bradley ⁴	Juneau	4/81	2/24/86
William T. Council	Juneau	2/24/86	2/24/92
<u>CURRENT TERM EXPIRES 2/24/88</u>			
Robert A. Parrish ²	Fairbanks	2/24/59	2/24/64
William V. Boggess ⁵	Fairbanks	2/24/64	4/64
Michael Stepovich ⁴	Fairbanks	5/64	2/24/70
Michael Stepovich	Fairbanks	2/24/70	2/24/76
Michael Stepovich ³	Fairbanks	2/24/76	8/78
Marcus R. Clapp ⁴	Fairbanks	8/78	2/24/82
Mary E. Greene ³	Fairbanks	2/24/82	4/82
Barbara L. Schuhmann ⁴	Fairbanks	7/82	2/24/88

HISTORICAL ROSTER OF ALASKA JUDICIAL COUNCIL MEMBERS

<u>POSITION</u>	<u>RESIDENCE</u>	<u>APPOINTMENT EFFECTIVE</u>	<u>EXPIRATION OF TERM</u>
<u>ATTORNEY MEMBERS (CONTINUED)</u>			
<u>CURRENT TERM EXPIRES 2/24/90</u>			
Raymond E. Plummer ^{2, 3}	Anchorage	2/24/59	9/26/61
Harold Butcher ⁴	Anchorage	11/61	2/24/66
George F. Boney ⁵	Anchorage	2/24/66	9/68
Lester W. Miller, Jr. ⁴	Anchorage	10/15/68	2/24/72
Eugene F. Wiles ³	Anchorage	2/24/72	3/75
Joseph L. Young ⁴	Anchorage	4/75	2/24/78
Joseph L. Young	Anchorage	2/24/78	2/24/84
James D. Gilmore	Anchorage	2/24/84	2/24/90
<u>NON-ATTORNEY MEMBERS</u>			
<u>CURRENT TERM EXPIRES 5/18/91</u>			
Roy J. Walker ²	Fairbanks	5/18/59	5/18/61
John Cross	Kotzebue	5/18/61	5/18/67
Thomas K. Downes ³	Fairbanks	5/18/67	Mid-1968
V. Paul Gavora ⁴	Fairbanks	10/15/68	5/18/73
Thomas J. Miklautsch ³	Fairbanks	5/28/73	12/10/74
Robert H. Moss ⁴	Homer	12/10/74	5/18/79
Robert H. Moss	Homer	5/18/79	5/18/85
Dr. Hilbert J. Henrickson	Ketchikan	8/13/85	5/18/91
<u>CURRENT TERM EXPIRES 5/18/87</u>			
Jack E. Werner ²	Seward	5/18/59	5/18/63
Jack E. Werner	Seward	5/18/63	5/18/69
Ken Brady	Anchorage	6/28/69	5/18/75
Ken Brady	Anchorage	5/18/75	5/18/81
Mary Jane Fate	Fairbanks	5/18/81	5/18/87

HISTORICAL ROSTER OF ALASKA JUDICIAL COUNCIL MEMBERS

<u>POSITION</u>	<u>RESIDENCE</u>	<u>APPOINTMENT EFFECTIVE</u>	<u>EXPIRATION OF TERM</u>
<u>NON-ATTORNEY MEMBERS (CONTINUED)</u>			
<u>CURRENT TERM EXPIRES 5/18/89</u>			
Dr. William M. Whitehead ^{2, 3}	Juneau	5/18/59	12/6/62
Charles W. Kidd ^{4, 3}	Juneau	4/63	1/64
H. Douglas Gray ⁴	Juneau	4/64	5/18/65
H.O. Smith ⁶	Ketchikan	5/18/65	6/65
Pete Meland ⁴	Sitka	1/66	5/18/71
Oral Freeman ³	Ketchikan	11/22/71	1/73
Lew M. Williams, Jr. ⁴	Ketchikan	4/73	5/18/77
John Longworth	Petersburg	5/18/77	5/18/83
Renee Murray	Anchorage	8/8/83	5/18/89

¹ The Judicial Council initially submitted nominations for the position of Chief Justice; there was no limitation on the Chief Justice's term. Chief Justice Nesbett and Chief Justice Boney were nominated and appointed in this manner. The Constitution was amended on August 25, 1970 to provide for the election of the Chief Justice by the Justices of the Supreme Court for a three-year term; the Amendment further provided that a Chief Justice may not be reelected to consecutive terms.

² Appointed to initial staggered term.

³ Resigned during term.

⁴ Appointed to complete unexpired term.

⁵ Resigned during term to apply for judicial office.

⁶ Denied legislative confirmation.

APPENDIX C

CURRENT COUNCIL BYLAWS

BYLAWS OF THE ALASKA JUDICIAL COUNCIL

ARTICLE I POLICIES

Section 1. Concerning Selection of Justices, Judges, and Public Defender.

The Judicial Council shall endeavor to nominate for judicial office and for public defender those judges and members of the bar whose character, temperament, legal ability and legal experience are demonstrated to be of the highest quality. The Council shall actively encourage qualified members of the bar to seek nomination to such offices, and shall endeavor to prevent political considerations from outweighing fitness in the judicial and public defender nomination processes.

Section 2. Concerning Retention of Judges.

Pursuant to the provisions of Alaska Statutes Title 15 and 22, the Council may recommend the retention in judicial office of incumbent justices and judges found to be qualified through such means of judicial performance assessment as deemed appropriate; and may recommend against retention of justices and judges found to be not qualified through such survey and assessment processes. The Council shall endeavor to prevent political considerations from outweighing fitness in the judicial retention process.

ARTICLE II MEMBERSHIP

Section 1. Appointment; Limitation of Term.

Members of the Council shall be appointed and shall serve their terms as provided by law; however, a member whose term has expired shall continue to serve until his/her successor has been appointed. Council members may be appointed to successive terms; however, no Council member should serve more than two full terms or one unexpired term and one full term.

Section 2. Effective Date of Appointment.

(A) Non-Attorney Members. The effective date of a non-attorney member's appointment to the Council shall be the day following the effective date of the vacancy in the seat to which appointed, if appointed prior to such date; or the date of or specified in the gubernatorial letter of appointment, if appointed

after such date. Non-attorney members shall have full voting rights effective upon said appointment date, unless and until denied confirmation by the legislature.

(B) Attorney Members. The effective date of an attorney member's appointment shall be the day following the effective date of the vacancy in the seat to which appointed, if appointed prior to such date; or the date of or specified in the letter of appointment from the Board of Governors of the Alaska Bar Association, if appointed after such date.

(C) Chief Justice. The effective date of the Chief Justice's appointment is the effective date of his or her election to the post of Chief Justice.

Section 3. Oath of Office.

The Chairman of the Council shall administer the oath of office to each new member, following a determination by the Council that the person selected has met the qualifications for membership as set forth by law.

Section 4. Vacancies.

At least 90 days prior to the expiration of the term of any Council member, or as soon as practicable following the death, resignation, or announced intent to resign of any Council member, the Executive Director shall notify the appropriate appointing authority and request that the appointment process be initiated immediately to fill the existing or impending vacancy.

Section 5. Disqualification.

(A) Candidacy of Council Member. Any member of the Judicial Council who seeks appointment to a judicial office or the office of public defender must resign from the Council as of the date of the application and should not accept reappointment to the Council for a period of two years thereafter.

(B) Attendance at Regular Meetings. Council members shall attend all regular meetings of the Council unless excused by the Chairman for good cause. If a member is absent without good cause for two consecutive meetings, the Chairman shall formally request the resignation of such member.

Section 6. Expenses; Compensation.

Council members shall be reimbursed for travel and other expenses incurred while on Council business and may receive compensation as otherwise provided by law.

ARTICLE III OFFICERS

Section 1. Officers Specified.

(A) The officers of the Council shall be the Chairman, Vice-Chairman and Executive Director.

(B) Chairman. The Chief Justice of the Alaska Supreme Court is the Chairman of the Alaska Judicial Council.

(C) Vice-Chairman. The Vice-Chairman will be the member of the Judicial Council whose current term will first expire.

(D) Executive Director. The Council by concurrence of four or more of its members may designate an Executive Director to serve at the pleasure of the Council.

Section 2. Duties and Powers.

(A) Chairman. The Chairman shall preside at all meetings of the Council and perform such other duties as may be assigned by the Council. In the absence of an Executive Director or Acting Director, the Chairman will serve as Acting Director.

(B) Vice-Chairman. The Vice-Chairman shall preside at meetings of the Council in the absence of the Chairman. The Vice-Chairman shall perform such other duties as usually pertain to the office of the Chairman when the Chairman is unavailable to perform such functions.

(C) Executive Director. The Executive Director shall keep a record of all meetings of the Council; shall serve as chief executive officer of the Council; shall be responsible to the Council for planning, supervising and coordinating all administrative, fiscal and programmatic activities of the Council; and shall perform such other duties as may be assigned. The Executive Director may receive compensation as prescribed by the Council and allowed by law.

(D) Acting Director. In the event of the incapacity, disability, termination or death of the Executive Director, the Council may appoint an Acting Director, and may impose such limits on the authority of said Acting Director as it deems advisable, until such time as a new Executive Director can be found, or until such time as the incapacity of the Executive Director can be cured. Should the Council choose not to appoint an Acting Director or otherwise fail to appoint, the Chairman of the Council will, ex officio, serve as Acting Director until a replacement can be found.

ARTICLE IV MEETINGS

Section 1. Public Sessions; Public Notice.

All meetings of the Judicial Council shall be open to the public, except as hereinafter specifically provided. At least three days prior to any such meeting to be held in Anchorage, Fairbanks, or Juneau, public notice of date, time, and place of the meeting and of general topics to be considered shall be given through paid advertisements in major newspapers of general circulation in all three cities; for meetings to be held elsewhere in the state, paid public notice shall be provided at least three days in advance in the newspaper or newspapers of general circulation in such other areas as well as in the newspapers of general circulation in Anchorage, Fairbanks, and Juneau. When the notice requirements of this section are determined by the Council to be unreasonable, the Council is authorized to meet after such other period and utilizing such other form of public notice as it deems reasonable under the circumstances.

Section 2. Participation by Telecommunications.

It shall be the policy of the Judicial Council to meet in person, where practicable. When, however, in the opinion of the Chairman, circumstances exist warranting a telephone conference among members between meetings, or the personal attendance of one or more Council members at a regularly scheduled meeting has been excused for good cause, a member or members may participate in regular or special meetings by teleconference subject to the following requirements: that reasonable public notice under Article IV, Section 1, and adequate notice to members under Article IV, Section 8, have been given; that at least one member is present at the time and location publicly announced for any such meeting; and that adequate teleconference or other electronic communication means are available. Teleconferencing may be used to establish quorums, receive public input and, if all voting individuals have a substantially equal opportunity to evaluate all testimony and evidence, to vote on actions.

Section 3. Regular Meetings.

The Council shall hold not fewer than two meetings per year, at times designated by the Council, to consider problems which may affect the Council and concern the administration of justice in the State of Alaska.

Section 4. Special Meetings.

When a vacancy in the office of justice, judge, or public defender actually occurs or is otherwise determined to be lawfully impending, the Chairman shall call a special meeting of the Judicial Council within the time-frame required by law. The Chairman shall also call a special meeting of the Council upon the request of four or more members to consider such business as may be specified in the request; at such meeting, the Council may also consider such other business as may come before the Council with the consent of four or more of the members present. The Chairman shall fix the time and place of such meeting not more than 30 days from the date of receipt of such request.

Section 5. Public Hearings.

The Council may hold public hearings on all matters relating to the administration of justice as it deems appropriate and in such places as it determines advisable.

Section 6. Executive Sessions.

The Council may determine as permitted by law whether its proceedings will be conducted in executive session. This determination must be made in a session open to the public and the decision to hold an executive session must be supported by the concurrence of four or more members. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session, unless auxiliary to the main question. No action may be taken in executive session.

Section 7. Place of Meeting.

Insofar as may be practicable, meetings should be held in the area of the State most directly affected by the subject matter under consideration, or elsewhere as determined advisable.

Section 8. Notice of Meeting: Waiver.

Written notice of each meeting shall be mailed to all members of the Council as far in advance as practicable but in any event not less than five days before the date fixed for each meeting. Presence at a meeting of the Council without objection shall constitute waiver of notice.

ARTICLE V VOTING AND QUORUM

Section 1. Voting.

All members of the Council present shall be entitled to vote on all matters coming before the Council, except that the Chairman shall only vote when to do so would change the result. The Council shall act by concurrence of four or more members. All votes shall be taken in public session. Any member can vote in the affirmative or negative or abstain on any matter; however, a member who wishes to abstain shall indicate his or her intention to do so prior to the question being called and shall disclose the reasons for such proposed abstention.

Section 2. Conflict of Interest; Disqualification.

No member may vote on any matter in which he or she has a substantial personal or pecuniary interest. In addition, any member of the Council who believes that his or her personal or business relationship to any applicant for a judicial or public defender vacancy or to any judge or justice being evaluated for retention purposes might prevent such member from fairly and objectively considering the qualifications of such person, or might otherwise involve a conflict of interest or create the appearance thereof, shall disclose the circumstances of such actual or apparent conflict to the Council and shall disqualify himself or herself from discussing or voting on the nomination or retention of said person.

Section 3. Quorum.

Four members of the Council shall constitute a quorum for the transaction of business at any meeting.

Section 4. Rules of Order.

Robert's Rules of Order Revised will govern the meetings of the Council insofar as they do not conflict with these bylaws.

ARTICLE VI COMMITTEES

Section 1. Standing Committees.

The Council shall establish such standing committees from time to time as may be deemed appropriate for the efficient and effective conduct of Council business. Standing committee assignments shall be made annually by the Chairman. The function

of each committee shall be to monitor Council activities between meetings, to provide guidance and advice to staff, and to report to the Council at regularly scheduled meetings regarding the committees' areas of oversight. Each committee shall include at least one attorney and one non-attorney member. To the maximum extent possible, Council members should be permitted to serve on the committee or committees of their choice. The following standing committees shall be established:

- (A) Finance, audit, and administration;
- (B) Programs and research;
- (C) Judicial and public defender selection and retention;
- (D) Legislation.

Section 2. Ad Hoc Committees.

The Chairman may direct the establishment of ad hoc committees from time to time as may be deemed appropriate. Ad hoc committees shall report to the Council on their activities and may make recommendations for Council action.

ARTICLE VII
RESEARCH AND INVESTIGATION

The Council shall initiate studies and investigations for the improvement of the administration of justice. These studies and investigations may be conducted by the entire Council, by any of its members or by its staff as directed by the Council. The Council may hire researchers and investigators and may contract for the performance of these functions. A topic for any study or investigation may be proposed at any meeting of the Council by any member without prior notice.

ARTICLE VIII
PROCEDURE FOR SUBMITTING JUDICIAL AND PUBLIC DEFENDER
NOMINATIONS TO THE GOVERNOR

Section 1. Notice of Vacancy; Recruitment.

Whenever a vacancy to be filled by appointment exists, or is about to occur, in any supreme court, court of appeals, superior court, or district court of this state, or in the office of public defender, the Council, by mail or by such other publication means as may be appropriate, shall notify all active members of the Alaska Bar Association of the vacancy, and shall invite applications from qualified judges or other members of the bar of this state for consideration by the Council for recommendation to

the Governor. Council members may also encourage persons believed by such members to possess the requisite qualifications for judicial or public defender office to submit their applications for consideration and may cooperate with judicial selection committees of the state or local bar associations or of such other organizations as may be appropriate in the identification and recruitment of potential candidates.

Section 2. Application Procedure.

The Council shall establish and publish forms and procedures for the solicitation, evaluation, and nomination of candidates for vacancies in the offices of justice, judge, and public defender. Each applicant for a judicial or chief public defender position shall obtain and complete an application for appointment provided by the Council and shall comply with all the requirements therein. Such application may request such information as deemed appropriate to a determination of qualification for office, including but not limited to the following: family and marital history; bar and/or judicial discipline history; criminal record; involvement as a party in litigation; credit history; physical and mental condition and history; academic and employment history; military record; and representative clientele.

Section 3. Evaluation and Investigation of Applicants' Qualifications.

(A) Judicial Qualifications Polls. The Judicial Council may conduct judicial qualifications polls in such form and manner as may be prescribed by the Council and cause the same to be circulated among the members of the Alaska Bar Association. If the Alaska Bar Association conducts a qualifications poll satisfactory to the Council, the Council may recognize such poll. The Judicial Council may conduct such other surveys and evaluations of candidates' qualifications as may be deemed appropriate.

(B) Investigation. The Council and its staff shall investigate the background, experience, and other qualifications of an applicant under consideration for a judicial or a public defender vacancy, and may call witnesses before it for such purposes.

(C) Candidate Interviews; Expenses. The Council may, when and where it deems desirable, conduct a personal interview with one, some, or all applicants for any judicial or public defender vacancy. Candidates requested to appear before the Council for such interviews shall appear in person; when, however, a candidate for good cause shown is unable to personally attend such interview, the Council may arrange for an interview by telephone or other electronic communication means with such applicant, and such alternative interview as may be appropriate, including but not limited to interview of such candidate by a committee of the Council at such other time and place as may be convenient.

With respect to any interview requested by the Council, a candidate's travel and per diem expenses will be paid by the Council within limits and according to guidelines established by law, provided adequate funds are available. The cost of a telephone interview requested by the Council shall be paid by the Council.

Section 4. Nomination Procedure; Recommendation of Best Qualified Candidates.

The Council shall carefully consider whether or not each person under consideration possesses the qualities prescribed in Article I, Section 1, hereof, and shall determine whether each such person is so qualified. The Council shall then submit a panel of names in alphabetical order to the Governor of the candidates it considers most qualified, provided such panel includes two or more names; if fewer than two applicants are determined to be qualified, the Council shall decline to submit any names and shall readvertise for the position.

ARTICLE IX
REVIEW OF JUDICIAL PERFORMANCE

Section 1. Retention Election Evaluation.

Prior to each general election in which one or more justices or judges has expressed his or her intention to be a candidate for retention election, the Council shall conduct evaluations of the qualifications and performance of such justices and judges and shall make the results of such evaluations public. Such evaluations may be based upon the results of a judicial performance survey conducted among all active members of the Alaska Bar Association. Such evaluations may also be based upon such other surveys, interviews, or research into judicial performance as may be deemed appropriate including, but not limited to, any process which encourages expanded public participation and comment regarding candidate qualifications.

Section 2. Recommendation.

Based upon such evaluative data, the Council may recommend that any justice or judge either be retained or not be retained. The Council may actively support the candidacy of every incumbent judge recommended to be retained, and may actively oppose the candidacy of every incumbent judge whom it recommends not be retained.

Section 3. Judicial Performance Evaluation.

The Council may conduct such additional evaluations of judges, other than at the time of retention elections, at such times and in such a manner as may be appropriate, and make the results of such additional evaluations public.

**ARTICLE X
EXTRA-COUNCIL COMMUNICATIONS**

All written communications between a Council member and any other person or organization regarding the qualifications of any candidate or the performance of any judicial officer should be forwarded to all other members; all oral communications regarding such matters should be shared with other members without unreasonable delay.

Persons who wish to communicate with the Council should be advised of the Council's bylaws and policies regarding confidentiality and extra-Council communications. Council members should encourage persons who wish to communicate support for or concerns about particular candidates to the Council to do so in writing.

All communications and deliberations among Council members regarding the qualifications of any candidate or the performance of any judicial officer shall be kept confidential in accordance with law and Council bylaws.

**ARTICLE XI
ACCESS TO COUNCIL RECORDS**

Section 1. Public Records.

All records of the Judicial Council, unless confidential or privileged, are public as provided in AS 09.25.110. The public shall have access to all public records in accordance with AS 09.25.120.

Public Records include:

1. Council bylaws and policy statements;
2. Minutes of Council meetings;
3. Final Council reports;
4. Financial accounts and transactions;
5. Library materials; and
6. All records other than those excepted in this bylaw.

Section 2. Right to Privacy.

Materials that, if made public, would violate an individual's right to privacy under Art. I, Section 22 of the Alaska Constitution shall be confidential. Confidential materials are not open for public inspection and include:

1. Solicited communications relating to the qualifications of judicial or public defender vacancy applicants, or judicial officers;
2. Unsolicited communications relating to the qualifications of a judicial or public defender applicant or judicial officer, where the source requests confidentiality;
3. Those portions of the "application for judicial appointment" and "judge questionnaire" that reveal sensitive personal information entitled to protection under law;
4. Investigative research materials and internal communications that reveal sensitive personal information entitled to protection under law; and
5. Contents of Council employees' and members' personnel records, except that dates of employment, position titles, classification and salaries of present and/or past state employment for all employees are public information. In addition, application forms, resumes and other documents submitted to the Judicial Council in support of applications for any position with the Council grade 16 or above are public information.

Section 3. Deliberative Process.

Materials that are part of the deliberative process of the Judicial Council, including those prepared by Council employees, are privileged and confidential if their disclosure would cause substantial and adverse effects to the Council that outweigh the need for access. These materials generally include drafts and computations prior to final document approval, internal memoranda conveying personal opinions, and other pre-decisional documents not incorporated into public records under this bylaw.

Section 4. Other Information.

Information required or authorized to be kept confidential by law is not a public record.

Section 5. Privileged Communications.

Communications that are legally privileged are not public information. These communications include but are not limited to communications between the Council and its attorney made for the purpose of facilitating the rendition of professional legal services to the Council.

Section 6. Release of Information.

If a record contains both disclosable and nondisclosable information, the nondisclosable information will be deleted and the disclosable information will be disclosed. Information that otherwise would not be disclosable may be released to the subject of that information or to the public if it is in a form that protects the privacy rights of individuals and does not inhibit candid debate during the decision-making process.

**ARTICLE XII
OFFICE OF JUDICIAL COUNCIL**

The Council shall designate an office of the Council in such location as it deems appropriate. Records and files of the Council's business shall be maintained by the Executive Director at this location.

**ARTICLE XIII
APPROPRIATIONS**

The Council will seek such appropriations of funds by the Alaska Legislature and other funding sources as it deems appropriate to carry out its constitutional and statutory functions.

**ARTICLE XIV
AMENDMENTS**

These bylaws may be altered or amended by the Judicial Council by concurrence of four or more members, provided reasonable notice of proposed amendments has been provided to all Council members.

These bylaws adopted by the Alaska Judicial Council, this 15th day of February 1966; amended November 10, 1966; June 18, 1970; March 30, 1972; February 15, 1973; May 26, 1983; December 10, 1986; March 19, 1987.

APPENDIX D

JUDICIAL SELECTION PROCEDURES

JUDICIAL SELECTION PROCEDURES
OF THE ALASKA JUDICIAL COUNCIL

The Alaska Judicial Council is a constitutionally created state agency which evaluates the applications of persons seeking judicial appointment and refers the names of at least two qualified applicants to the Governor for appointment to fill existing or impending vacancies. The following is a brief summary of the judicial selection process--the steps which an applicant must take in order to be considered for a judicial appointment and the steps which are taken by the Judicial Council to insure that applicants are qualified for such appointment.

A. The Application Process

Applicants must first complete the Judicial Council's "Application for Judicial Appointment," which consists of a questionnaire form and two appendices. These appendices request: (1) a physician's certification of the applicant's good health based upon the results of a complete physical examination, preferably one conducted within six months prior to the date of application; and (2) a legal writing sample of five to ten pages in length, prepared solely by the applicant within the past five years.

Applicants must submit eight copies of the completed application and appendices to the Judicial Council on or by the date set forth in the notice of vacancy.

Applicants are also encouraged to review the Code of Judicial Conduct (Alaska Rules of Court, Vol. III) during the evaluation process period.

B. The Evaluation Process

Once the application deadline has passed, the Judicial Council begins its evaluation process.

1) The Bar Poll

An independent organization, Policy Analysts, Ltd. (PAL) then surveys all active members of the Alaska Bar Association. The Bar Survey asks Bar members to rate each candidate on a five point scale [1 (Poor) to 5 (Excellent)] on 3 criteria: Professional competence, integrity, and fairness. Respondents are also asked to evaluate the suitability of each candidate's experience for the judicial position. Survey respondents indicate whether their numerical ratings are based upon direct professional experience, other personal contacts or reputation. Respondents may also decline to evaluate any candidate due to insufficient knowledge. Respondents with direct professional experience are asked to give brief narrative answers to four additional questions regarding the applicant's legal ability, comportment, diligence, and other qualities. All respondents are invited to offer narrative comments which could assist the Council in its evaluation.

Completed survey forms are returned directly to PAL, which prepares a statistical analysis of all survey responses, including average ratings for each quality for each candidate by range (i.e., excellent, good, acceptable, deficient, poor). Although respondents do not rate candidates in comparison to each other, PAL does prepare an analysis showing relative quantitative rankings among candidates (e.g., 2nd highest average rating out of 10 candidates). Comments from the bar survey are not shared with the individual applicant. They are distributed only to Council members. Where one or two isolated comments regarding substantive concerns are received, such comments are ordinarily brought to the candidate's attention, with the statement that the Council may wish

to inquire about such matters at the interview. Council staff may also be asked to investigate and obtain documentation about such comments.

After all applicants have been notified of the survey results, the survey report is released to the public. Survey results are used by the Council members in the evaluation process and each applicant has the opportunity to discuss the survey results with the Council during the interview. [See below, (5)]

2) Letters of Reference

Letters of reference are also solicited by the Council in its evaluation process. Reference letters are treated as confidential and may not be viewed by the applicants. The Council does not forward letters of reference to the Governor for nominees.

3) Investigation of Applicants

The Council may verify applicants' educational and employment history and investigate medical, criminal, legal civil, credit and professional discipline history. Supreme Court Order 489, effective January 4, 1982, authorizes the Council to review bar applications and bar discipline records. During the course of its investigation, the Judicial Council may also seek information on candidate qualifications from such other public or private groups or individuals as may be deemed appropriate. Information gathered during the Council's investigation is treated as confidential and is used only for the purpose of evaluating fitness for judicial appointment.

4) Screening

Following its review of the applications, investigative, and survey data, the Council schedules candidate interviews. As a general rule, the Council prefers to interview all candidates; however, the Council may decline to interview any candidate whom it

finds to be unqualified. The Council may also decide not to interview candidates who have been recently interviewed for other vacancies, where the Council believes it has sufficient information upon which to base its evaluations. The Council will ultimately review and vote on the qualifications of all applicants, whether or not interviewed.

5) Interviews

The final stage of the evaluation process is a 1/2 hour applicant interview with the full Council. Applicants invited to interview are asked about their judicial philosophy and are given an opportunity to respond to or explain any information of importance gathered during the investigation.

Following these interviews, the Council submits a panel of nominees to the Governor of those candidates deemed most qualified, provided such panel includes two or more names. (If fewer than two applicants are deemed to be qualified, the Council will decline to submit any names and will readvertise for the vacancy.) Thereafter, the applicants are notified and the Council's nominations are made public. The Governor then has 45 days to appoint a nominee from the list to fill the judicial vacancy.

C. Timing of Judicial Selection Procedures

From the time the Council receives notice of a vacancy to the final applicant interviews, the judicial selection process takes a minimum of 10 weeks. Once the names of the nominees have been submitted, the Governor has up to 45 days to appoint.

The outline below describes the timing of the major procedures followed during the judicial selection process:

- 1) Notice of the vacancy is received by the Council (Day 1).

2) Within 3 days, the position is announced to all members of the Bar Association and the application process begins (Day 4).

3) The deadline for receiving applications is approximately three weeks after the announcement of the position (Day 25). The deadline for the current vacancy is _____.

4) The names and biographies of applicants are made public immediately after the filing deadline (Day 25).

5) The Judicial Council begins its investigation process, requesting letters of reference, disciplinary histories for each applicant, and such other records as may be deemed appropriate (Day 25).

6) The Bar Poll is mailed out to all active members of the Alaska Bar within three days (Day 28).

7) Bar members have approximately three weeks to complete and return the Bar Poll (Day 49). The results are tabulated and analyzed within 14 days following the survey return deadline (Day 63).

8) The candidates are advised of the bar survey results and the report is made public (Day 63).

9) Applicant files are screened and applicants selected are advised of the time, date and place of their interviews (Day 63).

10) Interviews are ordinarily held within the next 30 days (Day 70-93). Interviews for the current judicial vacancy are tentatively scheduled to be held in _____.

Council members vote following the interviews. The Governor and the candidates are immediately notified of the Council's vote and a press release is then issued.

11) The following day, the names of nominees are formally submitted to the Governor, along with copies of nominees' applications and a copy of the Bar Survey. The Governor then has up to 45 days to make an appointment from the list.

ALASKA JUDICIAL COUNCIL

APPLICANT INFORMATION SHEET PROCEDURES ON THE DAY OF THE INTERVIEW

PRIOR TO THE INTERVIEW:

1. Interview times are scheduled as far in advance as possible. Candidates should advise the Council immediately if a conflict requires a change in schedule.

2. Interviews are generally conducted in Anchorage, in the Supreme Court Conference Room, fifth floor, 303 K Street, Anchorage, AK; interviews may, however, be conducted in such other locations as deemed appropriate by the Council.

3. Candidates should plan to arrive 5-10 minutes prior to the interview time scheduled. A Council staff person will be stationed in the reception area. Please provide this staff person with a telephone number where you can be reached at _____ p.m. on _____, ____ so that you may be personally notified of the Council's decision.

THE INTERVIEW:

1. Interviews are scheduled at thirty minute intervals.

2. Interviews are ordinarily conducted in executive session, although an applicant may request that the interview be conducted in public session.

3. During the interview, Council members may ask questions about an applicant's reputation, background, experience and judicial philosophy.

FOLLOWING THE INTERVIEW:

1. Following completion of all interviews, the Council meets in executive session to evaluate all candidates.

2. The Council then votes its nominations in public session. The approximate time of the vote is published in the newspaper several days prior to the interviews. Generally, the Council returns to public session to vote within two hours after the last interview.

3. The Council then telephones the Governor's office to advise of the names of candidates to be nominated.

4. The Council then telephones all applicants to advise of its decision.

5. The Council then issues a press release regarding its nominations. (Steps 3, 4, & 5 all occur within approximately one hour following the Council's vote.)

6. On the day following the interview and nomination, formal notice of Council action is sent to each applicant and the Governor. A copy of each nominee's application and the Bar Survey are included with the Council's letter of nomination.

Please notify the Council if you have any further questions about the selection process.

APPENDIX E

CURRENT BAR SURVEY FORM



alaska judicial council

1031 W. Fourth Avenue, Suite 301, Anchorage, Alaska 99501 (907) 279-2526

ACTING DIRECTOR
Teresa W. Carns

NON-ATTORNEY MEMBERS
Mary Jane Fate
Hilbert J. Henrickson, M.D.
Renee Murray

ATTORNEY MEMBERS
William T. Council
James D. Gilmore
Barbara L. Schuhmann

CHAIRMAN, EX OFFICIO
Jay A. Rabinowitz
Chief Justice
Supreme Court

April 27, 1987

Dear Member of The Alaska Bar Association:

Enclosed is the bar survey regarding applicants for the Palmer District Court judgeship. As on the last survey, this form differs from those used by the Judicial Council in prior years: there are fewer categories to rate (candidates are now rated on four, rather than twelve categories); definitions have been assigned to each level on the rating scale to increase consistency of responses; and half of a page is provided for comments (now a single page form for each candidate).

Where one or two isolated comments regarding substantive concerns are received, such comments are ordinarily brought to the candidate's attention, with the statement that the Council may wish to ask them about such matters. In addition, Council staff may also investigate and obtain documentation about such comments. Comments from the bar survey are not shared with the individual applicant. They are distributed only to Council members.

Please remember to complete and return the survey form no later than May 27, 1987 to Policy Analysts, Ltd., 2001 Banbury Circle, Anchorage, Alaska 99504.

Sincerely,

A handwritten signature in dark ink, appearing to read "Harold M. Brown".

HAROLD M. BROWN
EXECUTIVE DIRECTOR

alaska judicial council

NON-ATTORNEY MEMBERS

Mary Jane Fate
Hilbert J. Henrikson, M.D.
Renee Murray

ATTORNEY MEMBERS

William T. Council
James D. Gilmore
Barbara L. Schuhmann

CHAIRMAN, EX OFFICIO

Jay A. Rabinowitz
Chief Justice
Supreme Court

SURVEY OF ALASKA BAR ASSOCIATION MEMBERS for EVALUATION OF JUDICIAL CANDIDATES

This survey for evaluation of candidates for the vacancy on the District Court, Third Judicial District (Palmer) is conducted by Policy Analysts, Ltd., on behalf of the Alaska Judicial Council. The candidates are:

Peter G. Ashman
Dennis Patrick Cummings
John Thomas Maltas

Daniel Weber
Mark I. Wood

Validation of Responses: A self-addressed, stamped envelope is enclosed for the return of your completed evaluation. Place the completed survey inside the envelope marked "Confidential" and seal the envelope. Then use the self-addressed, stamped envelope, being sure to sign in the space provided. The return envelope **MUST BE SIGNED** in order for your survey to be counted. [In the last bar survey, 8 unsigned surveys were excluded from the tabulation.]

Confidentiality: All responses will be aggregated solely for statistical analysis. The identity of individual respondents will remain strictly confidential. Responses to the demographic questions are also confidential. Demographic data is critical to our analysis; strict guidelines are followed to protect the identities of all respondents.

Return Date: Please complete and return this survey no later than May 27, 1987, to:
Policy Analysts, Ltd., 2001 Banbury Circle, Anchorage, Alaska, 99504.

DEMOGRAPHIC QUESTIONS

1. Type of Practice (Circle the box that best describes your practice)

Private: ☐ 1 Solo ☐ 2 Office of 2-5 attorneys ☐ 3 Office of 6 or more attorneys

Other: ☐ 4 Government ☐ 5 Private corporate employee ☐ 6 Judge, judicial officer

2. Length of Practice: How many years have you been practicing law? _____ years

3. Length of Residence: How many years have you lived in Alaska? _____ years

4. Cases Handled: The majority of your practice consists of (circle one):

☐ 1 Mainly civil ☐ 2 Mainly criminal ☐ 3 Mixed civil/criminal ☐ 4 Prosecution

☐ 5 Other _____

5. Location of Practice: In which judicial district is most of your work conducted?

☐ 1 First District ☐ 2 Second District ☐ 3 Third District ☐ 4 Fourth District

Please consider each of the following candidates. If you do not have sufficient knowledge to evaluate a candidate, please go on to the next candidate.

Basis for Evaluation

Which of the following best describes the basis for your evaluation of this candidate? (Check One)

- ☐ Direct Professional Experience
- ☐ Other Personal Contacts
- ☐ Reputation
- ☐ Insufficient knowledge to evaluate this candidate (go on to next candidate)

PART I: GENERAL CRITERIA

Please rate the candidate on each of the following qualities by circling the number that best represents your evaluation. Candidates should be evaluated on each quality separately. Use the ends of the scale as well as the middle. The tendency to rate an applicant "excellent" or "poor" on every trait should be avoided since each person has strengths and weaknesses. If you cannot rate the candidate on any one quality, leave that one blank.

	1	2	3	4	5
1. Professional Competence	POOR Lacking in knowledge and/or effectiveness.	DEFICIENT Below-average performance occasionally.	ACCEPTABLE Possesses sufficient knowledge and required skills.	GOOD Unusually knowledgeable and effective.	EXCELLENT Meets the highest standards for the profession in knowledge and effectiveness.
2. Integrity	POOR Unconcerned with propriety and/or appearance; or acts in violation of codes of professional conduct.	DEFICIENT Appears lacking in knowledge of codes of professional conduct and/or unconcerned with propriety or appearance at times.	ACCEPTABLE Follows codes of professional conduct; respects propriety and appearance of propriety at all times.	GOOD Above-average awareness of ethics; holds self to higher standards than most.	EXCELLENT Outstanding integrity and highest standards of conduct.
3. Fairness	POOR Often shows strong bias for or against some persons or groups.	DEFICIENT Displays, verbally or otherwise, some bias for or against groups or persons.	ACCEPTABLE Free of substantial bias or prejudice towards groups or persons.	GOOD Above-average ability to treat all persons and groups impartially.	EXCELLENT Unusually fair and impartial to all groups.
How Suitable Is This Candidate's Experience For This Particular					
4. Vacancy?	POOR Has little or no suitable experience.	DEFICIENT Has less than suitable experience.	ACCEPTABLE Has suitable experience.	GOOD Has highly suitable experience.	EXCELLENT Has the most suitable experience possible.

COMMENTS: The Council is particularly interested in your assessment of the candidate's:

- **Professional Skills** (legal reasoning, knowledge of the law, legal experience, writing and speaking skills);
- **Temperament** (courtesy, compassion, freedom from arrogance, humility, self-control, sense of humor, tolerance);
- **Diligence** (conscientiousness, promptness, effective management skills).

Please be candid. All comments are confidential.

Basis for Evaluation

Which of the following best describes the basis for your evaluation of this candidate? (Check One)

- ☐ Direct Professional Experience
- ☐ Other Personal Contacts
- ☐ Reputation
- ☐ Insufficient knowledge to evaluate this candidate (go on to next candidate)

PART I: GENERAL CRITERIA

Please rate the candidate on each of the following qualities by circling the number that best represents your evaluation. Candidates should be evaluated on each quality separately. Use the ends of the scale as well as the middle. The tendency to rate an applicant "excellent" or "poor" on every trait should be avoided since each person has strengths and weaknesses. If you cannot rate the candidate on any one quality, leave that one blank.

	1	2	3	4	5
1. Professional Competence	POOR Lacking in knowledge and/or effectiveness.	DEFICIENT Below-average performance occasionally.	ACCEPTABLE Possesses sufficient knowledge and required skills.	GOOD Unusually knowledgeable and effective.	EXCELLENT Meets the highest standards for the profession in knowledge and effectiveness.
2. Integrity	POOR Unconcerned with propriety and/or appearance; or acts in violation of codes of professional conduct.	DEFICIENT Appears lacking in knowledge of codes of professional conduct and/or unconcerned with propriety or appearance at times.	ACCEPTABLE Follows codes of professional conduct; respects propriety and appearance of propriety at all times.	GOOD Above-average awareness of ethics; holds self to higher standards than most.	EXCELLENT Outstanding integrity and highest standards of conduct.
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How Suitable Is This Candidate's Experience For This Particular					
4. Vacancy?	POOR Has little or no suitable experience.	DEFICIENT Has less than suitable experience.	ACCEPTABLE Has suitable experience.	GOOD Has highly suitable experience.	EXCELLENT Has the most suitable experience possible.

COMMENTS: The Council is particularly interested in your assessment of the candidate's:

- **Professional Skills** (legal reasoning, knowledge of the law, legal experience, writing and speaking skills);
- **Temperament** (courtesy, compassion, freedom from arrogance, humility, self-control, sense of humor, tolerance);
- **Diligence** (conscientiousness, promptness, effective management skills).

Please be candid. All comments are confidential.

Basis for Evaluation

Which of the following best describes the basis for your evaluation of this candidate? (Check One)

- ☐ Direct Professional Experience
☐ Other Personal Contacts
☐ Reputation
☐ Insufficient knowledge to evaluate this candidate (go on to next candidate)

PART I: GENERAL CRITERIA

Please rate the candidate on each of the following qualities by circling the number that best represents your evaluation. Candidates should be evaluated on each quality separately. Use the ends of the scale as well as the middle. The tendency to rate an applicant "excellent" or "poor" on every trait should be avoided since each person has strengths and weaknesses. If you cannot rate the candidate on any one quality, leave that one blank.

	1	2	3	4	5
1. Professional Competence	POOR Lacking in knowledge and/or effectiveness.	DEFICIENT Below-average performance occasionally.	ACCEPTABLE Possesses sufficient knowledge and required skills.	GOOD Unusually knowledgeable and effective.	EXCELLENT Meets the highest standards for the profession in knowledge and effectiveness.
2. Integrity	POOR Unconcerned with propriety and/or appearance; or acts in violation of codes of professional conduct.	DEFICIENT Appears lacking in knowledge of codes of professional conduct and/or unconcerned with propriety or appearance at times.	ACCEPTABLE Follows codes of professional conduct; respects propriety and appearance of propriety at all times.	GOOD Above-average awareness of ethics; holds self to higher standards than most.	EXCELLENT Outstanding integrity and highest standards of conduct.
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How Suitable Is This Candidate's Experience For This Particular Vacancy?	1	2	3	4	5
4. Vacancy?	POOR Has little or no suitable experience.	DEFICIENT Has less than suitable experience.	ACCEPTABLE Has suitable experience.	GOOD Has highly suitable experience.	EXCELLENT Has the most suitable experience possible.

COMMENTS: The Council is particularly interested in your assessment of the candidate's:

- **Professional Skills** (legal reasoning, knowledge of the law, legal experience, writing and speaking skills);
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- **Diligence** (conscientiousness, promptness, effective management skills).

Please be candid. All comments are confidential.

Basis for Evaluation

Which of the following best describes the basis for your evaluation of this candidate? (Check One)

- ☐ Direct Professional Experience
- ☐ Other Personal Contacts
- ☐ Reputation
- ☐ Insufficient knowledge to evaluate this candidate (go on to next candidate)

PART I: GENERAL CRITERIA

Please rate the candidate on each of the following qualities by circling the number that best represents your evaluation. Candidates should be evaluated on each quality separately. Use the ends of the scale as well as the middle. The tendency to rate an applicant "excellent" or "poor" on every trait should be avoided since each person has strengths and weaknesses. If you cannot rate the candidate on any one quality, leave that one blank.

Professional	1	2	3	4	5
1. <u>Competence</u>	POOR Lacking in knowledge and/or effectiveness.	DEFICIENT Below-average performance occasionally.	ACCEPTABLE Possesses sufficient knowledge and required skills.	GOOD Unusually knowledgeable and effective.	EXCELLENT Meets the highest standards for the profession in knowledge and effectiveness.
2. <u>Integrity</u>	POOR Unconcerned with propriety and/or appearance; or acts in violation of codes of professional conduct.	DEFICIENT Appears lacking in knowledge of codes of professional conduct and/or unconcerned with propriety or appearance at times.	ACCEPTABLE Follows codes of professional conduct; respects propriety and appearance of propriety at all times.	GOOD Above-average awareness of ethics; holds self to higher standards than most.	EXCELLENT Outstanding integrity and highest standards of conduct.
3. <u>Fairness</u>	POOR Often shows strong bias for or against some persons or groups.	DEFICIENT Displays, verbally or otherwise, some bias for or against groups or persons.	ACCEPTABLE Free of substantial bias or prejudice towards groups or persons.	GOOD Above-average ability to treat all persons and groups impartially.	EXCELLENT Unusually fair and impartial to all groups.
How Suitable Is This Candidate's Experience For This Particular					
4. <u>Vacancy?</u>	POOR Has little or no suitable experience.	DEFICIENT Has less than suitable experience.	ACCEPTABLE Has suitable experience.	GOOD Has highly suitable experience.	EXCELLENT Has the most suitable experience possible.

COMMENTS: The Council is particularly interested in your assessment of the candidate's:

- **Professional Skills** (legal reasoning, knowledge of the law, legal experience, writing and speaking skills);
- **Temperament** (courtesy, compassion, freedom from arrogance, humility, self-control, sense of humor, tolerance);
- **Diligence** (conscientiousness, promptness, effective management skills).

Please be candid. All comments are confidential.

Basis for Evaluation

Which of the following best describes the basis for your evaluation of this candidate? (Check One)

- ☐ Direct Professional Experience
- ☐ Other Personal Contacts
- ☐ Reputation
- ☐ Insufficient knowledge to evaluate this candidate (go on to next candidate)

PART I: GENERAL CRITERIA

Please rate the candidate on each of the following qualities by circling the number that best represents your evaluation. Candidates should be evaluated on each quality separately. Use the ends of the scale as well as the middle. The tendency to rate an applicant "excellent" or "poor" on every trait should be avoided since each person has strengths and weaknesses. If you cannot rate the candidate on any one quality, leave that one blank.

	1	2	3	4	5
1. Professional Competence	POOR Lacking in knowledge and/or effectiveness.	DEFICIENT Below-average performance occasionally.	ACCEPTABLE Possesses sufficient knowledge and required skills.	GOOD Unusually knowledgeable and effective.	EXCELLENT Meets the highest standards for the profession in knowledge and effectiveness.
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3. Fairness	POOR Often shows strong bias for or against some persons or groups.	DEFICIENT Displays, verbally or otherwise, some bias for or against groups or persons.	ACCEPTABLE Free of substantial bias or prejudice towards groups or persons.	GOOD Above-average ability to treat all persons and groups impartially.	EXCELLENT Unusually fair and impartial to all groups.
How Suitable Is This Candidate's Experience For This Particular					
4. Vacancy?	POOR Has little or no suitable experience.	DEFICIENT Has less than suitable experience.	ACCEPTABLE Has suitable experience.	GOOD Has highly suitable experience.	EXCELLENT Has the most suitable experience possible.

COMMENTS: The Council is particularly interested in your assessment of the candidate's:

- **Professional Skills** (legal reasoning, knowledge of the law, legal experience, writing and speaking skills);
- **Temperament** (courtesy, compassion, freedom from arrogance, humility, self-control, sense of humor, tolerance);
- **Diligence** (conscientiousness, promptness, effective management skills).

Please be candid. All comments are confidential.

APPENDIX F

JUDICIAL APPOINTMENT LOG

HISTORICAL LOG OF JUDICIAL APPOINTMENTS*
1959 - PRESENT

MTG DATE	POSITION	CANDIDATES	NOMINATED	APPOINTED
07/16-17/59	Supreme Court (3 positions)	William V. Boggess Robert Boochever J. Earl Cooper Edward V. Davis John H. Dimond John S. Hellenthal Walter Hodge Verne O. Martin M.E. Monagle Buell A. Nesbett Thomas B. Stewart	William V. Boggess Robert Boochever John H. Dimond Walter Hodge M.E. Monagle Buell A. Nesbett	John H. Dimond Walter Hodge Buell A. Nesbett
10/12-13/59	Superior - Ketchikan	Floyd O. Davidson James M. Fitzgerald Verne O. Martin E.P. McCarron Thomas B. Stewart James von der Heydt Walter E. Walsh	E.P. McCarron Thomas B. Stewart James von der Heydt Walter E. Walsh	James von der Heydt Walter E. Walsh
10/12-13/59	Superior - Nome	James M. Fitzgerald Hubert A. Gilbert Verne O. Martin James von der Heydt	Hubert A. Gilbert Verne O. Martin	Hubert A. Gilbert

* The Judicial Council has attempted to compile an accurate listing of applicants, nominees and appointees to judgeship since statehood. Please notify the Council if you know of changes or additions that should be made to this list.

HISTORICAL LOG OF JUDICIAL APPOINTMENTS 1959 - PRESENT

MIG DATE	POSITION	CANDIDATES	NOMINATED	APPOINTED
10/12-13/59	Superior - Anchorage	Harold J. Butcher Henry Camarot J. Earl Cooper Al Cottis Roger Cremo Edward V. Davis James M. Fitzgerald Everett W. Hepp Peter J. Kalamarides Verne O. Martin Stanley McCutcheon Ralph E. Moody Buell A. Nesbett Raymond Plummer William W. Renfrew Thomas B. Stewart James von der Heydt	Harold J. Butcher J. Earl Cooper James M. Fitzgerald Stanley McCutcheon Edward V. Davis	Edward V. Davis J. Earl Cooper James M. Fitzgerald
10/12-13/59	Superior - Fairbanks	H.O. Arend William V. Boggess James M. Fitzgerald Everett W. Hepp Verne O. Martin Warren A. Taylor Warren Wm. Taylor James von der Heydt	H.O. Arend William V. Boggess Everett W. Hepp Warren A. Taylor James von der Heydt (if not Juneau)	H.O. Arend Everett W. Hepp

HISTORICAL LOG OF JUDICIAL APPOINTMENTS 1959 - PRESENT

MTG DATE	POSITION	CANDIDATES	NOMINATED	APPOINTED
03/12-13/60	Supreme Court Justice	Judge H.O. Arend William V. Boggess Edward V. Davis Vern Forbes Verne O. Martin John Maude Robert McNealy M.E. Monagle Ralph E. Moody Warren A. Taylor Judge James von der Heydt	Judge H.O. Arend William V. Boggess M.E. Monagle	H.O. Arend
04/15/60	Superior - Fairbanks	Henry Camarot Roger G. Connor Verne O. Martin Jay A. Rabinowitz William H. Sanders David Talbot Warren A. Taylor George M. Yeager	Jay A. Rabinowitz Warren A. Taylor	Jay A. Rabinowitz
03/17/62	Superior - Anchorage	Clifford Groh Dorothy A. Haaland Ralph E. Moody William H. Sanders	Clifford Groh Ralph E. Moody	Ralph E. Moody
5/23-24/63	Superior - Anchorage	Burton C. Biss Wayne D. Caldenwood Judge Hubert A. Gilbert R. Everett Harris Judge Jay A. Rabinowitz James K. Tallman William Taylor	Burton C. Biss Judge Hubert A. Gilbert	Hubert A. Gilbert

**HISTORICAL LOG OF JUDICIAL APPOINTMENTS
1959 - PRESENT**

<u>MIG DATE</u>	<u>POSITION</u>	<u>CANDIDATES</u>	<u>NOMINATED</u>	<u>APPOINTED</u>
10/17-18/63	Superior - Nome	Peter J. Kalamarides William H. Sanders L. Eugene Williams George T. Yates	William H. Sanders L. Eugene Williams George T. Yates	William H. Sanders
01/7-8/65	Superior - Fairbanks	Clyde C. Houston Eugene V. Miller Mary Alice Miller J.H. Shortell, Jr. Howard P. Staley Warren Wm. Taylor James E. Fisher Judge William H. Sanders Thomas B. Stewart J. Gerald Williams	Mary Alice Miller Eugene V. Miller Warren Wm. Taylor	Warren Wm. Taylor
Jan. 1965	Supreme Court Justice	W.C. Arnold William V. Boggess Harold J. Butcher Edward V. Davis Judge Ralph E. Moody Judge Jay A. Rabinowitz Judge William H. Sanders	W.C. Arnold William V. Boggess Edward V. Davis Judge Ralph E. Moody Judge Jay A. Rabinowitz	Jay A. Rabinowitz
11/9-10/66	Superior - Juneau	Seaborn J. Buckalew, Jr. James R. Clouse, Jr. Thomas B. Stewart J. Gerald Williams	Thomas B. Stewart J. Gerald Williams	Thomas B. Stewart
06/12/67	Superior - Anchorage (General)	James R. Clouse, Jr. Eben H. Lewis Robert N. Opland Judge William H. Sanders J. Gerald Williams	James R. Clouse, Jr. Eben H. Lewis J. Gerald Williams	Eben H. Lewis

HISTORICAL LOG OF JUDICIAL APPOINTMENTS 1959 - PRESENT

MIG DATE	POSITION	CANDIDATES	NOMINATED	APPOINTED
06/1-2/67	Superior - Anchorage (Family)	Harris R. Bullerwell Harold J. Butcher James R. Clouse, Jr. Duane K. Craske Dorothy A. Haaland Judge William H. Sanders J. Gerald Williams L. Eugene Williams Virgil D. Vochoska Verne O. Martin	Harold J. Butcher James R. Clouse, Jr.	Harold J. Butcher
12/5/67	Superior - Ketchikan	Harris R. Bullerwell Duane K. Craske Benjamin T. Delahay, Jr. Judge Hubert A. Gilbert Helen L. Simpson John M. Stern, Jr. Judge William H. Sanders	Duane K. Craske Judge Hubert A. Gilbert John M. Stern, Jr.	Hubert A. Gilbert
2/19-20/68	Superior - Anchorage	James R. Clouse, Jr. Lloyd R. Duggar Verne O. Martin C.J. Occhipinti Judge William H. Sanders Karl L. Walter, Jr. George M. Yeager	C.J. Occhipinti Karl L. Walter, Jr.	C.J. Occhipinti

HISTORICAL LOG OF JUDICIAL APPOINTMENTS 1959 - PRESENT

MTG DATE	POSITION	CANDIDATES	NOMINATED	APPOINTED
10/15/68	Supreme Court Justice (2 positions)	Russell E. Arnett William V. Boggess George F. Boney Judge Harold J. Butcher Warren C. Christianson Charles J. Clasby Roger G. Connor Edward V. Davis Benjamin T. Delahay Judge James M. Fitzgerald Wendell P. Kay Judge Ralph E. Moody Robert A. Parrish James K. Tallman William Talmadge	William V. Boggess George F. Boney Charles J. Clasby Roger G. Connor Judge James M. Fitzgerald	George F. Boney Roger G. Connor
11/1/68	District - Juneau	Hartley Crosby William J. Hurley, Jr. W. Bruce Monroe Irwin Ravin	Hartley Crosby W. Bruce Monroe	Hartley Crosby W. Bruce Monroe
11/1/68	District - Sitka	Peter M. Page Irwin Ravin	Peter M. Page Irwin Ravin	Peter M. Page
11/1/68	District - Fairbanks	Hugh Connelly Benjamin T. Delahay, Jr. William J. Hurley, Jr. Elinor B. Levinson Mary Alice Miller W. Bruce Monroe Irwin Ravin William G. Richards Arthur T. Robson Warren A. Taylor	Hugh Connelly Mary Alice Miller William G. Richards Arthur T. Robson	Hugh Connelly Mary Alice Miller Arthur T. Robson

HISTORICAL LOG OF JUDICIAL APPOINTMENTS 1959 - PRESENT

<u>MIG DATE</u>	<u>POSITION</u>	<u>CANDIDATES</u>	<u>NOMINATED</u>	<u>APPOINTED</u>
11/1/68	District - Nome	Maurice Kelliher	Maurice Kelliher	Maurice Kelliher
11/1/68	District - Anchorage	John R. Beard Joseph J. Brewer Richard B. Colins Keifer L. Gray James A. Hanson William J. Hurley, Jr. Paul B. Jones Elinor B. Levinson John D. Mason Peter M. Page Nissel A. Rose Warren A. Tucker Dorothy D. Tyner Virgil D. Vochoska L. Eugene Williams Robert K. Yandell	Joseph J. Brewer James A. Hanson Paul B. Jones Warren A. Tucker Dorothy D. Tyner Virgil D. Vochoska L. Eugene Williams	Joseph J. Brewer James A. Hanson Paul B. Jones Warren A. Tucker Dorothy D. Tyner
11/1/68	District - Ketchikan	Keifer L. Gray William J. Hurley, Jr. Henry C. Keene, Jr. Irwin Ravin	Henry C. Keene, Jr.	Henry C. Keene, Jr.
11/1/68	District - Bethel	Nora Guinn	Nora Guinn	Nora Guinn
4/30/70	Chief Justice	Justice George F. Boney Justice John H. Dimond Judge C.J. Occhipinti	Justice George F. Boney Justice John H. Dimond	Justice George F. Boney

HISTORICAL LOG OF JUDICIAL APPOINTMENTS
1959 - PRESENT

<u>MTG DATE</u>	<u>POSITION</u>	<u>CANDIDATES</u>	<u>NOMINATED</u>	<u>APPOINTED</u>
6/18/70	Supreme Court Justice	Robert C. Erwin L.S. Kurtz, Jr. Judge Eben H. Lewis Judge C.J. Occhipinti Robert A. Parrish Judge William H. Sanders	Robert C. Erwin L.S. Kurtz, Jr. Judge Eben H. Lewis Robert A. Parrish	Robert C. Erwin
9/16-19/70	Superior - Sitka	Edmond W. Burke Victor D. Carlson Warren C. Christianson M. Ashley Dickerson Judge James A. Hanson Henry C. Keene, Jr. James Nordale Thomas E. Schulz J.H. Shortell, Jr. James K. Singleton, Jr. Benjamin O. Walters, Jr.	Edmond W. Burke Victor D. Carlson Judge James A. Hanson Thomas Schulz James K. Singleton, Jr.	Victor D. Carlson

HISTORICAL LOG OF JUDICIAL APPOINTMENTS 1959 - PRESENT

<u>MIG DATE</u>	<u>POSITION</u>	<u>CANDIDATES</u>	<u>NOMINATED</u>	<u>APPOINTED</u>
9/16-19/70	Superior - Anchorage	Seaborn J. Buckalew, Jr. Edmond W. Burke Victor D. Carlson M. Ashley Dickerson William Erwin Marvin Frankel Dorothy A. Haaland Robert E. Hammond Judge James A. Hanson Peter J. Kalamarides Denis Lazarus James Merbs James Nordale Robert N. Opland David Pree Ernest Rehbock Judge William H. Sanders Thomas E. Schulz Sylvia Short J.H. Shortell, Jr. James K. Singleton, Jr. Benjamin O. Walters, Jr.	Seaborn J. Buckalew, Jr. Edmond W. Burke Victor D. Carlson William Erwin Judge James A. Hanson Peter J. Kalamarides Robert N. Opland Thomas E. Schulz James K. Singleton, Jr.	James K. Singleton, Jr.
9/16-19/70	Superior - Kodiak	Edmond W. Burke Victor D. Carlson M. Ashley Dickerson Denis Lazarus Roy H. Madsen James Nordale David Pree Judge William H. Sanders Thomas E. Schulz J.H. Shortell, Jr. James K. Singleton, Jr. Benjamin O. Walters, Jr.	Edmond W. Burke Victor D. Carlson Roy H. Madsen Judge William H. Sanders Thomas E. Schulz J.H. Shortell, Jr. James K. Singleton, Jr.	Edmond W. Burke

HISTORICAL LOG OF JUDICIAL APPOINTMENTS 1959 - PRESENT

<u>MIG DATE</u>	<u>POSITION</u>	<u>CANDIDATES</u>	<u>NOMINATED</u>	<u>APPOINTED</u>
9/16-19/70	Superior - Kenai	Seaborn J. Buckalew, Jr. Edmond W. Burke Victor D. Carlson M. Ashley Dickerson Robert E. Hammond Judge James A. Hanson Denis Lazarus William Erwin James Nordale David Pree Judge William H. Sanders Thomas E. Schulz Sylvia Short J.H. Shortell, Jr. James K. Singleton, Jr. Benjamin O. Walters, Jr.	Seaborn J. Buckalew, Jr. Edmond W. Burke Victor D. Carlson William Erwin Judge James A. Hanson Judge William H. Sanders Thomas E. Schulz James K. Singleton, Jr.	James Hanson
9/16-19/70	Superior - Fairbanks	Seaborn J. Buckalew, Jr. Victor D. Carlson Judge Hugh Connelly M. Ashley Dickerson Judge Mary Alice Miller James Nordale Judge William H. Sanders Thomas E. Schulz J.H. Shortell, Jr. James K. Singleton, Jr. Gerald van Hoomissen	Seaborn J. Buckalew, Jr. Victor D. Carlson Judge Mary Alice Miller James K. Singleton, Jr. Gerald van Hoomissen	Gerald van Hoomissen
11/9/70	District - Sitka	Harris R. Bullerwell Roger W. DuBrock Hal R. Horton Thomas B. Payne	Harris R. Bullerwell Roger W. DuBrock Hal R. Horton Thomas B. Payne	Roger W. DuBrock

HISTORICAL LOG OF JUDICIAL APPOINTMENTS 1959 - PRESENT

<u>MIG DATE</u>	<u>POSITION</u>	<u>CANDIDATES</u>	<u>NOMINATED</u>	<u>APPOINTED</u>
11/9/70	District - Wrangell	Harris R. Bullerwell Roger W. DuBrock Edith A. Glennon Hal R. Horton John D. Mason Thomas B. Payne	Harris R. Bullerwell Roger W. DuBrock Hal R. Horton	Harris R. Bullerwell
11/9/70	District - Kodiak	Louis Agi Roger W. DuBrock Edith A. Glennon Hal R. Horton John D. Mason Thomas B. Payne	Roger W. DuBrock Hal R. Horton Thomas B. Payne	Hal R. Horton
11/9/70	District - Anchorage	Louis Agi Edith A. Glennon Hal R. Horton John D. Mason Thomas B. Payne William Tull Virgil D. Vochoska L. Eugene Williams	Hal R. Horton John D. Mason Virgil D. Vochoska L. Eugene Williams	John D. Mason
11/28/70	Public Defender	Dick L. Madson Herbert D. Soll	Dick L. Madson Herbert D. Soll	Herbert D. Soll
12/16/71	Supreme Court Justice	Robert Boochever Judge James M. Fitzgerald James Lock Roy H. Madsen	Robert Boochever Judge James M. Fitzgerald Roy H. Madsen	Robert Boochever
11/16/72	Supreme Court Justice	Edgar P. Boyko Judge James M. Fitzgerald Eugene V. Miller Judge Ralph E. Moody	Judge James M. Fitzgerald Judge Ralph E. Moody	James M. Fitzgerald

HISTORICAL LOG OF JUDICIAL APPOINTMENTS 1959 - PRESENT

MTG DATE	POSITION	CANDIDATES	NOMINATED	APPOINTED
07/8/72	District - Kodiak	Louis E. Agi Benjamin T. Delahay, Jr. Edith A. Glennon Thomas F. Keever Francis van T. Kernan Thomas B. Payne Andrew R. Sarisky Virgil D. Vochoska	Louis Agi Thomas F. Keever Francis van T. Kernan Virgil D. Vochoska	Virgil D. Vochoska
2/15-17/73	Superior - Anchorage	Seaborn J. Buckalew, Jr. Judge Paul B. Jones Peter J. Kalamarides	Seaborn J. Buckalew, Jr. Peter J. Kalamarides	Peter J. Kalamarides
5/3-4/73	Superior - Anchorage	Judge Joseph J. Brewer Seaborn J. Buckalew, Jr. William H. Fuld Dorothy A. Haaland Judge Paul B. Jones James C. Merbs Nissel A. Rose Judge William H. Sanders Andrew R. Sarisky Thomas E. Schulz Judge Dorothy D. Tyner Benjamin O. Walters, Jr.	Seaborn J. Buckalew, Jr. Judge Paul B. Jones Judge William H. Sanders Thomas E. Schulz Benjamin O. Walters, Jr.	Seaborn J. Buckalew, Jr.
8/21/73	District - Nome	Benjamin T. Delahay, Jr. Jon Larson Thomas B. Payne Elmer C. Smith Ethan Windahl	Jon Larson Ethan Windahl	Ethan Windahl

HISTORICAL LOG OF JUDICIAL APPOINTMENTS 1959 - PRESENT

<u>MIG DATE</u>	<u>POSITION</u>	<u>CANDIDATES</u>	<u>NOMINATED</u>	<u>APPOINTED</u>
9/29/73	Superior - Ketchikan	Judge Roger W. DuBrock Thomas F. Keever A. Fred Miller Judge W. Bruce Monroe Thomas E. Schulz J. Gerald Williams	Judge Roger W. DuBrock Thomas E. Schulz J. Gerald Williams	Thomas E. Schulz
01/11/75	Superior - Fairbanks	James R. Blair Judge Hugh Connelly Judge Roger W. DuBrock	James R. Blair Judge Hugh Connelly Judge Roger W. DuBrock	James R. Blair
02/12-13/75	Supreme Court Justice	Judge Edmond W. Burke William V. Boggess	Judge Edmond W. Burke William V. Boggess	Edmond W. Burke
02/12-13/75	District - Anchorage	Alexander O. Bryner Gary W. Gantz Laurel Peterson	Alexander O. Bryner Gary W. Gantz Laurel Peterson	Alexander O. Bryner
04/01/75	District - Juneau	Richard A. Bradley Gerald O. Williams	Richard A. Bradley Gerald O. Williams	Gerald O. Williams
04/01/75	District - Wrangell	Duane K. Craske George Gucker Francis van T. Kernan	Duane K. Craske George Gucker Francis van T. Kernan	Duane K. Craske
05/16/75	Public Defender	Douglas A. Fox Brian Shortell Herbert D. Soll Ronald T. West	Douglas A. Fox Brian Shortell Herbert D. Soll	Brian Shortell

HISTORICAL LOG OF JUDICIAL APPOINTMENTS 1959 - PRESENT

MTG DATE	POSITION	CANDIDATES	NOMINATED	APPOINTED
05/16/75	Superior - Anchorage	Judge Victor D. Carlson Robert E. Hammond Richard P. Kerns David Pree J. Justin Ripley Helen L. Simpson Benjamin O. Walters, Jr.	Judge Victor D. Carlson Richard P. Kerns J. Justin Ripley Benjamin O. Walters, Jr.	J. Justin Ripley
08/20/75	Superior - Kodiak	Roy H. Madsen Milton M. Souter	Roy H. Madsen Milton M. Souter	Roy H. Madsen
08/22/75	District - Fairbanks	Clay Berry Monroe Clayton Stephen R. Cline Francis van T. Kernan Edward Noonan	Monroe Clayton Stephen R. Cline	Monroe Clayton
09/17/75	District - Anchorage	Clay Berry Bruce Bookman Susan Burke Stanley Howitt Laurel Peterson Bruce Tennant	Susan Burke Laurel Peterson	Laurel Peterson
09/18/75	Superior - Anchorage	Russell E. Arnett Judge Victor D. Carlson	Russell E. Arnett Judge Victor D. Carlson	Victor D. Carlson
01/8-9/76	Superior - Juneau	Linn H. Asper Joseph D. Balfe Allen T. Compton Judge Roger W. DuBrock Gary W. Gantz James E. Fisher	Joseph D. Balfe Allen T. Compton Judge Roger W. DuBrock	Allen T. Compton

HISTORICAL LOG OF JUDICIAL APPOINTMENTS 1959 - PRESENT

<u>MIG DATE</u>	<u>POSITION</u>	<u>CANDIDATES</u>	<u>NOMINATED</u>	<u>APPOINTED</u>
03/15/76	District - Valdez	John Bosshard, III James D. Ginotti Robin Taylor	John Bosshard, III James D. Ginotti Robin Taylor	John Bosshard, III
08/31/76	Superior - Sitka	Joseph D. Balfe Judge Alexander O. Bryner Donald L. Craddick Judge Duane K. Craske Edward Stahla	Judge Alexander O. Bryner Judge Duane K. Craske	Duane K. Craske
09/23/76	Superior - Fairbanks	Judge Monroe Clayton Judge Hugh Connelly Jay F. Hodges	Judge Monroe Clayton Judge Hugh Connelly Jay F. Hodges	Jay F. Hodges
10/18/76	Superior - Bethel	Christopher Cooke Stephen Cooper	Christopher Cooke Stephen Cooper	Christopher Cooke
10/18/76	District - Homer	James P. Doogan, Jr. Henry Holst James C. Hornaday Jack McGee Anita Remerowski David Walker	James P. Doogan, Jr. James C. Hornaday	James C. Hornaday
12/13/76	District - Wrangell	Robin Taylor Larry D. Wood	Robin Taylor Larry D. Wood	Robin Taylor
02/1-2/77	Superior - Anchorage	Judge Alexander O. Bryner Mark C. Rowland Judge Thomas E. Schulz	Judge Alexander O. Bryner Mark C. Rowland Judge Thomas E. Schulz	Mark C. Rowland

HISTORICAL LOG OF JUDICIAL APPOINTMENTS
1959 - PRESENT

<u>MTG DATE</u>	<u>POSITION</u>	<u>CANDIDATES</u>	<u>NOMINATED</u>	<u>APPOINTED</u>
04/14/77	Supreme Court Justice	William V. Boggess Warren Matthews Daniel A. Moore, Jr. William G. Ruddy Judge James K. Singleton, Jr.	William V. Boggess Warren Matthews Daniel A. Moore, Jr. William G. Ruddy Judge James K. Singleton, Jr.	Warren Matthews
06/29/77	District - Anchorage	Glen C. Anderson William D. Cook Beverly W. Cutler Richard Lytle James Wolf	Glen C. Anderson William D. Cook Beverly W. Cutler	Beverly W. Cutler
12/14/77	Superior - Anchorage	Bruce A. Bookman William Erwin William H. Fuld Eugene Murphy Milton M. Souter Benjamin O. Walters, Jr. Richard Weinig	Bruce A. Bookman William H. Fuld Milton M. Souter Benjamin O. Walters, Jr.	Milton M. Souter
12/14/77	District - Fairbanks	Robert Blackford Stephen R. Cline Dallas L. Phillips L. Eugene Williams	Stephen R. Cline Dallas L. Phillips L. Eugene Williams	Stephen R. Cline
02/10/78	District - Anchorage	Glen C. Anderson L. Eugene Williams Ethan Windahl	Glen C. Anderson L. Eugene Williams Ethan Windahl	Glen C. Anderson

HISTORICAL LOG OF JUDICIAL APPOINTMENTS 1959 - PRESENT

MIG DATE	POSITION	CANDIDATES	NOMINATED	APPOINTED
09/17/79	Superior - Anchorage	Albert Branson Robert Bundy Harland Davis LeRoy DeVeaux Sheila Gallagher Max Gruenberg Karl S. Johnstone Carolyn Jones Judge Laurel Peterson Arthur Robinson Douglas Serdahely Brian Shortell D. Ralph Stemp	Sheila Gallagher Karl S. Johnstone Douglas J. Serdahely Brian Shortell	Karl S. Johnstone
09/17/79	District - Anchorage	Charles R. Avery James Bendell Robert Frenz Lucy Lowden Donald Starks Elaine Vondrasek George Weiss L. Eugene Williams	Charles R. Avery L. Eugene Williams	Charles R. Avery
03/20/80	Superior - Kotzebue	William D. Cook Paul B. Jones Irwin Ravin Edward Welch Richard J. Whittaker	Paul B. Jones Richard J. Whittaker	Paul B. Jones

HISTORICAL LOG OF JUDICIAL APPOINTMENTS 1959 - PRESENT

MIG DATE	POSITION	CANDIDATES	NOMINATED	APPOINTED
06/20/80	Appellate - Anchorage (3 positions)	Susan A. Burke Alexander O. Bryner Judge James A. Hanson Daniel Hickey Thomas F. Keever Judge Roy H. Madsen Charles Merriner Peter A. Michalski Judge Ralph E. Moody Robert N. Opland A. Lee Petersen Judge Thomas E. Schulz Judge James K. Singleton, Jr. D. Ralph Stemp Judge Warren Wm. Taylor	Alexander O. Bryner Robert G. Coats Judge James A. Hanson Judge Roy H. Madsen Charles Merriner A. Lee Petersen Judge Thomas E. Schulz Judge James K. Singleton, Jr.	Alexander O. Bryner Robert G. Coats James K. Singleton, Jr.
09/15/80	District - Fairbanks	Hershel Crutchfield Robert Downes Jane F. Kauvar	Hershel Crutchfield Robert Downes Jane F. Kauvar	Hershel Crutchfield
11/1/80	Supreme Court Justice	Judge Victor D. Carlson Judge Allen T. Compton John Havelock Andrew Kleinfeld Arthur Peterson William G. Ruddy Judge James K. Singleton, Jr. Donna Willard	Judge Victor D. Carlson Judge Allen T. Compton Andrew Kleinfeld William G. Ruddy Judge James K. Singleton, Jr.	Allen T. Compton

HISTORICAL LOG OF JUDICIAL APPOINTMENTS 1959 - PRESENT

MTG DATE	POSITION	CANDIDATES	NOMINATED	APPOINTED
11/1/80	Superior - Anchorage (3 new positions)	Judge Glen C. Anderson Stephen C. Branchflower William Donohue Sheila Gallagher Cheri Jacobus Carolyn Jones William Mackey Daniel A. Moore, Jr. Eugene Murphy Arthur Robinson Douglas J. Serdahely Brian Shortell James Wanamaker	Judge Glen C. Anderson William Donohue Sheila Gallagher Carolyn Jones Daniel A. Moore, Jr. Douglas J. Serdahely Brian Shortell James Wanamaker	Daniel A. Moore, Jr. Douglas J. Serdahely Brian Shortell
11/1/80	Superior - Nome	Judge Paul B. Jones Charles Tunley	Judge Paul B. Jones Charles Tunley	Charles Tunley
01/23/81	District - Fairbanks	Hershel Crutchfield Robert Downes Natalie Finn Jane F. Kauvar Christopher E. Zimmerman	Robert Downes Jane F. Kauvar	Jane F. Kauvar
03/31/81	Public Defender	David Berry Ben Esch Dana Fabe Rene J. Gonzalez Nancy Shaw Sue Ellen Tatter Roy V. Williams	Dana Fabe Rene J. Gonzalez Sue Ellen Tatter Roy V. Williams	Dana Fabe

HISTORICAL LOG OF JUDICIAL APPOINTMENTS 1959 - PRESENT

<u>MIG DATE</u>	<u>POSITION</u>	<u>CANDIDATES</u>	<u>NOMINATED</u>	<u>APPOINTED</u>
04/28-29/81	Superior - Juneau	Linn H. Asper Walter L. Carpeneti James Douglas Douglas L. Gregg Peter M. Page Rodger W. Pegues Richard Svobodny Judge Robin Taylor	Walter L. Carpeneti Douglas L. Gregg Peter M. Page Rodger W. Pegues Judge Robin Taylor	Rodger W. Pegues
05/28-29/81	District - Anchorage	Elaine Andrews Thomas Boedecker Stephanie Cole James V. Gould Brigitte McBride Jess Nicholas Robert Rehbock John Scukanec Arthur Talbot Ronald T. West James Wolf Thomas Turnbull	Elaine Andrews Stephanie Cole James V. Gould Jess Nicholas	Elaine Andrews
09/03/81	Superior - Kenai	Charles Cranston Charles Merriner Timothy Rogers Andrew R. Sarisky	Charles Cranston Charles Merriner	Charles Cranston
09/28/81	Superior - Juneau	Walter L. Carpeneti Peter M. Page	Walter L. Carpeneti Peter M. Page	Walter L. Carpeneti

HISTORICAL LOG OF JUDICIAL APPOINTMENTS 1959 - PRESENT

MTG DATE	POSITION	CANDIDATES	NOMINATED	APPOINTED
09/30/82	Superior - Palmer	Judge Glen C. Anderson Judge Beverly W. Cutler LeRoy DeVeaux Carolyn Jones Charles Merriner Sigurd Murphy Thomas J. Verbich	Judge Glen C. Anderson Judge Beverly W. Cutler LeRoy DeVeaux	Beverly W. Cutler
09/30/82	Superior - Barrow	Michael Jeffery Timothy Stearns	Michael Jeffery Timothy Stearns	Michael Jeffery
09/30/82	Superior - Wrangell	Richard Folta Judge Henry C. Keene, Jr. Dennis L. McCarty Robin Taylor	Judge Henry C. Keene, Jr. Robin Taylor	Henry C. Keene, Jr.
02/15-16/83	District - Ketchikan	Barbara Blasco James Bruce Roger Carlson George Gucker Dennis L. McCarty Richard J. Whittaker	Barbara Blasco George Gucker	George Gucker

HISTORICAL LOG OF JUDICIAL APPOINTMENTS 1959 - PRESENT

MTG DATE	POSITION	CANDIDATES	NOMINATED	APPOINTED
02/15-16/83	District - Anchorage (2 positions)	Allen Bailey Eugene Cyrus Natalie Finn William H. Fuld Eric Hanson Donald Johnson Eugene Murphy Linda O'Bannon Patrick Owen Edward Peterson Robert Rehbock Christine Schleuss Nancy Shaw John Sivertsen Elaine Vondrasek L. Eugene Williams James Wolf Richard L. Yospin	Natalie Finn William H. Fuld Eric Hanson Donald Johnson Eugene Murphy Patrick Owen Christine Schleuss L. Eugene Williams Richard L. Yospin	Natalie Finn William H. Fuld
5/26/83	Supreme Court Justice	Judge Alexander O. Bryner William Donohue Karen Hunt Millard Ingraham Kenneth Jacobus Judge Paul B. Jones Andrew Kleinfeld Judge Daniel A. Moore, Jr. Sandra Saville Judge Douglas J. Serdahely Judge James K. Singleton, Jr. Michael Thomas Donna Willard	Millard Ingraham Andrew Kleinfeld Judge Daniel A. Moore, Jr. Michael Thomas	Daniel A. Moore, Jr.

HISTORICAL LOG OF JUDICIAL APPOINTMENTS 1959 - PRESENT

MTG DATE	POSITION	CANDIDATES	NOMINATED	APPOINTED
11/29/83	Superior - Anchorage	Cynthia Christianson LeRoy DeVeaux William Erwin Gary W. Gantz William Greene Karen Hunt Joan M. Katz Suzanne Pestinger	LeRoy DeVeaux William Erwin Karen Hunt Joan M. Katz	Karen Hunt
5/16/84	Superior - Valdez	Judge John Bosshard, III Hal P. Gazaway (withdrew) Patrick Owen (withdrew) Gordon J. Tans	Judge John Bosshard, III Gordon J. Tans	John Bosshard, III
5/16/84	District - Juneau	Linn H. Asper Margaret (Peggy) Berck Monte Lee Brice John R. Corso Donald L. Craddick David T. Walker Richard L. Yospin	Linn H. Asper Margaret (Peggy) Berck David T. Walker Richard L. Yospin	Linn H. Asper
9/25-26/84	Anchorage - Superior (2 Positions)	Andrew M. Brown Edward G. (Ted) Burton William Erwin Gail Roy Fraties Judge William H. Fuld Rene J. Gonzalez James V. Gould Joan M. Katz Peter A. Michalski Melvin M. Stephens, II	Edward G. Burton Gail Roy Fraties Rene J. Gonzalez James V. Gould Joan M. Katz Peter A. Michalski	Rene J. Gonzalez Joan M. Katz

HISTORICAL LOG OF JUDICIAL APPOINTMENTS 1959 - PRESENT

MIG DATE	POSITION	CANDIDATES	NOMINATED	APPOINTED
9/25-26/84	Anchorage - District (4 positions)	Martha Beckwith Dennis P. Cummings John M. Eberhart Maryann E. Foley David P. Gorman Andy Hemenway Robert D. Lewis Connie J. Sipe (withdrew) D. Ralph Stemp Melvin M. Stephens, II David C. Stewart Michael N. White	Martha Beckwith Andy Hemenway D. Ralph Stemp David C. Stewart Michael N. White	Martha Beckwith D. Ralph Stemp David C. Stewart Michael N. White
12/17/84	Fairbanks - District	Teresa L. Foster Michael P. McConahy Thomas A. Miller Randy M. Olsen Daniel T. Saluri Mark I. Wood Christopher E. Zimmerman	Michael P. McConahy Randy M. Olsen Mark I. Wood Christopher E. Zimmerman	Christopher E. Zimmerman
12/17/84	Fairbanks - Superior	Rita T. Allee James P. Doogan, Jr. Mary E. "Meg" Greene Judge Jane F. Kauvar Dick L. Madson Billie D. Murphree Richard D. Savell D. Rebecca Snow Larry D. Wood Christopher E. Zimmerman	Mary E. "Meg" Greene Dick L. Madson	Mary E. "Meg" Greene

HISTORICAL LOG OF JUDICIAL APPOINTMENTS 1959 - PRESENT

MTG DATE	POSITION	CANDIDATES	NOMINATED	APPOINTED
12/18/84	Anchorage - Superior	Edward G. (Ted) Burton Gail Roy Fraties Judge William H. Fuld Peter A. Michalski Eugene Murphy Benjamin O. Walters, Jr. Thomas J. Verbich	Edward G. (Ted) Burton Peter A. Michalski Eugene Murphy Benjamin O. Walters, Jr.	Peter A. Michalski
03/27-28/85	Wrangell - Superior	James L. Bruce John B. Gaguine (withdrew) Thomas M. Jahnke Dennis L. McCarty T.W. Patch Drew Peterson John Peterson (withdrew) David T. Walker	Thomas M. Jahnke Dennis L. McCarty David T. Walker	Thomas M. Jahnke
04/7-8/86	Bethel - Superior	Gail Roy Fraties James D. Ginotti L. Ben Hancock Laurie H. Otto Bryan E. Schuler Timothy H. Stearns	Gail Roy Fraties L. Ben Hancock Bryan E. Schuler	Gail Roy Fraties
03/20/87	Fairbanks - Superior	Gary Foster Paul R. Lyle (withdrew) Dick L. Madson (withdrew) Richard D. Savell D. Rebecca Snow Niesje J. Steinkruger Patrick J. Travers Larry C. Zervos Judge Chris E. Zimmerman	Richard D. Savell D. Rebecca Snow Judge Chris E. Zimmerman	Richard D. Savell

APPENDIX G

RETENTION ELECTION EVALUATION PROCEDURES

ALASKA JUDICIAL COUNCIL
RETENTION EVALUATION PROGRAM

I. INTRODUCTION.

Judicial evaluation is formally conducted in Alaska primarily for retention election purposes. The Alaska Judicial Council¹ is statutorily vested with the responsibility for conducting retention evaluations.

II. THE EVALUATION PROCESS.

The Council uses a three-part plan to evaluate all judges eligible for retention in any given election year²:

A. Surveys

The Council surveys all active members of the Alaska Bar Association and all state peace officers and probation officers. Bar Association members are asked to rate each appellate judge or justice from 1 (unacceptable) to 5 (excellent) in nine categories (see Exhibit A) and each trial court judge from 1 to 5 in 22 categories (see Exhibit B). Peace and probation officers do not rate appellate judges, but rate all trial court judges in 18 categories (Exhibit C). All survey respondents indicate on their questionnaires the amount and nature of their experience before each judge; respondents may decline to rate at all if they lack sufficient basis to evaluate.

¹ The Council consists of seven members: three attorney members, appointed by the Board of Governors of the State Bar Association; three non-attorney members, appointed by the Governor and confirmed by the Legislature, and the Chief Justice who serves ex officio as Chairman. All appointees serve six year, staggered terms. The Chief Justice's term is three years.

² District (limited jurisdiction) Court judges must stand for retention one year after appointment and every four years thereafter; Supreme Court, Court of Appeals, and Superior (general jurisdiction) Court justices and judges run three years after initial appointment and ten, eight, and six years thereafter, respectively.

*Bar Association Survey

Appellate court judge evaluation criteria include the following:

1. Legal analysis and scholarship;
2. Clarity and precision;
3. Writing style;
4. Restraint from favoritism;
5. Conscientiousness in rendering legal opinions without regard to possible public criticism;
6. Dignity of demeanor on the bench;
7. Avoidance of actual or apparent impropriety;
8. Preparation for and attentiveness to oral argument; and
9. Integrity.

Attached as Exhibit "D" is the Bar Association's evaluation of one Justice who stood for retention in 1986.

Bar Association members evaluate trial judges according to the following criteria:

1. Legal reasoning ability and comprehension;
2. Knowledge of civil and criminal substantive law, evidence, and procedure;
3. Performance as a civil and criminal motions judge;
4. Settlement skills;
5. Conscientiousness in finding facts and/or interpreting the law without regard to possible public criticism;
6. Equal treatment of all parties;
7. Restraint from favoritism toward prosecution or defense in criminal cases or toward plaintiff or defendant in civil cases;
8. Restraint from prejudging outcome of the case;
9. Sense of basic fairness and justice;
10. Human understanding and compassion;
11. Freedom from arrogance;
12. Courtesy;
13. Dignity of demeanor on the bench;
14. Conducts self in a manner free from impropriety or the appearance of impropriety;
15. Integrity;
16. Consideration of all relevant factors and consistency in sentencing;
17. Talent and ability for cases involving children and family;
18. Ability to maintain proper control over courtroom;
19. Punctuality in opening court and keeping appointments;
20. Willingness to work diligently;
21. Reasonable promptness in making rulings and rendering decisions; and
22. Overall judicial performance.

*Peace & Probation Officers Survey

Peace and probation officers evaluate trial judges using most of the same criteria. They are not asked to evaluate the judge's legal reasoning, knowledge of civil and criminal law, or settlement skills. Attached as Exhibit "E" are the quantitative evaluations of the Bar Association members and peace officers regarding one superior court judge who stood for retention in 1986. Following the Council's review, quantitative evaluations of all judges who have filed for retention are made public.

B. Counsel Questionnaires

Brief narrative questionnaires are completed by selected counsel who have appeared before each judge or justice during the current term (Exhibit F). The purpose of the narrative questionnaires is to validate initial survey findings and to obtain further background on aspects of judicial performance. Questionnaire responses tend to track closely with the quantitative results of the Bar survey but frequently give more substantive assessments. Counsel questionnaire results are summarized and submitted to the Council for review (Exhibit G).

C. Judge's Questionnaire

The Judicial Council asks each judge and justice to complete a personal questionnaire regarding his/her judicial performance, health, and judicial and nonjudicial activities during the current term of office (Exhibit H).

* * * * *

Following a review of the above data, as well as a review by staff of health, credit, criminal, civil, judicial discipline, Alaska Public Offices Commission records and other public records, the Council meets to formally evaluate each judge standing for retention. Evaluation data is summarized on the Council's retention worksheet (Exhibit I). The Council votes either to recommend for or against retention.

The Council forwards its recommendations (along with a summary of the Bar Association members and Peace and Probation Officers survey results) to the Lieutenant Governor. The Council's recommendations and findings, along with the judges' personal statements, are included in the Lieutenant Governor's Official Election Pamphlet, which is sent to every registered voter in the state at least 30 days prior to the election. Attached as Exhibit "J" are excerpts from the State's 1986 Official Election Pamphlet. The excerpts include a description of merit selection, an introduction to the Council's evaluations and sample Judicial Council recommendations and survey summaries regarding a trial court judge.

The public release of the Council's recommendations may be augmented by public service television and radio spots, public

appearances and selected speeches by Council members and staff. Paid advertisements may also be used to better apprise the public about the evaluation process and about the Council's recommendations.

III. HOW HAS IT WORKED?

Whether conducted by a state agency, such as the Alaska Judicial Council, or by state or local Bar Association committees, as occurs in some other retention states, bar polls and/or retention recommendations have long been subject to the criticism (by proponents of the popular election of judges) that appointment in merit states is tantamount to life tenure. Critics suggest that judges so appointed never seem to lose on retention. Until recently, that criticism was borne out by most experience in Alaska and in Missouri, Colorado, Wyoming and other retention election jurisdictions as well.

In Alaska, prior to 1982, the Council had issued recommendations not to retain certain judges (in 1976, 1978, and 1980). Judges recommended against in those years had, in fact, been retained, although by increasingly narrower margins. In 1982 and 1984, however, judges recommended "against" by the Council were not retained while judges recommended for retention were retained.

A. 1982. The reasons for the "success" of the process in 1982 can only be speculated upon, but at least four factors entered into the equation:

1. In 1982 the two judges who received the lowest ratings from the bar also received the lowest ratings from the peace officers. The similarity of the peace officers' evaluations side-by-side with the Bar Association's evaluations in the election pamphlet may have made the bar poll more credible among that segment of the electorate that believes judges and lawyers are a "fraternity" which controls judicial appointments and retention.

2. Council recommendations were disseminated widely, although the Council did not aggressively campaign to defeat those judges not recommended for retention. In the past, aggressive campaigns by bar association groups and the Council against retention or re-election of certain candidates may have had the reverse effect on the electorate by generating public sympathy. In 1982, however, judges whom the Council recommended not be retained themselves publicly criticized the Council in their candidates' statements and media advertising; by so doing, such candidates may have unintentionally undermined some of their own potential support.

3. Reliance by the electorate on Judicial Council recommendations has increased each election year. As mentioned earlier, candidates recommended not be retained in years prior to 1982 were retained by narrower margins than were those judges recommended for retention. Increased public information and public education efforts in 1982 were designed to maximize the impact of

Council recommendations on that increasingly growing segment of the electorate which indicates that it relies upon the Council and the election pamphlet for information and guidance.³

4. The factor perhaps least subject to duplication was the fact that Alaska voters in 1982 faced a number of extremely controversial ballot issues, including proposed constitutional amendments, that generated a great deal of voter interest⁴ in all aspects of the election. The heightened voter interest may have led to greater voter study and investigation of the candidates and of the materials included in the election pamphlet.

B. 1984. In 1984, by contrast, the Council for the first time recommended that all judges who had filed for retention⁵ be retained. As in 1980, however (when a citizens' group challenged the retention of a Supreme Court justice whom the Council had recommended be retained), a number of trial judges in 1984 were the subjects of grass roots campaigns not to retain, and a leading newspaper issued an editorial calling for the non-retention of one judge recommended for retention by the Council. Although the Council did not formally respond to such election eve challenges to certain judges whom the Council had recommended be retained, the Council did reiterate its recommendation that all (21) eligible judges be retained in newspaper ads which appeared statewide the day prior to the election (Exhibit K).

Nearly 70% of all registered voters voted in the 1984 election, and 79% of all those voting voted for or against retention of one or more judges (Exhibit L). All judges were retained by an affirmative vote of 62-75%, except for the one judge opposed by a major Anchorage daily newspaper, who was also retained, but by a lesser margin (58%).

C. 1986. The 1986 retention elections were generally uneventful. Eighteen judges stood for retention. All were recommended for retention by the Judicial Council and all were retained by sizeable margins. The lowest percentage of "yes" votes was 67.2% (Exhibit M). None of the judges faced any significant opposition.

3 A study of voting patterns commissioned by the Council in 1979 found that in excess of 60% of the voting public "discriminated" in judge voting, i.e., they voted both for and against retention of certain judges based upon various types of credible public information available on the candidates, including Council evaluations and election pamphlet materials.

4 Nearly 75% of Alaska's registered voters cast ballots in the 1982 general election; 85% of these voters voted for or against some judges.

5 Of three judges eligible for retention in 1984 who elected not to file, two had been recommended against in prior retention elections.

IV. WHAT IS THE FUTURE OF JUDICIAL EVALUATION IN ALASKA?

Judicial evaluation in Alaska was historically been conducted only for purposes of retention. On April 24, 1986 the Supreme Court Administrative Rule 23 regarding pro tem appointments of retired judges and justices was amended to provide that judges and justices who serve pro tem will be evaluated every two years by the Judicial Council and the presiding judges under whom the pro tem service was rendered. An evaluation program will be developed in 1986 and 1987 for pro tem judges.

Mechanisms and procedures already in place could be modified to provide the Court System with information which it could use to enhance its ability to assess the strengths and weaknesses of judges; to enable judges to track and improve their own performance; to reward and encourage outstanding performance; to improve judicial training curricula and programs; and to enable supervisory judges and justices to better manage judicial resources through improved identification and assignment of judges according to judges' substantive and administrative interests and skills.

APPELLATE JUDGE		SUPREME COURT	
		Justice Daniel A. Moore, Jr.	
1. Amount of your experience with this justice?	Substantial <input type="checkbox"/> Limited <input type="checkbox"/> None <input type="checkbox"/>		
2. How many of this justice's opinions have you read?	Most <input type="checkbox"/> Some <input type="checkbox"/> None <input type="checkbox"/>		
<p>For the following questions use this scale, or indicate by checking "Can't Rate" that you have an insufficient basis for evaluation:</p> <p>1. <u>Unacceptable</u> Lacking in this quality 2. <u>Deficient</u> Does not always meet minimum standards of performance for this court</p> <p>3. <u>Acceptable</u> Meets minimum standards of performance for this court</p> <p>4. <u>Good</u> Often exceeds minimum standards of performance for this court</p> <p>5. <u>Excellent</u> Consistently exceeds the minimum standards for this court</p>		Justice Daniel A. Moore, Jr.	
	Rating	Can't Rate	
QUALITY OF WRITTEN OPINIONS			
3. Legal analysis and scholarship			
4. Clarity and precision			
5. Writing style			
6. Restraint from favoritism			
7. Conscientiousness in rendering legal opinions without regard to possible public criticism			
GENERAL CHARACTERISTICS			
8. Dignity of demeanor on the bench			
9. Conducts self in a manner free from impropriety or the appearance of impropriety			
10. Preparation for, and attentiveness to counsel's oral arguments			
11. Integrity			

If you have any comments which you believe would assist the Judicial Council in its evaluations, please note them here. Please identify the judge to whom they refer. These statements are entirely optional and anonymous. If more space is needed, attach an additional sheet of paper.

	SUPERIOR COURT				DISTRICT COURT			
	Judge Beverly W. Cutler		Judge Mark C. Rowland		Judge Elaine Andrews		Judge Martha Beckwith	
1. Have you had trials, motions or other experience with this judge? (Check all that apply)	Trials	_____	Trials	_____	Trials	_____	Trials	_____
	Motions	_____	Motions	_____	Motions	_____	Motions	_____
	Other	_____	Other	_____	Other	_____	Other	_____
	None	_____	None	_____	None	_____	None	_____
2. Nature of your experience with this judge?	Criminal	_____	Criminal	_____	Criminal	_____	Criminal	_____
	Civil	_____	Civil	_____	Civil	_____	Civil	_____
	Mixture	_____	Mixture	_____	Mixture	_____	Mixture	_____
	None	_____	None	_____	None	_____	None	_____
3. Amount of your experience with this judge?	Substantial	_____	Substantial	_____	Substantial	_____	Substantial	_____
	Limited	_____	Limited	_____	Limited	_____	Limited	_____
	None	_____	None	_____	None	_____	None	_____
For the following questions use this scale, or indicate by checking "Can't Rate" that you have an insufficient basis for evaluation:								
1. <u>Unacceptable</u>	Lacking in this quality							
2. <u>Deficient</u>	Does not always meet minimum standards of performance for this court							
3. <u>Acceptable</u>	Meets minimum standards of performance for this court							
4. <u>Good</u>	Often exceeds minimum standards of performance for this court							
5. <u>Excellent</u>	Consistently exceeds the minimum standards for this court							
	Judge Beverly W. Cutler		Judge Mark C. Rowland		Judge Elaine Andrews		Judge Martha Beckwith	
	Rating	Can't Rate	Rating	Can't Rate	Rating	Can't Rate	Rating	Can't Rate
LEGAL ABILITY								
4. Legal reasoning ability and comprehension								
5. Knowledge of substantive law, evidence, and procedure								
6. Performance as a motions judge (discovery, suppression, summary judgement, and the like)								
7. Settlement skills								
IMPARTIALITY								
8. Conscientiousness in finding facts and/or interpreting the law without regard to possible public criticism								
9. Equal treatment of all parties regardless of race, ethnic background, sex, social or economic status, and the like								
10. Restraint from favoritism toward either side in any dispute								
11. Restraint from prejudging outcome of the case								
JUDICIAL TEMPERAMENT								
12. Sense of basic fairness and justice								
13. Human understanding and compassion								
14. Freedom from arrogance								
15. Courtesy								
16. Dignity of demeanor on the bench								
17. Conducts self in a manner free from impropriety or the appearance of impropriety								
18. Integrity								
19. Consideration of all relevant factors in sentencing								
20. Talent and ability for cases involving children and families								
ADMINISTRATIVE SKILLS								
21. Ability to maintain proper control over courtroom								
22. Punctuality in opening court and keeping appointments								
23. Willingness to work diligently								
24. Reasonable promptness in making rulings and rendering decisions								
OVERALL JUDICIAL PERFORMANCE								
25. Overall judicial performance								

If you have any comments which you believe would assist the Judicial Council in its evaluations, please note them here. Please identify the judge to whom they refer. These statements are entirely optional and anonymous. If more space is needed, attach an additional sheet of paper.

THIRD JUDICIAL DISTRICT	SUPERIOR COURT				DISTRICT COURT			
	Judge Beverly W. Cutler		Judge Mark C. Rowland		Judge Elaine Andrews		Judge Martha Beckwith	
1. Have you had trials, motions or other experience with this judge? (Check all that apply)	Trials	_____	Trials	_____	Trials	_____	Trials	_____
	Motions	_____	Motions	_____	Motions	_____	Motions	_____
	Other	_____	Other	_____	Other	_____	Other	_____
	None	_____	None	_____	None	_____	None	_____
2. Nature of your experience with this judge?	Criminal	_____	Criminal	_____	Criminal	_____	Criminal	_____
	Civil	_____	Civil	_____	Civil	_____	Civil	_____
	Mixture	_____	Mixture	_____	Mixture	_____	Mixture	_____
	None	_____	None	_____	None	_____	None	_____
3. Amount of your experience with this judge?	Substantial	_____	Substantial	_____	Substantial	_____	Substantial	_____
	Limited	_____	Limited	_____	Limited	_____	Limited	_____
	None	_____	None	_____	None	_____	None	_____
For the following questions use this scale, or indicate by checking "Can't Rate" that you have an insufficient basis for evaluation:								
1. <u>Unacceptable</u>	Lacking in this quality							
2. <u>Deficient</u>	Does not always meet minimum standards of performance for this court							
3. <u>Acceptable</u>	Meets minimum standards of performance for this court							
4. <u>Good</u>	Often exceeds minimum standards of performance for this court							
5. <u>Excellent</u>	Consistently exceeds the minimum standards of performance for this court							
	Judge Beverly W. Cutler		Judge Mark C. Rowland		Judge Elaine Andrews		Judge Martha Beckwith	
	Rating	Can't Rate	Rating	Can't Rate	Rating	Can't Rate	Rating	Can't Rate
IMPARTIALITY								
4. Conscientiousness in finding facts and/or interpreting the law without regard to possible public criticism								
5. Equal treatment of all parties regardless of race, ethnic background, sex, social or economic status, and the like								
6. Restraint from favoritism toward either side in any dispute								
7. Restraint from prejudging outcome of the case								
JUDICIAL TEMPERAMENT								
8. Sense of basic fairness and justice								
9. Human understanding and compassion								
10. Freedom from arrogance								
11. Courtesy								
12. Dignity of demeanor on the bench								
13. Conducts self in a manner free from impropriety or the appearance of impropriety								
14. Integrity								
15. Consideration of all relevant factors in sentencing								
16. Talent and ability for cases involving children and families								
ADMINISTRATIVE SKILLS								
17. Ability to maintain proper control over courtroom								
18. Punctuality in opening court and keeping appointments								
19. Willingness to work diligently								
20. Reasonable promptness in making rulings and rendering decisions								
OVERALL JUDICIAL PERFORMANCE								
21. Overall judicial performance								

If you have any comments which you believe would assist the Judicial Council in its evaluations, please note them here. Please identify the judge to whom they refer. These statements are entirely optional and anonymous. If more space is needed, attach an additional sheet of paper.

TABLE I-1

MEAN RATINGS OF JUSTICE DANIEL A. MOORE, JR.
BY THE ALASKA BAR ASSOCIATION RESPONDENTS*

Questionnaire Item	All Raters	Experienced Raters
QUALITY OF WRITTEN OPINIONS		
Legal analysis and scholarship	3.9 (593)	3.9 (523)
Clarity and precision	3.9 (587)	3.9 (518)
Writing style	3.9 (583)	3.8 (515)
Restraint from favoritism	4.2 (545)	4.2 (497)
Conscientiousness in rendering legal opinions without regard to possible public criticism	4.2 (537)	4.2 (485)
GENERAL CHARACTERISTICS		
Dignity of demeanor on the bench	4.4 (522)	4.4 (500)
Conducts self in a manner free from impropriety or the appearance of impropriety	4.4 (532)	4.4 (500)
Preparation for and attentiveness to counsel's oral arguments	4.2 (477)	4.2 (463)
Integrity	4.5 (543)	4.5 (506)

*The mean rating for the justice on each item is based upon the number of valid responses, coded as follows: 1-Unacceptable (Lacking in this quality); 2-Deficient (Does not always meet minimum standards of performance for this court); 3-Acceptable (Meets minimum standards of performance for this court); 4-Good (Often exceeds minimum standards of performance for this court); 5-Excellent (Consistently exceeds the minimum standards for this court). Respondents who declined to rate the justice because they felt they had an insufficient basis for evaluation or who left the item blank were excluded from the calculation of the mean ratings. The actual number of respondents on which the mean rating is based is indicated in parentheses.

Mean Ratings of Judge Beverly W. Cutler

By Two Survey Populations*

TABLE III-1

Questionnaire Item	Survey of Alaska Bar Association		Survey of Alaska Peace Officers	
	All Raters	Exper. Raters	All Raters	Exper. Raters
OVERALL JUDICIAL PERFORMANCE	3.9 (387)	3.9 (356)	3.7 (115)	3.7 (113)
LEGAL ABILITY	3.9	3.9		
Legal reasoning ability and comprehension	(380)	(351)		
Knowledge of substantive law, evidence, and procedure	3.9 (382)	3.9 (353)		
Performance as a motions judge (discovery, suppression, summary judgment, and the like)	3.8 (355)	3.8 (330)		
Settlement skills	3.6 (179)	3.6 (161)		
IMPARTIALITY	3.9	3.9	3.6	3.6
Conscientiousness in finding facts and/or interpreting the law without regard to possible public criticism	(372)	(344)	(115)	(112)
Equal treatment of all parties regardless of race, ethnic background, sex, social or economic status, and the like	4.0 (364)	4.0 (336)	3.8 (109)	3.8 (107)
Restraint from favoritism toward either side in any dispute	3.8 (374)	3.8 (347)	3.5 (113)	3.5 (111)
Restraint from prejudging outcome of the case	3.8 (366)	3.8 (340)	3.7 (106)	3.6 (104)
JUDICIAL TEMPERAMENT	4.0	4.0	3.8	3.8
Sense of basic fairness and justice	(385)	(356)	(116)	(114)
Human understanding and compassion	4.1 (381)	4.1 (353)	3.9 (112)	3.9 (110)
Freedom from arrogance	4.0 (383)	4.0 (355)	3.8 (117)	3.8 (115)
Courtesy	4.1 (382)	4.2 (354)	3.9 (118)	4.0 (115)
Dignity of demeanor on the bench	4.1 (371)	4.1 (344)	3.9 (115)	3.9 (113)
Conducts self in a manner free from impropriety or the appearance of impropriety	4.1 (376)	4.1 (348)	3.9 (113)	3.9 (111)
Integrity	4.3 (372)	4.3 (344)	4.1 (114)	4.1 (112)
Consideration of all relevant factors in sentencing	4.0 (238)	4.0 (223)	3.6 (106)	3.6 (105)
Talent and ability for cases involving children and families	3.9 (198)	3.9 (187)	3.6 (74)	3.6 (72)

Mean Ratings of Judge Beverly W. Cutler

By Two Survey Populations*

TABLE III-1 (Continued)

Questionnaire Item	Survey of Alaska Bar Association		Survey of Alaska Peace Officers	
	All Raters	Exper. Raters	All Raters	Exper. Raters
ADMINISTRATIVE SKILLS				
Ability to maintain proper control over courtroom	3.9 (336)	3.9 (315)	3.7 (112)	3.7 (110)
Punctuality in opening court and keeping appointments	3.8 (314)	3.8 (294)	3.4 (109)	3.4 (108)
Willingness to work diligently	4.1 (336)	4.1 (311)	3.9 (98)	3.9 (97)
Reasonable promptness in making rulings and rendering decisions	3.8 (335)	3.9 (315)	3.8 (103)	3.8 (101)

*The mean ratings for this judge on each item in each survey are based upon two tabulations of the responses. The first mean is based upon the total number of valid responses from the relevant population (lawyers or peace and probation officers) who rated the judge. The second is based upon the number of valid responses from the relevant population for individuals who indicated that they had some personal professional experience in the judge's court. The original responses were coded as follows: 1-Unacceptable (Lacking in this quality); 2-Deficient (Does not always meet minimum standards of performance for this court); 3-Acceptable (Meets minimum standards of performance for this court); 4-Good (Often exceeds minimum standards of performance for this court); and 5-Excellent (Consistently exceeds the minimum standards for this court). Respondents in each survey who declined to rate the judge because they felt they had an insufficient basis for evaluation or who left the item blank were excluded from the calculation of the mean ratings. The actual number of respondents upon which each mean rating is based is indicated in parentheses. No entry indicates that the survey did not include that item.

(Judge/Justice)
COUNSEL QUESTIONNAIRE
RE:

1. How would you characterize the judge's/justice's judicial temperament?

2. Did the judge/justice demonstrate a thorough grasp of the legal issues and facts presented in the case?

3. Did the judge/justice rule decisively and fairly in the case before him/her?

4. Was the matter handled in a timely fashion?

Thank you for your assistance. Please return this questionnaire in the enclosed self-addressed stamped envelope to: Alaska Judicial Council, 1031 W. 4th Avenue, Suite 301, Anchorage, Alaska 99501 by May 28, 1986.

Signature Line (Optional)

Eleven counsel questionnaires were returned for Judge

I. Judicial Temperament

Excellent	5
Very Good	1
Good	5

"Has very straightforward and concise judicial temperament; addressed remarks directly to client in a courteous manner."

"Able to control her courtroom, polite and listens carefully to attorney's arguments."

"Even tempered and objective; her rulings for the most part were well thought out."

"Impartial and professional"

II. Legal Ability

Judge has a thorough grasp of the issues 11

"Always listens carefully to the arguments and would then issue well reasoned decisions."

"Judge's decision was interwoven with all key facts and issues; demonstrated a keen grasp of not only the applicable law but also the pertinent facts."

"Had a fair grasp of the legal issues and made very sure the defendant's rights were protected."

III. Impartiality

Judge is fair and impartial	10
Parties settled before decision	1

"Her decision was well reasoned, and even though Judge ruled against my client, I was persuaded by her decision."

"Is careful to insure her rulings are in accordance with case law; once she had come to a decision, she would rule decisively."

"Counseled both attorneys in the same fashion; no bias either way."

ALASKA JUDICIAL COUNCIL
C O N F I D E N T I A L
QUESTIONNAIRE

Candidates for Judicial Retention

April 3, 1986

Name _____

Court _____

1. a) Number of years on bench: _____ b) Date appointed to current position: _____
b) Address: Office: _____ Home: _____
c) Phone: Office: _____ Home: _____
d) Date of Birth: _____ Social Security Number: _____

2. What types of cases have you handled during your present term?

_____% Civil
_____% Criminal
_____% Total

3. On a separate sheet of paper please assess your judicial performance during your present term in one or two paragraphs. Appropriate criteria could include: satisfaction with your judicial role, specific contributions to the judiciary or the field of law, increases in legal knowledge and judicial skills, or other measures of judicial abilities which you believe to be important.

Appellate Judge

4. Please attach a list of five opinions you have written during your present term in office including the name (and file number, if known) of each case and the names and addresses of all counsel participating in the case. Please attach copies of each. Please also give citations if the opinions were reported as well as citations to any appellate review of such opinions.

4. Trial Judge

Please attach a list of five cases over which you have presided during your present term of office. The list may include trials or cases in which a written or oral opinion was rendered or a combination of these types of cases. The list should include the name (and file number, if known) of each case, together with names and addresses of all counsel appearing in each case. Please give citations, if any, of the cases that were reported or were reviewed by an appellate court.

5. (OPTIONAL) Have you obtained professional health services during your most recent term in office for aid in dealing with any physical, mental or behavioral condition which condition, if untreated, would have prevented you from continuing to effectively perform your judicial duties? Yes _____ No _____. If yes, please describe in detail, giving dates, name(s) of attending health service professionals, and all facts.

6. To the best of your knowledge, have any actions been taken against you during your most recent term by the Commission on Judicial Conduct or its predecessor, the Judicial Qualifications Commission? Yes ___ No ___. If yes, please make any comments about the nature of these cases or actions taken by the Commission which you believe the Judicial Council should consider in its evaluation of judicial performance.
- _____
- _____
- _____

7. During your most recent term as a judge, have you:
- a) had a tax lien or other collection procedure instituted against you by federal, state, or local authorities? Yes ___ No ___.
 - b) been a party to or otherwise involved in any legal proceeding? Yes ___ No ___.
(Include all proceedings in which you were a party in interest, a material witness, were named as co-conspirator or co-respondent, and any grand jury investigation in which you figured as a subject or in which you appeared as a witness.)
 - c) engaged in the practice of law? Yes ___ No ___.
 - d) held office in any political party? Yes ___ No ___.
 - e) held any other local, state or federal office? Yes ___ No ___.
- If your answer to any of the questions above is "yes", please give full details, including dates, facts, and outcomes.
- _____
- _____
- _____
- _____

8. Are you now an officer or director or otherwise involved in the management of any business enterprise, partnership, non-profit corporation, or educational or other institution? Yes ___ No ___. If yes, please provide details including the name of the organization, nature of its business, title or other description of your position, the nature of your duties and term of your service.
- _____
- _____
- _____

9. Please provide any other information which you believe would assist the Council in conducting its evaluations and in preparing its recommendations for the 1986 retention elections.
- _____
- _____
- _____

Signature of Judge

Date

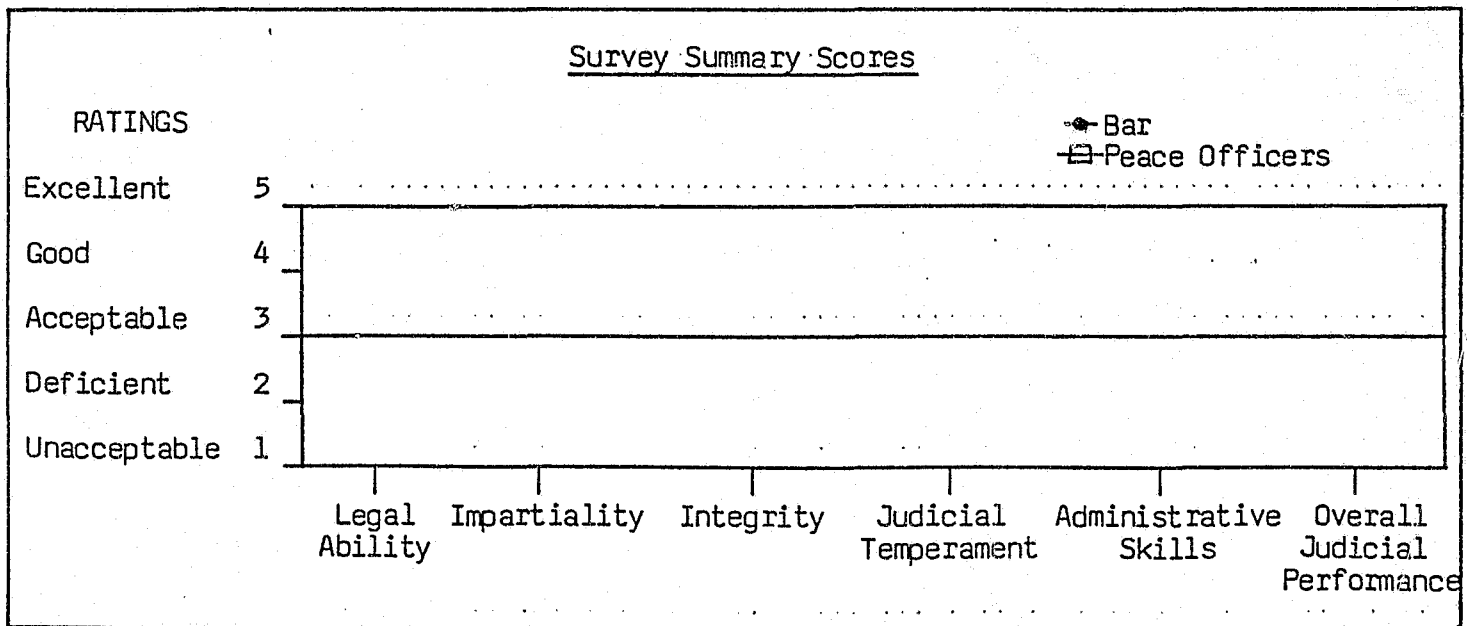
JUDICIAL RETENTION WORKSHEET

.....
 Court
 Judicial District

1. Years in this position: _____ Date of next retention election: _____

2. Prior judicial positions: _____ Number of years: _____

	<u>1986</u>	<u>Prior</u>
3. Bar Survey
4. Peace and Probation Officers Survey
5. Public and Private Records
6. Court Performance Date
7. Professional and Citizen Input
8. Interview
9. Overall Evaluation



ALASKA'S JUDICIAL RETENTION SYSTEM

Since statehood, Alaska's judges have been appointed by a merit selection system and retained in office through public elections. These procedures were established in the Alaska Constitution and statutes to assure the appointment of qualified judges and the accountability of judges to the public throughout their tenure. Retention elections for judges are both non-partisan and unopposed. Each judge stands for retention based on his or her record of judicial performance; in addition, information regarding the judge's performance is provided to all voters by the Alaska Judicial Council. If a judge is not retained in office, the position becomes vacant and a new judge is appointed by the merit selection system.

Supreme Court justices stand for retention election three years after appointment and every ten years thereafter. Court of Appeals judges stand for retention election three years after appointment and every eight years thereafter. Superior Court judges stand for retention election three years after appointment and every six years thereafter. District Court judges stand for retention election one year after appointment and every four years thereafter.

The Alaska Judicial Council is required by law to evaluate the performance of each judge standing for retention election and to publish its evaluations in the **Official Election Pamphlet**. The Council may also make recommendations about retention or non-retention of each judge. These evaluations and recommendations are contained in the following pages along with an introductory statement, by the Council, of the methods used in its evaluations. A biographical statement, provided and paid for by the judge if the judge wishes, is printed on the page facing the Alaska Judicial Council's evaluation of that judge's performance.

For the 1986 General Election, the Judicial Council has evaluated one supreme court justice and seventeen trial judges. The following eighteen judges were all found to be **QUALIFIED**, and are all recommended for retention:

SUPREME COURT: Justice Daniel A. Moore, Jr.

SUPERIOR COURT: Judge Duane K. Craske, First Judicial District
Judge Michael I. Jeffery, Second Judicial District
Judge Beverly W. Cutler, Third Judicial District
Judge Mark C. Rowland, Third Judicial District
Judge Jay Hodges, Fourth Judicial District
Judge Gerald J. Van Hoomissen, Fourth Judicial District

DISTRICT COURT: Judge Linn Asper, First Judicial District
Judge Elaine Andrews, Third Judicial District
Judge Martha Beckwith, Third Judicial District
Judge James C. Hornaday, Third Judicial District
Judge Ralph Stemp, Third Judicial District
Judge David Stewart, Third Judicial District
Judge Michael White, Third Judicial District
Judge Hugh H. Connelly, Fourth Judicial District
Judge H. Ed Crutchfield, Fourth Judicial District
Judge Jane F. Kauvar, Fourth Judicial District
Judge Christopher Zimmerman, Fourth Judicial District

EDITOR'S NOTE:

Only information regarding the supreme court justice and judges serving the districts pertinent to this pamphlet is included on the following pages.

EVALUATION OF JUDGES

The Alaska Judicial Council has a statutory duty to conduct evaluations of each judge and justice standing for retention, and to provide information and recommendations to the public about these judges. The Judicial Council was established by the state's constitution as an agency of state government, independent of the Court System, and consists of seven members: three non-attorney members appointed by the Governor and confirmed by the Legislature; three attorney members appointed by the Board of Governors of the Alaska Bar Association; and the Chief Justice, who serves as Chairman of the Council *ex officio*.

FORMAT OF EVALUATION:

The Judicial Council's evaluations of individual judges appear on the following pages, with the Judicial Council's Evaluation Page on the right-hand, facing the Judge's Statement Page (provided and paid for by each justice or judge at the judge's option). Information regarding judicial performance was based on sources available to the Judicial Council at the time of its recommendations. These sources included: Bar and Peace Officer mail surveys, a review of court and public records, professional and public testimony and personal interviews. These activities were supervised wholly by the Judicial Council and paid for by the Judicial Council out of the state general fund. Each Evaluation Page contains the following information:

The judge's name, years in the present judicial position, and scheduled date of the next retention election after 1986.

SECTION I: JUDICIAL COUNCIL EVALUATION.

The Judicial Council has evaluated each judge as "QUALIFIED" or "UNQUALIFIED" to retain his or her judicial office. The Council has also stated its recommendation to vote "YES" or "NO" to retain each judge.

SECTION II: SOURCES OF EVALUATION INFORMATION.

A. Information other than surveys. Information regarding judicial performance was based on sources available to the Judicial Council at the time of its recommendations. These sources included: Bar and Peace Officer mail surveys, a review of court and public records, professional and public testimony and personal interviews.

B. Bar and Peace Officer mail surveys. Survey forms for the evaluation of judges were mailed to all members of the Alaska Bar Association and to all peace and probation officers in the state. The graph in this Section shows average scores from the surveys completed by 831 members of the Bar Association and 494 peace and probation officers. There are four summary scores for the supreme court justice and six summary scores for each superior and district court judge. Peace and probation officers were not asked to evaluate the supreme court justice or the legal abilities of trial court judges.

Administration of the surveys was conducted wholly by the Center for Political Studies, Institute for Social Research, University of Michigan at Ann Arbor under contract to the Judicial Council.

A complete copy of the survey results may be obtained by calling or writing to the Alaska Judicial Council, 1031 West Fourth Avenue, Suite 301, Anchorage, Alaska 99501; (907) 279-2526.

SUPERIOR COURT JUDGE

BEVERLY W. CUTLER, Third Judicial District

Years in Current Position: 3³/₄

Date of Next Retention Election: 1992

I. JUDICIAL COUNCIL EVALUATION

The Alaska Judicial Council finds Judge Beverly W. Cutler to be **QUALIFIED** for the position of Superior Court Judge.

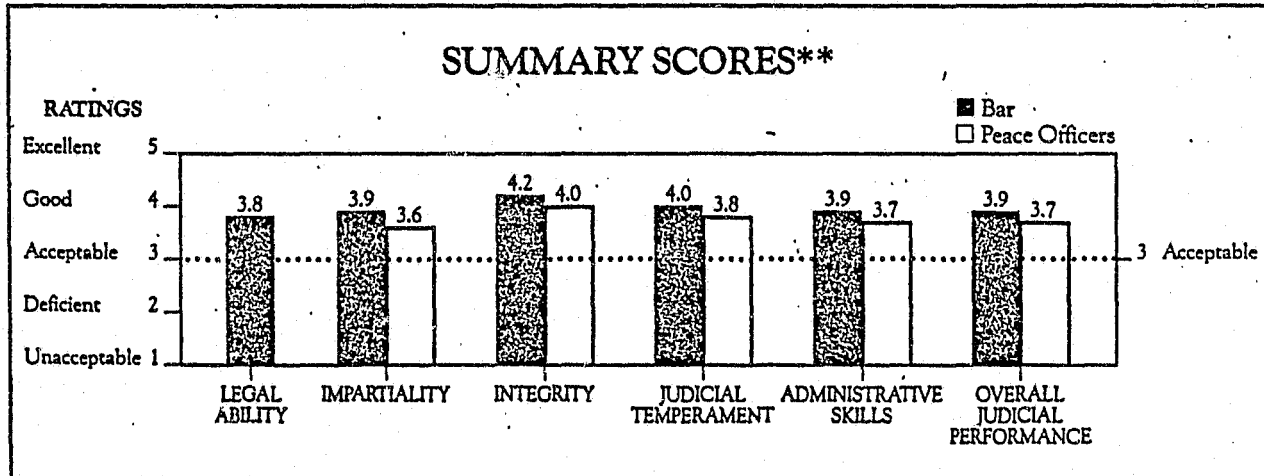
The Judicial Council's Recommendation:
Vote "YES" to retain Judge Beverly W. Cutler

II. SOURCES OF EVALUATION INFORMATION

A. Information other than Surveys. Information regarding judicial performance was based on sources available to the Judicial Council at the time of its recommendations. These sources included: the Bar and Peace Officer mail surveys, a review of court and public records, professional and public testimony and personal interviews.

B. Bar and Peace Officer Mail Surveys. The following graph compares the mail survey responses of the Bar Association members and the peace and probation officers.

Judge Beverly W. Cutler



**The ratings shown are based upon average scores from respondents who used the following scale: 5=excellent (consistently exceeds the minimum standards for this court); 4=good (often exceeds minimum standards of performance for this court); 3=acceptable (meets minimum standards of performance for this court); 2=deficient (does not always meet minimum standards of performance for this court); 1=unacceptable (lacking in this quality).

EDITOR'S NOTE:

Complete survey results are available by calling or writing to the Alaska Judicial Council at 1031 West Fourth Avenue, Suite 301, Anchorage, Alaska 99501; (907) 279-2526.

**IN THE NOVEMBER 6TH ELECTION
THE ALASKA JUDICIAL COUNCIL
FINDS THE FOLLOWING JUDGES
"QUALIFIED"
AND RECOMMENDS THEIR RETENTION:**

JUSTICE ALLEN T. COMPTON, Supreme Court

**JUDGE ALEXANDER O. BRYNER, Court of Appeals
JUDGE ROBERT G. COATS, Court of Appeals
JUDGE JAMES K. SINGLETON, JR., Court of Appeals**

First Judicial District

**JUDGE WALKTER L. "BUD" CARPENETI, Superior Court
JUDGE RODGER W. PEGUES, Superior Court
JUDGE THOMAS E. SCHULZ, Superior Court
JUDGE GEORGE L. GUCKER, District Court**

Second Judicial District

**JUDGE PAUL B. JONES, Superior Court
JUDGE CHARLES R. TUNLEY, Superior Court**

Third Judicial District

**JUDGE VICTOR D. CARLSON, Superior Court
JUDGE CHARLES K. CRANSTON, Superior Court
JUDGE ROY H. MADSEN, Superior Court
JUDGE J. JUSTIN RIPLEY, Superior Court
JUDGE DOUGLAS J. SERDAHELY, Superior Court
JUDGE BRIAN C. SHORTELL, Superior Court
JUDGE GLEN C. ANDERSON, District Court
JUDGE NATALIE K. FINN, District Court
JUDGE WILLIAM FULD, District Court
JUDGE JOHN D. MASON, District Court**

Fourth Judicial District

JUDGE JAMES R. BLAIR, Superior Court

**THE JUDICIAL COUNCIL RECOMMENDS A
"YES" VOTE TO RETAIN
EACH OF THESE JUDGES**

The Alaska Judicial Council has a statutory duty to conduct evaluations of each judge and justice standing for retention, and to provide information and recommendations to the public about these judges. The Judicial Council was established by the state's constitution as an agency of state government, independent of the Court System, and consists of seven members: three non-attorney members appointed by the Governor and confirmed by the Legislature; three attorney members appointed by the Board of Governors of the Alaska Bar Association; and the Chief Justice, who serves as Chairman of the Council ex-officio.

Section B Voter Turnout

Voter turnout and percentages voting for judges are also of interest. Because the U..S. House of Representatives race is the only statewide contest which occurs every two years, the number of voters for that position is used as a comparison to gauge voter interest in judicial positions.

Table 4

<u>Column A</u>			<u>Column B</u>		<u>Column C</u>	
Number of registered voters who went to polls	% of all registered voters in Alaska		Number and percent of Column A voters who voted in U. S. House of Represent. Race.		Number and % of Column A voters who voter for or against supreme court justices standing for retention.	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
<u>1976</u>	127,877	(61.7%)	118,208	(92.5%)	108,538	(84.9%)
<u>1978</u>	129,705	(54.3%)	124,187	(95.7%)	a) 107,647 (83.0%) b) 107,707 (83.0%)	
<u>1980</u>	162,653	(62.8%)	154,618	(95.1%)	142,086	(84.4%)
<u>1982</u>	199,358	(74.9%)	181,084	(90.8%)	169,515	(85.0%)
<u>1984</u>	211,009	(69.1%)	204,381	(96.9%)	166,746	(79.0%)
<u>1986</u>	182,526	(62.5%)	170,654	(93.5%)	145,768	(79.9%)



alaska judicial council

1031 W. Fourth Avenue, Suite 301, Anchorage, Alaska 99501 (907) 279-2526

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Renee Murray

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CHAIRMAN, EX OFFICIO
Jay A. Rabinowitz
Chief Justice
Supreme Court

December 12, 1986

MEMORANDUM

TO: Retention Consultant Committee

FROM: Teri Carns, Senior Staff Associate *TWC*

RE: Results of 1986 Retention Elections

All of the eighteen judges standing for retention in 1986 were recommended for retention by the Judicial Council, and all were retained. The percentages of "yes" votes for each judge were somewhat higher overall than in past years, as can be seen by comparing the data in Attachment A with the data in this memo. In 1984 for example, the lowest percentage of "yes" votes was 58.1% for Judge Mason, as compared to 67.2% for Judge Hornaday in 1986. One reason for the difference may be that there was no significant opposition to any judge in 1986.

Table A

<u>Judge/Justice</u>	<u>Total "Yes" Votes</u>	<u>"Yes votes as a % of of all votes cast for that judge</u>
Justice Daniel A. Moore	100,857	69.1%
Judge Duane K. Craske	15,994	72.5%
Judge Linn Asper	16,023	72.5%
Judge Michael I. Jeffery	5,401	76.3%
Judge Beverly W. Cutler	61,598	68.9%
Judge Mark C. Rowland	60,742	69.6%
Judge Elaine Andrews	62,233	71.2%
Judge Martha Beckwith	60,562	69.8%
Judge James C. Hornaday	58,608	67.2%
Judge Ralph R. Stemp	58,119	67.8%
Judge David Stewart	60,615	70.5%
Judge Michael White	60,925	70.5%
Judge Jay Hodges	20,435	69.2%
Judge Gerald Van Hoomissen	21,127	72.2%
Judge Hugh H. Connelly	21,569	74.2%
Judge H. Ed Crutchfield	20,416	71.3%
Judge Jane F. Kauvar	20,766	72.0%
Judge Christopher Zimmerman	21,388	74.8%

EXHIBIT M.1
APPENDIX G.23

Voter turnout was also analyzed. Table 4 (Attachment B) has been updated with 1986 figures to show the percentage of registered voters who cast ballots. The percentages of those casting ballots who voted in the Congressional race and who voted for or against Justice Moore (the only judge who was on all ballots in the state) are also shown.

Voter turnout was lower than in 1982 and 1984, but comparable to 1980 and earlier years. The percentage of voters casting ballots who voted in the Congressional race was 93.5%, comparable to past years. The 79.9% of voters casting ballots who voted in the retention election of Justice Moore was about the same percentage as 1984, and lower than the percentages between 1976 and 1982.

APPENDIX H

RETENTION LOG OF JUDGES

RETENTION ELECTION LOG

I. SUPREME COURT JUSTICES

RETENTION DATES

First general election held more than 3 years after appointment; every 10 years thereafter.

JUSTICE	APPOINTED	PRIOR RETENTION ELECTIONS	NEXT RETENTION ELECTION
EDMOND W. BURKE	4/4/75	78	88
ALLEN T. COMPTON	12/12/80	84	94
WARREN W. MATTHEWS	5/26/77	80	90
DANIEL A. MOORE, JR.	7/10/83	86	96
JAY A. RABINOWITZ	2/21/65	68, 78	88

II. COURT OF APPEALS JUDGES

RETENTION DATES

First general election held more than 3 years after appointment; every 8 years thereafter.

JUDGE	APPOINTED	PRIOR RETENTION ELECTIONS	NEXT RETENTION ELECTION
ALEXANDER O. BRYNER	7/30/80	84	92
ROBERT G. COATS	7/30/80	84	92
JAMES K. SINGLETON, JR.	7/30/80	84	92

III. SUPERIOR COURT JUDGES

RETENTION DATES

First general election held more than 3 years after appointment; every 6 years thereafter.

A. FIRST JUDICIAL DISTRICT

JUDGE	APPOINTED	PRIOR RETENTION ELECTIONS	NEXT RETENTION ELECTION
WALTER L. CARPENETTI	10/15/81	84	90
DUANE K. CRASKE	9/24/76	80, 86	92
THOMAS M. JAHNKE	5/11/85	---	88
RODGER W. PEGUES	6/11/81	84	90
THOMAS E. SCHULZ	11/16/73	78, 84	90

RETENTION ELECTION LOG
(CONTINUED)

B. SECOND JUDICIAL DISTRICT

JUDGE	APPOINTED	PRIOR RETENTION ELECTIONS	NEXT RETENTION ELECTION
MICHAEL I. JEFFERY	10/28/82	86	92
PAUL B. JONES	5/5/80	84	90
CHARLES R. TUNLEY	12/12/80	84	90

III. SUPERIOR COURT JUDGES

RETENTION DATES

First general election held more than 3 years after appointment; every 6 years thereafter.

C. THIRD JUDICIAL DISTRICT

JUDGE	APPOINTED	PRIOR RETENTION ELECTIONS	NEXT RETENTION ELECTION
JOHN BOSSHARD, III	5/29/84	--	88
S. J. BUCKALEW, JR.	6/20/73	76, 82	88
VICTOR D. CARLSON	10/8/75	78, 84	90
CHARLES K. CRANSTON	10/15/81	84	90
BEVERLY W. CUTLER	10/28/82	86	92
RENE J. GONZALEZ	11/08/84	--	88
KAREN L. HUNT	1/10/84	---	88
KARL S. JOHNSTONE	10/8/79	82	88
JOAN M. KATZ	11/08/84	---	88
ROY H. MADSEN	9/17/75	78, 84	90
PETER A. MICHALSKI	01/31/85	---	88
J. JUSTIN RIPLEY	6/27/75	78, 84	90
MARK C. ROWLAND	2/22/77	80, 86	92
DOUGLAS J. SERDAHELY	12/12/80	84	90
BRIAN C. SHORTELL	12/12/80	84	90
MILTON M. SOUTER	1/23/78	82	88

RETENTION ELECTION LOG
(CONTINUED)

D. FOURTH JUDICIAL DISTRICT

JUDGE	APPOINTED	PRIOR RETENTION ELECTIONS	NEXT RETENTION ELECTION
JAMES R. BLAIR	1/31/75	78, 84	90
GAIL ROY FRATIES	5/22/86	---	90
MARY E. "MEG" GREENE	01/4/85	--	88
JAY F. HODGES	9/28/76	80, 86	92
RICHARD D. SAVELL	4/27/87	---	90

IV. DISTRICT COURT JUDGES

RETENTION DATES

First general election held more than 1 year after appointment; every 4 years thereafter.

A. FIRST JUDICIAL DISTRICT

JUDGE	APPOINTED	PRIOR RETENTION ELECTIONS	NEXT RETENTION ELECTION
LINN H. ASPER	6/22/84	86	90
GEORGE L. GUCKER	3/31/83	84	88

B. SECOND JUDICIAL DISTRICT

NO DISTRICT COURT JUDGES IN THE SECOND JUDICIAL DISTRICT

**RETENTION ELECTION LOG
(CONTINUED)**

C. THIRD JUDICIAL DISTRICT

JUDGE	APPOINTED	PRIOR RETENTION ELECTIONS	NEXT RETENTION ELECTION
GLEN C. ANDERSON	3/16/78	80, 84	88
ELAINE ANDREWS	6/11/81	82, 86	90
MARTHA BECKWITH	11/08/84	86	90
NATALIE K. FINN	3/31/83	84	88
WILLIAM H. FULD	3/31/83	84	88
JAMES C. HORNADAY	11/2/76	78, 82, 86	90
JOHN D. MASON	12/7/70	72, 76, 80, 84	88
RALPH STEMP	11/08/84	86	90
DAVID STEWART	11/08/84	86	90
MICHAEL N. WHITE	11/08/84	86	90

D. FOURTH JUDICIAL DISTRICT

JUDGE	APPOINTED	PRIOR RETENTION ELECTIONS	NEXT RETENTION ELECTION
HUGH H. CONNELLY	12/30/68	70, 74 78, 82, 86	90
H. ED CRUTCHFIELD	10/30/80	82, 86	90
JANE F. KAUVAR	02/18/81	82, 86	90
CHRISTOPHER E. ZIMMERMAN	02/01/85	86	90

1986 RETENTION ELECTION CANDIDATES

JUDGE	APPOINTED	CITY/ JUDICIAL DISTRICT
1. Supreme Court Justice Daniel A. Moore, Jr.*	07/10/83	ANCHORAGE / NA
2. Superior Court Judge Duane K. Craske	09/24/76	SITKA / FIRST
3. Superior Court Judge Michael I. Jeffery*	10/28/82	BARROW / SECOND
4. Superior Court Judge Beverly W. Cutler*	10/28/82	PALMER / THIRD
5. Superior Court Judge Mark C. Rowland	02/22/77	ANCHORAGE / THIRD
6. Superior Court Judge Jay Hodges	09/28/76	FAIRBANKS / FOURTH
7. Superior Court Judge Gerald J. Van Hoomissen	11/05/70	FAIRBANKS / FOURTH
8. District Court Judge Linn Asper*	06/22/84	JUNEAU / FIRST
9. District Court Judge Elaine Andrews	06/11/81	ANCHORAGE / THIRD
10. District Court Judge James C. Hornaday	11/02/76	HOMER / THIRD
11. District Court Judge Ralph Stemp*	11/08/84	ANCHORAGE / THIRD
12. District Court Judge Martha Beckwith*	11/08/84	ANCHORAGE / THIRD
13. District Court Judge David Stewart*	11/08/84	ANCHORAGE / THIRD
14. District Court Judge Michael N. White*	11/08/84	ANCHORAGE / THIRD
15. District Court Judge Hugh H. Connelly	12/30/68	FAIRBANKS / FOURTH
16. District Court Judge H. Ed Crutchfield	10/30/80	FAIRBANKS / FOURTH
17. District Court Judge Jane F. Kauvar	02/18/81	FAIRBANKS / FOURTH
18. District Court Judge Christopher E. Zimmerman*	02/01/85	FAIRBANKS / FOURTH

* Indicates first time judges for retention in current position.

1988 RETENTION ELECTION CANDIDATES

JUDGE	APPOINTED	CITY/ JUDICIAL DISTRICT
1. Supreme Court Justice Edmond W. Burke	04/04/75	ANCHORAGE / NA
2. Supreme Court Justice Jay A. Rabinowitz	02/21/65	FAIRBANKS / NA
3. Superior Court Judge Thomas M. Jahnke*	05/11/85	WRANGELL / FIRST
4. Superior Court Judge John Bosshard, III*	05/29/84	VALDEZ / THIRD
5. Superior Court Judge Seaborn J. Buckalew, Jr.	06/20/73	ANCHORAGE / THIRD
6. Superior Court Judge Rene J. Gonzalez*	11/08/84	ANCHORAGE / THIRD
7. Superior Court Judge Karen L. Hunt*	01/10/84	ANCHORAGE / THIRD
8. Superior Court Judge Karl S. Johnstone	10/08/79	ANCHORAGE / THIRD
9. Superior Court Judge Joan M. Katz*	11/08/84	ANCHORAGE / THIRD
10. Superior Court Judge Peter A. Michalski*	01/31/85	ANCHORAGE / THIRD
11. Superior Court Judge Milton M. Souter	01/23/78	ANCHORAGE / THIRD
12. Superior Court Mary E. "Meg" Greene*	01/04/85	FAIRBANKS / FOURTH
13. District Court Judge George L. Gucker	03/31/83	KETCHIKAN / FIRST
14. District Court Judge Glen C. Anderson	03/16/78	ANCHORAGE / THIRD
15. District Court Judge Natalie K. Finn	03/31/83	ANCHORAGE / THIRD
16. District Court Judge William H. Fuld	03/31/83	ANCHORAGE / THIRD
17. District Court Judge John D. Mason	12/07/70	ANCHORAGE / THIRD
18. District Court Judge *		PALMER / THIRD

* Indicates first time judges for retention in current position.

APPENDIX I

MAJOR RECOMMENDATIONS OF THE JUDICIAL COUNCIL

SUMMARY OF PROGRAMS AND RECOMMENDATIONS OF
THE JUDICIAL COUNCIL SINCE STATEHOOD: 1959-1986

Article 4, Section 9 of Alaska's Constitution states:

"The judicial council shall conduct studies for the improvement of the administration of justice, and make reports and recommendations to the supreme court and to the legislature at intervals of not more than two years."

The topics studied by the Judicial Council at the request of the legislature and supreme court cover as wide a range as the constitutional language mandating these studies. The following list summarizes some of the more important contributions in the years since statehood.

A. Recommendations Relating to the Judiciary and the Courts.

1. Evaluation of judges standing for retention elections and recommendations to the public (1975).
2. Establishment of the Commission on Judicial Qualifications (1968). (Name changed in 1982 to Commission on Judicial Conduct.)
3. Legislation relating to judicial salaries and retirement plans.
4. Increased jurisdictions of district court judges.
5. Court facilities and court management programs.
6. Jury size and length of service.
7. Authority of magistrates.
8. Supervision of the procedure of revising rules of court (1959-1961).
9. Waiver of juvenile jurisdiction in minor traffic cases (Ch. 76, SLA 1961).
10. Establishment of Family Court (Ch. 100, SLA 1967).
11. Appellate review of sentences (CH. 117, SLA 1969).
12. Coroner-Public Administrator office (Ch. 216, SLA 1970).
13. Constitutional amendment rotating the office of Chief Justice (approved by electorate in 1970).

B. Recommendations Relating to Other Aspects of the Administration of Justice.

1. Compilation of the records of the constitutional convention.
2. Adoption of Rule 40(e) of the uniform rules of the legislature (requiring 2/3 vote of the legislature to change rules of court).
3. Establishment of Public Defender Agency (Ch. 109, SLA 1969).
4. Parole Board autonomy (granted in 1972).
5. Modernization of the state recording system (1966).
6. Various recommendations regarding probation and parole services, including administration of probation by courts.
7. Recommendations regarding juvenile services.
8. Extensive analysis of Bush Justice needs, and recommendations.
9. Monthly statistical reporting system on sentences (established by courts and corrections in 1962).
10. Recommendation for presentence reports in all felony convictions (enacted by court rule in 1974).
11. Reclassification of minor traffic offenses as noncriminal.
12. Presumptive sentencing for second felony offenders (adopted by legislature, 1978).
13. Revision of presentence reports to meet requirements of new criminal code and reduce disparities in sentencing (1981).
14. Establishment of alternative mechanisms for dispute resolution (undertaken by Department of Law, 1980-81).
15. Annual monitoring of felony and misdemeanor sentencing patterns (authorized by legislature, 1980).
16. Development of mail-in bail schedule for minor Fish and Game offenses (authorized by legislature, 1984; adopted by supreme court 1985).
17. Establishment of Code Revision Commission to revise laws and regulations governing fish and game offenses.

18. Focus of justice system resources on efforts to encourage completion of alcohol treatment programs and monitoring of compliance with treatment requirements (similar recommendation adopted by Governor's Task Force on Drunk Driving, 1984).
19. Development of sentencing guidelines for drug offenses (used in 1981 and 1982 until drug law revisions took effect January 1, 1983).
20. Establishment of alternative jail facilities for persons convicted of Driving While Intoxicated and other alcohol-related offenses (currently recommended by Department of Corrections and under consideration by legislature).
21. Use of television for arraignments and other court proceedings on a permanent basis (experimental rule made permanent by supreme court in August, 1986).
22. Adoption of a court rule to provide guidelines for judicial review and dissemination of grand jury reports (recommendation made to supreme court in March, 1987).

APPENDIX J

COUNCIL PUBLICATIONS SINCE STATEHOOD

ALASKA JUDICIAL COUNCIL
MAJOR STUDIES AND REPORTS

1. The First Annual Report. (Jan., 1961). Review of the Council's activities and recommendations during 1960.
2. Second Annual Report. (Jan., 1962). Review of the Council's activities and recommendations during 1962.
3. Alaska Judicial Council Third Report 1962-1963. (Jan., 1964). Review of the Council's activities and recommendations during the period 1962-1963.
4. Alaska Judicial Council Fourth Report 1964-1966. (Jan., 1967). Review of the Council's activities and recommendations during the period 1964-1966.
5. Alaska Judicial Council Fifth Report 1967-1968. (Jan., 1969). Review of the Council's activities and recommendations during the period 1967-1968.
6. Alaska Judicial Council Sixth Report 1969-1970. (Feb., 1971). Review of the Council's activities and recommendations during the period 1969-1970.
7. Alaska Judicial Council Seventh Report 1971-1972. (Feb., 1973). Review of the Council's activities and recommendations during the period 1971-1972.
8. The Alaska Public Defender Agency in Perspective. (Jan., 1974). An analysis of the law, finances, and administration from 1969 to 1974. The report resulted in amendments to Title 18, improving Public Defender services.
9. Report on Policy Considerations for Court Fee Structures. (Feb., 1974). Resulted in changes to court system policies regarding fees collected for adoptions, recording services, and child support.
10. Evaluation of Courts of Limited Jurisdiction. (1974, unpublished). Resulted in establishment of superior court judgeships in Kodiak and Sitka.
11. Judicial Districting. (Jan., 1975). Resulted in creation of Barrow and Bethel service areas by court order.
12. The Grand Jury in Alaska. (Feb., 1975). Resulted in preliminary hearing pilot project in Anchorage and experimental rule change by supreme court.
13. Sentencing in Alaska. (March, 1975). Statistical analysis of felony sentences imposed in 1973.
14. Bail in Anchorage. (March, 1975). Statistical analysis of bail practices for Anchorage felony cases in 1973.
15. 1973 Sentences of Five Years or Longer. (April, 1975). Analysis of factors contributing to lengthy sentences, and the impact of appellate review of sentencing.

16. Report on Repeat Bail Recidivists in 1973. (April, 1975). Case-by-case analysis of defendants who violated bail conditions by committing more than one new crime while on bail for a felony offense.
17. Eighth Report to the Supreme Court and Legislature 1973- 1975. (Feb., 1976). Review of the Council's activities and recommendations during the period 1973-1975.
18. Preliminary Report of the Alaska Judicial Survey. (Aug., 1976). Prepared for 1976 retention elections by the Center for Political Studies, University of Michigan. Evaluates judges standing for retention in the 1976 general election.
19. Alaska Felony Sentencing Patterns: A Multivariate Statistical Analysis -- 1974-1976. (April, 1977). Study requested by the legislature and used to structure presumptive sentencing provisions of the new criminal code. Also resulted in the creation of the Sentencing Guidelines Committee.
20. Interim Report on the Elimination of Plea Bargaining. (May, 1977). Summarized effects of the Attorney General's 1975 ban on plea bargaining as reported by attorneys, judges, and defendants.
21. The Anchorage Citizen Dispute Center: A Needs Assessment and Feasibility Report. (1977). Analysis of dispositions of minor disputes reported to Anchorage Police Department. Recommended establishment of alternative dispute resolution procedures for certain types of situations. Resulted in establishment of a pilot dispute resolution process in Anchorage (1981) through the Department of Law.
22. Ninth Report to Supreme Court and Legislature 1976- 1978. (March, 1978). Review of the Council's activities and recommendations during the period 1976-1978.
23. Report of the Results of the 1978 Alaska Judicial Survey. (Aug., 1978). Prepared for 1978 retention elections by the Center for Political Studies, University of Michigan. Evaluates judges standing for retention in the 1978 general election.
24. A Look Inside: A Pilot Project in Citizen Involvement with the Judicial System. (Oct., 1978). Contributed to citizen participation in all aspects of the justice system, and to revised procedures for the evaluation of judges.
25. Interim Report of the Alaska Judicial Council on Findings of Apparent Racial Disparity in Sentencing. (Oct., 1978). Summary of data accumulated on felony case dispositions and sentencing patterns from Anchorage, Fairbanks, and Juneau (1974-1976) giving evidence of racial and other disparities in sentencing for certain types of offenses. Resulted in legislation creating the Advisory Committee on Minority Judicial Sentencing Practices, and funding of Judicial Council follow-up studies of felonies and misdemeanors. See text of Tenth Report for other effects.

26. The Effect of the Official Prohibition of Plea Bargaining on the Disposition of Felony Cases in Alaska Criminal Courts. (Dec., 1978). [Reprinted by the Government Printing Office, Washington, D.C. as Alaska Bans Plea Bargaining, 1979]. Evaluates the effectiveness and consequences of the Attorney General's 1975 ban on plea bargaining, including the results of over 400 interviews with attorneys, judges, and criminal justice personnel, and 2-year felony statistical study.
27. Alaska Misdemeanor Sentences: 1974-76 Plea Bargaining. (Aug., 1979). Analysis of misdemeanor sentences to determine effect of plea bargaining ban on sentences imposed after trial or plea.
28. "Northrim Survey": An Analysis of the Results of a Survey for the Alaska Judicial Council. (Aug., 1979). Prepared for the Judicial Council by Northrim Associates. Analyzes the findings of a survey of registered voters asked to comment on the 1978 retention election results.
29. Alaska Misdemeanor Sentences: 1974-76 Racial Disparity. (Nov., 1979). Analysis of existence of racial disparity in misdemeanor sentences; shows significant disparity for several categories of offense.
30. Sentencing Under Revised Criminal Code. (Jan., 1980). Probation Officer training manual for the revised criminal code.
31. Survey of Alaska Bar Association Members: Evaluation of Court of Appeals Candidates. (June 12, 1980). Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates candidates for the three Alaska Court of Appeals judge positions.
32. Report of the Results of the 1980 Alaska Judicial Survey. (July, 1980). Prepared for the Judicial Council by the Center for Political Studies, University of Michigan. Evaluates judges standing for retention in the 1980 general election.
33. Survey of Alaska Bar Association Members: Evaluation of Fairbanks District Court Candidates. (Aug. 12, 1980). Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates candidates for Fairbanks District Court judge position.
34. Survey of Alaska Bar Association Members: Evaluation of Three Judicial Positions. (October, 1980). Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates candidates for judgeships on the Alaska Supreme Court, Anchorage Superior Court, and Nome Superior Court.
35. Survey of Alaska Bar Association Members: Evaluation of Fairbanks District Court Candidates. (Nov. 24, 1980). Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates candidates for Fairbanks District Court judge position.
36. Alaska Felony Sentences: 1976-1979. (Nov., 1980). Follow-up study requested by the legislature on felony disparities; shows disappearance of most racial disparities. Additional analysis and findings on sentences in rural areas, effects of attorney type, and possible continuing trends from the plea bargaining ban.

37. Tenth Report of the Alaska Judicial Council to the Supreme Court and Legislature 1978-1980. (Feb., 1981). Review of the Council's activities and recommendations during the period 1978-1980.
38. Survey of Alaska Bar Association Members Evaluation of One Judicial Position and One Public Defender Position. (March 19, 1981). Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates candidates for Juneau Superior Court and Alaska Public Defender positions.
39. Survey of Alaska Bar Association Members Evaluation of Applicants Third Judicial District at Anchorage. (May 20, 1981). Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates candidates for Anchorage District court judge position.
40. Survey of Alaska Bar Association Members Evaluation of Applicants for the Kenai Superior Court Judgeship. (Aug. 18, 1981). Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates candidates for the Kenai Superior Court judge position.
41. Survey of Alaska Bar Association Members Evaluation of Applicants for the Juneau Superior Court Judgeship. (Sept. 16, 1981). Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates candidates for the Juneau Superior Court judge position.
42. Recommendations of the Alaska Judicial Council to the Supreme Court Proposing Changes to the Civil Rules to Reduce Excessive Costs and Delays of Civil Litigation. (1981). Details proposed changes to the civil litigation system to reduce deterrents to pursuing or defending claims with a value of under \$25,000 through the implementation of an "economical litigation program".
43. A Preliminary Statistical Description of Fish & Game Sentences. (1981). Reviews data from Fish and Wildlife Protection data tapes; finds sufficient disparities to warrant full-scale statistical analysis.
44. Alaska Prison Population Impact Analysis. (1982). Funded by Division of Corrections. Estimates growth in sentenced felon prison populations based on potential and actual legislative changes.
45. Report of the Results of the 1982 Alaska Judicial Survey. (1982). Prepared for the Judicial Council by the Center for Political Studies, University of Michigan. Evaluates judges standing for retention in the 1982 general election.
46. Survey of Alaska Bar Association Members Evaluation of Applicants for the Palmer, Barrow and Wrangell Superior Court Judgeships. (Sept. 17, 1982). Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates candidates for the Palmer, Barrow and Wrangell Superior Court Judge positions.
47. Alaska Felony Sentences: 1980. (Dec. 2, 1982). Study requested by the legislature as a continued monitoring of sentence disparities and analysis of the effects of the revised criminal code. Shows disappearance of disparities (racial and attorney type), shortened sentence lengths.

48. Survey of Alaska Bar Association Members Evaluation of Applicants for the District Court Judgeships of the Third Judicial District at Anchorage and the First Judicial District at Ketchikan. (Feb. 14, 1983). Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates candidates for the Anchorage and Ketchikan District Court Judge positions.
49. Eleventh Report of the Alaska Judicial Council to the Supreme Court and Legislature 1981-1982. (March, 1983). Review of the Council's activities and recommendations during the period 1981-1982.
50. Survey of Alaska Bar Association Members Evaluation of Applicants for the Alaska Supreme Court Justice. (May 5, 1983). Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates candidates for the Alaska Supreme Court Justice position.
51. Survey of Alaska Bar Association Members Evaluation of Applicants for the Third Judicial District. (Oct. 20, 1983). Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates candidates for the Anchorage Superior Court Judge position.
52. Statistical Analysis of Major Fish & Game Offense Sentencing Outcomes. (Dec., 1983). Funded by the legislature in 1982 to study sentences imposed on 1980 and 1981 fish and game violators. Found widespread disparities and fluctuations in charging and sentencing patterns. Recommended complete revision of applicable statutes and codes.
53. Alaska Misdemeanor Sentences: 1981. (Dec., 1983). Funded by the legislature to analyze misdemeanor sentences imposed during 1981. Recommended alcohol treatment programs for convicted defendants and increased legislative sanctions for DWI to reduce the incidence of alcohol-related crime.
54. DWI Sentences: 1981. (March, 1984). Additional analysis of DWI (drunk driving) sentences included in the 1981 Misdemeanor Study data base. Types of sentences imposed for DWI convictions and characteristics of offenders are described.
55. Survey of Alaska Bar Association Members Evaluation of Applicants for the District Court, First Judicial District (Juneau) and the Superior Court, Third Judicial District (Valdez). (April 24, 1984). Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates candidates for the Juneau District Court and the Valdez Superior Court Judge positions.
56. Report of the Results of the 1984 Alaska Judicial Survey. (Aug., 1984). Prepared for the Judicial Council by the Center for Political Studies, University of Michigan. Evaluates judges standing for retention in the 1984 general election.
57. Survey of Alaska Bar Association Members Evaluation of Judicial Applicants for The Third Judicial District (Anchorage) Superior Court And the Third Judicial District (Anchorage) District Court. (Sept. 4, 1984). Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates candidates for the Anchorage Superior Court and District Court judge positions.

58. Survey of Alaska Bar Association Members Evaluation of Judicial Applicants for The Third Judicial District (Anchorage) Superior Court and the Fourth Judicial District (Fairbanks) District Court. (Nov. 9, 1984). Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates candidates for the Anchorage Superior Court and Fairbanks District Court judge positions.
59. Survey of Alaska Bar Association Members Evaluation of Judicial Applicants for The Fourth Judicial District (Fairbanks) Superior Court. (Nov. 30, 1984). Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates candidates for the Fairbanks Superior Court judge position.
60. Survey of Alaska Bar Association Members Evaluation of Judicial Applicants for the First Judicial District (Wrangell/Petersburg) Superior Court. (Feb. 25, 1985). Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates candidates for the Wrangell/Petersburg Superior Court judge position.
61. Twelfth Report: 1983-1984 to the Legislature and Supreme Court. (March, 1985). Review of the Council's activities and recommendations during the period 1983-1984; and includes historical documentation of Council members, judicial nominees and appointees, etc. over the past 25 years.
62. Interim Evaluation Report Fairbanks Closed Circuit TV Arraignment Program. (Aug. 8, 1985). Interim evaluation of the experimental closed circuit TV arraignment project in Fairbanks. Presents recommendations for improvement of project.
63. Survey of Alaska Bar Association Members Evaluation of Judicial Applicants for the Fourth Judicial District (Bethel) Superior Court. (March, 1986). Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates candidates for the Bethel Superior Court judge position.
64. Fairbanks Televised Arraignments Final Report. (March 21, 1986). Final evaluation of the use of television for arraignments, plea changes and other proceedings. Based on the report, a permanent court rule allowing televised hearings has been adopted by the Alaska Superior Court.
65. Final Report of the 1986 Alaska Judicial Survey. (August 8, 1986). Prepared for the Judicial Council by the Center for Political Studies, University of Michigan. Evaluates judges standing for retention in the 1986 general election.
66. The Investigative Grand Jury in Alaska. (February, 1987). Describes the history of the investigative grand jury and grand jury reports in Alaska. Recommends a new court rule to provide due process protections for persons named in reports, judicial review of reports, and guidelines for publication and dissemination of reports.
67. Alaska Felony Sentences: 1984. (March, 1987). Describes felony sentencing patterns for 1984 cases. Analyzes the impacts of presumptive sentencing and other criminal justice system changes between 1980 and 1986.

68. Survey of Alaska Bar Association Members Evaluation of Judicial Applicants for the Fourth Judicial District (Fairbanks) Superior Court. (March, 1987). Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates candidates for the Fairbanks Superior Court judge position.
69. 13th Report (I/P) (May, 1987).
70. Cameras in the Courts (I/P) (August, 1987).

APPENDIX K

EXECUTIVE SUMMARY

FAIRBANKS TELEVISED ARRAIGNMENTS

FAIRBANKS TELEVISED ARRAIGNMENTS

Final Report

alaska judicial council



I. FINDINGS AND RECOMMENDATIONS

This is a report of the Alaska Judicial Council's one-year evaluation of the Fairbanks Televised Arraignment Project. It presents the results of 12 months' experience with the use of television for misdemeanor arraignments of in-custody defendants, as well as for a variety of other purposes. The equipment was purchased by the Department of Public Safety and installed at the Fairbanks Courthouse and Fairbanks Correctional Center. The report summarizes the responses of the various users, the general costs and benefits, the associated legal issues, and the possible future uses of such equipment.

The primary findings of the evaluation are:

Strengths

- * There is no legal barrier to the use of television for non-evidentiary proceedings, although technological problems may, under some circumstances operate to deprive the defendant of effective assistance of counsel. (p.32)
- * The use of television had no effect on sentences imposed for misdemeanors. (p. 43)
- * The use of television saves as much as \$50,000 per year in Fairbanks for city police and state Troopers. It also reduces the risk of liability to the state from accidents or security problems occurring while defendants are being transported. (pp. 18 - 20)

- * The operation of arraignment proceedings has been improved by the use of videotape for presentation of defendants' rights, and by the use of facsimile machines (telecopiers) for transmission of documents between the court and jail. (pp. 13 - 14)
- * Court personnel report fewer disruptions of proceedings. (p. 20)
- * Troopers and police report better ability to provide services such as increased patrol and faster service of bench and arrest warrants. (p.20)
- * The project demonstrates that the technology used has significant potential for expanded uses in other jurisdictions and types of proceedings. (p. 46)

Weaknesses

- * The existing system does not make adequate provision for private and convenient communications between attorneys and clients. (p. 30 - 31)
- * The existing system is impractical for use in multi-party hearings such as bail hearings where witnesses for the defendant are present. (pp. 32)
- * Confusion exists regarding the defendant's option, if any, to be present in the courtroom at arraignment. (pp. 25 - 27)
- * Infrequent users of the system are still uncomfortable with its functioning. (pp. 20, 32)

RECOMMENDATIONS

Recommendation # 1

THE FAIRBANKS EXPERIMENTAL TELEVISION ARRAIGNMENT PROJECT SHOULD BE MADE PERMANENT.

Commentary

Evaluations by the Judicial Council and the Court System have shown the project to be largely successful. The use of television does not, with certain possible exceptions, deprive defendants of legal rights. It saves a substantial amount of money for law enforcement agencies without impeding the functioning of the court. Aspects of the project such as the videotaped presentation of defendants' rights and the use of facsimile machines to transmit documents between the court and jail significantly improve the functioning of the arraignment system.

The Fairbanks system has weaknesses which must be addressed. These include:

- * The need for more private and convenient means of communication between the attorney in the courtroom and client at the jail;
- * The need for continuing assistance to lawyers, judges, and court and corrections personnel who do not have an opportunity to use the equipment frequently; and
- * The need for additional equipment if the television system is to be used for multi-party hearings.

Recommendation #2

THE SUPREME COURT SHOULD ADOPT A PERMANENT RULE TO GOVERN THE USE OF TELEVISION IN COURT PROCEEDINGS. THE RULE SHOULD CLARIFY WHEN AND IF THE DEFENDANT'S CONSENT TO TELEVISED PROCEEDINGS IS REQUIRED.

Commentary

The use of television for misdemeanor arraignments and other proceedings has been shown to be acceptable in Alaska as a result of the Fairbanks project. Several other states and jurisdictions have adopted permanent court rules allowing the use of television for various proceedings. Based on these experiences, the Supreme Court should adopt a permanent rule to enable all courts in the state to make use of the technology as equipment becomes available to them.

The rule should clarify at which stage of which proceedings the defendant's consent should be required. Consideration should be given to possible conflicts with existing court rules such as Rule 38(a) requiring the physical presence of defendants at felony proceedings.

Recommendation #3

TELEVISED PROCEEDINGS SHOULD BE IMPLEMENTED IN OTHER JURISDICTIONS THROUGHOUT THE STATE.

Commentary

Other courts throughout the state should cooperate with law enforcement and corrections officials in establishing the use of television for appropriate proceedings. New programs should place a heavy emphasis on comprehensive planning prior to the purchase and installation of equipment.

Planning should be done only with the participation of all affected users, including court technical personnel, prosecutors and defense attorneys, corrections personnel and other potential agency users such as the Alcohol Screening Action Program (ASAP) and presentence reporters.

Comprehensive planning should include:

- * Private and convenient communication between attorneys and clients;
- * Possible changes to other procedures (such as prearrest determination of indigency) to accommodate televised proceedings; and
- * Other uses of the television equipment outside of court proceedings that could increase the effectiveness of criminal justice system operations and further reduce the costs of proceedings.

Comprehensive planning should also include provision for extensive start-up training of all system users and continuing training for new users coming into the system after it has been established. Finally, planning should include the establishment of means for collecting adequate and accurate data regarding not only the costs of the system, but also regarding the anticipated benefits.

APPENDIX L

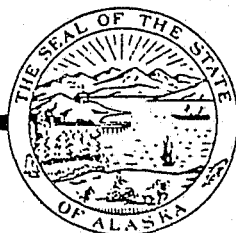
EXECUTIVE SUMMARY

THE INVESTIGATIVE GRAND JURY IN ALASKA

The Investigative Grand Jury in Alaska

February 1987

alaska judicial council



EXECUTIVE SUMMARY

THE INVESTIGATIVE GRAND JURY IN ALASKA

On August 5, 1985, following the conclusion of its deliberations into the matter of issuing articles of impeachment against Governor William J. Sheffield, as had been recommended by a Juneau grand jury, the Alaska Senate adopted S. Res. 5 am calling upon the Alaska Judicial Council to "study use of the power of the grand jury to investigate and make recommendations..." and "...to consider a possible amendment to the State Constitution." In response to that request the Judicial Council identified the weaknesses of the existing system. The Council looked to alternatives adopted by other jurisdictions and recommendations of national organizations.

Although the Council initially considered addressing the full scope of grand jury activities, the focus of the study was ultimately limited to the grand jury's investigative function and its power to issue investigative reports. The Council's recommendations for improving the existing system (in the form of a proposed Criminal Rule re: Grand Jury Reports) were based on the belief that the grand jury's broad grant of investigative authority in the Alaska Constitution should be preserved. However, this provision should be read together with the due process and privacy provisions of the Constitution.

Art. I, § 8 of the Alaska Constitution states:

"The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended."

"Public welfare or safety" has been interpreted very broadly and includes concerns with public order, health, or morals. Black's Law Dictionary defines general welfare as "the government's concern for the health, peace, morals, and safety of its citizens." "Suspend" is defined in case law and by Black's as "to cause to cease for a time; to postpone; to stay, delay or hinder." In other words, the Alaska Constitution gives grand juries the power to investigate into and make recommendations addressing virtually anything of public concern. This broad general power can never be hindered or delayed.

Just as grand juries in Alaska are constitutionally empowered to investigate any matter of public concern, so are they free to report on their findings. Indeed, there is no law in Alaska preventing grand jury reports from naming names, recommending referral to government or private agencies or alleging indictable conduct. As a result, individuals named or referred to in reports may be deprived of basic constitutional rights and protections. While a constitutional amendment restricting the grand jury's investigative powers could reduce these problems, an amendment would substantially alter the role of the grand jury envisioned by the delegates of the Alaska Constitutional convention.

While safeguards are needed, the grand jury, as a citizens' body, serves a valuable function in its investigative role. A proper balance between the grand jury's reporting power and other constitutionally-protected rights of individuals can be achieved through the development of procedures that provide: (a) due process protections for individuals named or referred to in reports; (b) judicial review; and (c) guidelines for the publication and dissemination of reports.

A. Due Process: Protection of Individuals Named or Referred to in Reports.

Basic fairness and constitutional due process require that persons identified in grand jury reports be provided with certain protections not currently specified by Alaska law. Unindicted individuals named in at least three Alaska grand jury investigative reports lacked a forum or mechanism through which to respond to those criticisms.

THE JUDICIAL COUNCIL RECOMMENDS THE FOLLOWING:

If the report reflects adversely on a person who is named in the report or whose identity can be determined in the report: (1) that the report be supported by substantial evidence, (2) that it be related to the public welfare or safety and (3) that it not infringe upon any protected rights or liberties of that person.

B. Judicial Review

No guidelines, statutes or case law presently exist in Alaska to provide standards for judicial review of grand jury reports. Other than the constitutional requirement that the report address some aspect of "the public welfare or safety", judges have no additional guidance in reviewing the subject matter of reports or the circumstances under which a report should be issued.

THE JUDICIAL COUNCIL RECOMMENDS THE FOLLOWING PROCEDURES FOR JUDICIAL REVIEW OF GRAND JURY REPORTS:

(1) If the judge determines that part of the report is not supported by substantial evidence, the judge may refer the report back to the grand jury with instructions.

(2) The judge may also return the report to the grand jury if any part of the report is not reasonably related to the public welfare or safety, unlawfully infringes on any protected rights or liberties, or otherwise violates any law.

(3) In addition, a person identified in a report may move for a hearing. At the close of the hearing the judge determines whether the report is supported by clear and convincing evidence.

(4) Any action taken by the reviewing judge is also subject to review under the rules of appellate procedure and any aggrieved person, the state or the grand jury may seek review.

C. Publication and Dissemination of Reports

THE JUDICIAL COUNCIL RECOMMENDS that after a report has been approved for release it be made public. A report shall not be made public by any person except the presiding judge. In addition, the judge may direct that additional materials be attached to the report as an appendix.

The above recommendations could be implemented either by legislation or court rule. The material which follows is a draft criminal rule and commentary which the supreme court may wish to consider for adoption.

PROPOSED CRIMINAL RULE 6.1
GRAND JURY REPORTS

6.1 Grand Jury Reports

(a) Authority of the grand jury to make reports.

- (1) The grand jury shall have the power to investigate and make reports and recommendations concerning the public welfare or safety.
- (2) Grand jury reports may include allegations of criminal conduct.
- (3) A report shall be made only upon the concurrence of a majority of the total number of grand jurors and shall be signed by the foreman.
- (4) An indictment is not a "report" under these rules.

(b) Examination by presiding judge; reference back.

The grand jury shall present its proposed report to the presiding judge. At the earliest possible time before the grand jury is discharged, the judge shall examine the report and the record of the grand jury. The judge may order production of audio copies or transcripts of the grand jury proceedings and may request the prosecuting attorney to submit a summary of the evidence before the grand jury. The judge shall make specific findings on the record as required by each subsection below.

- (1) The judge shall first determine whether the report is within the grand jury's authority. If it is not, the judge shall proceed under subsection (3).
- (2) The judge shall then determine if the publication of the report would i) unlawfully infringe upon any protected rights or liberties of any persons, including but not limited to unlawful interference with a person's right of privacy or right to a fair trial in a pending criminal proceeding or ii) otherwise violate any law.
- (3) If the judge determines that the report is not within the grand jury's authority under subsection (1) or that publication of the report would be unlawful under subsection (2), the judge shall return the report to the grand jury. The judge shall advise the grand jury of the reasons for returning the report. The grand jury may then conduct further proceedings, may revise the report, or may seek review of the decision not to release the report, as provided in section (e).

(c) Proceedings when report reflects adversely on identifiable person.

Notwithstanding a determination that the requirements of section (b) are satisfied, the judge shall determine whether any part of the report may reflect adversely on any person who is named or is otherwise identified in the report. "Person" includes a natural person, organization or agency. The judge shall then determine from a further review of the record if the part of the report under review is supported by substantial evidence. If the judge determines the report to be unsupported by substantial evidence, he shall return the report to the grand jury suggesting specific changes which would permit publication of the report.

If the judge finds that the part of the report under review is supported by substantial evidence, the judge shall proceed as follows:

- (1) The judge shall order that a copy of the report be served on each such person. Such persons shall be advised of the rights provided in this section.
- (2) Each such person may, within ten days of service of a copy of the report, move for a hearing. For calendaring purposes, the hearing shall have priority over all other non-criminal matters. The hearing shall be in camera and shall be recorded.
- (3) Each person requesting a hearing shall be given a reasonable period of time prior to the hearing to examine the grand jury report and the record of the grand jury proceedings.
- (4) At the hearing, the person may be represented by counsel, may call and examine witnesses who testified before the grand jury, and may present additional evidence that may explain or contradict the evidence presented to the grand jury. The prosecuting attorney may be present at the hearing and may examine witnesses called.
- (5) At the close of the hearing, the judge shall determine whether that part of the report reflecting adversely upon a person named in the report is supported by clear and convincing evidence. If the judge finds that it is not, he shall return the report to the grand jury and shall advise the grand jury of the reasons for returning the report. The grand jury may then conduct further proceedings, may revise the report, or may seek review of the decision not to release the report, as provided in section (e).

(d) Release of the report; secrecy.

- (1) No person may disclose the contents of the report or any matters revealed in an in camera hearing except as permitted by the judge, who shall withhold publication of the report until the

expiration of the time for the making of a motion for a hearing by a person under subsection (c). If such motion is made, publication shall be withheld pending determination of the motion. Publication shall also be withheld pending any review under section (e).

- (2) The judge may order the report released only after complying with the procedures of sections (b) and (c). The judge, in his discretion, may order that additional materials be attached to the report as an appendix as requested by the person or persons entitled to a hearing under section (c). The report and appendices, if any, shall then be filed with the clerk of the court and be available for public inspection. The judge may further direct that copies of the report be sent to those public agencies or officials who may be concerned with the subject matter of the report as well as any other persons as may reasonably be requested by the grand jury.

(e) Review.

- (1) Any judicial determination under this rule is subject to review by the supreme court under the rules of appellate procedure.
- (2) Any aggrieved person, the state or the reporting grand jury by majority vote may seek review.
- (3) The grand jury shall be permitted access to the record of the in camera hearing to assist it in determining whether to pursue appellate review. The grand jury shall at all times maintain the confidentiality of the record. The grand jury may request that it be represented by the attorney general in pursuing review under this subsection.

COMMENTARY TO PROPOSED CRIMINAL RULE 6.1
GRAND JURY REPORTS

6.1 Grand Jury Reports.

The purpose of Criminal Rule 6.1 is to set out procedures relating to the grand jury's investigative reporting powers, including the instance where a report reflects adversely upon an individual. It does not address proceedings before the grand jury itself, which are covered in Rule 6. The rule establishes the superior court as the forum for a person to object to the publication of a report if it reflects adversely upon him. In this respect, its purpose is generally analogous to the protections afforded to an indicted defendant.

(a) Authority of the grand jury to make reports.

Subsection (1) is based upon Article 1, Sec. 8 of the Alaska Constitution. The only significant difference between the language in the constitutional provision and that in the rule is that the rule refers to "reports," while the constitutional provision does not. The drafters of the rule believed that the power to report is included in the power to make recommendations concerning the public welfare or safety.

The grand jury is not prohibited by law from issuing reports in lieu of indictments [(a)(2)]. It remains unclear whether reports may accompany indictments. This rule is structured to allow a report to be issued where there may be evidence that a crime has been committed as long as the report does not interfere with an individual's right to a fair trial (see subsection (b)(2) below).

Subsection (4) does not permit minority reports since the constitution contemplates action by the grand jury as a body.

(b) Examination by presiding judge; reference back.

This rule requires an explicit finding by the presiding judge that a report is within the grand jury's authority. Publication is not automatically precluded where

there is evidence that a crime may have been committed [(b)(1)], but publication may be withheld if publication could interfere with the right of an individual to a fair trial in a pending criminal proceeding [(b)(2)(i)]. "Pending" includes both proceedings following the filing of criminal charges in any court and grand jury proceedings in which return of an indictment against identified persons is under active consideration.

The judge may also withhold publication if the report unlawfully infringes on any person's constitutionally protected right of privacy [(b)(2)(i)]. A judge may also prevent publication of a report containing information which would be unlawful to publish. For example, release of a report that reveals government secrets protected by law or contains obscene materials [(b)(2)(ii)] could be prevented.

When the judge makes a finding that any part of the report is unacceptable for publication, the judge returns the entire report to the grand jury with reasons for returning the report [(b)(3)]. The grand jury may, at that time, conduct further proceedings, revise the report, or seek appellate review of the judge's decision. These procedures allow the judge to review the report's legal sufficiency while the grand jury retains final authority over the report's content. Judicial determinations under this section can be made at any time prior to publication of the report; the judge need not delay conducting an evidentiary hearing under section (c) pending the completion of any other determination under this section.

(c) Proceedings when report reflects adversely on identifiable person.

Where the report reflects adversely upon a named or otherwise identifiable person, the judge must make a determination under this provision, even if he has concluded that publication of the report would not unlawfully infringe upon any protected rights or liberties of any person. The purpose behind this section is twofold: first, to prevent publication of a report that is not supported by substantial evidence; and second, to afford a person upon whom the report reflects adversely an opportunity to object to the release of the report on the grounds set out in the rule..

Whenever a report reflects adversely on an identifiable person, that person is entitled to review the report and request a hearing before the judge [(c)(1-2)].

The hearing would be held in camera to protect both the secrecy of the grand jury proceedings and the privacy of the adversely affected individual [(c)(2)]. The adversely affected person may have an attorney at the hearing, may call witnesses who appeared before the grand jury and may present additional evidence, both written and oral, but only to explain or contradict the evidence presented to the grand jury [(c)(4)]. Although the prosecuting attorney may also be present at the hearing, his role is limited to examining the witnesses called. The purpose of the hearing is to assess the sufficiency of the evidence upon which the grand jury's conclusions were based, not to determine liability in the matter under consideration.

The goal of the hearing is to provide a mechanism for identifiable individuals to respond to reports. The person identified in the report often has not had the chance to participate in the grand jury proceedings and has not had the opportunity to present his or her story. The hearing is conducted for a limited purpose: to create a forum for response and rebuttal.

Although the allegations in the report may be found to be supported by substantial evidence, evidence of allegations adverse to identified individuals must be found at this hearing to be clear and convincing [(c)(5)]. The "clear and convincing" test reflects the Council's position that the standard for publication should be relatively high where individuals may be adversely affected.

(d) Release of the report; secrecy.

A report may not be released except upon order of the court. The report is to be treated as a single document and may not be released in parts [(d)(1)]. The rule does not permit release of a report by fewer than a majority of the grand jury since the constitution contemplates action by the grand jury as a body. The rule does allow the judge, in his discretion, to attach additional materials to the report if requested by a person who has the right to a hearing under the rule [(d)(2)].

(e) Review.

Any of the judge's decisions under the recommended procedures are subject to review by the supreme court. The provision for review by the supreme court reflects the need for appellate jurisdiction over both the civil and criminal aspects of the

proceedings. The grand jury, the state, or any person who might be adversely affected by the judge's ruling has the right to seek review. Most often, the adversely affected individuals will be those individuals who were entitled to a hearing under section c. The grand jury was given the right to seek review to avoid potential abuse of judicial discretion. Whether and how such appeals should be expedited should be considered by the Supreme Court's Criminal Rules and Appellate Rules Committees.

This rule does not give standing to an individual grand juror or any number fewer than a majority to seek review of the superior court's action since the constitution contemplates action by the grand jury as a body. The grand jury should be represented by counsel in any appeal. Counsel may be provided by the attorney general or the grand jury may choose to be represented by other counsel. Any representation by the Department of Law would be subject to the discretion of the attorney general.

APPENDIX M

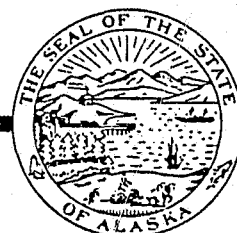
EXECUTIVE SUMMARY

ALASKA FELONY SENTENCES: 1984

Alaska Felony Sentences: 1984

March 1987

alaska judicial council



EXECUTIVE SUMMARY

This report analyzes sentences imposed for conviction of offenses initially charged as felonies in Alaska Superior Courts during the calendar year of 1984. For analytical purposes, data collected in this study were compared to data in earlier Judicial Council studies. Although the data are for 1984 offenders, they represent the most current analysis of sentencing patterns in Alaska. The 1984 data have been supplemented with 1985 and 1986 data from other sources to provide an up-to-date review of the impact of policy decisions. The study had three purposes:

- A. To describe sentences imposed for serious offenses statewide;
- B. To provide a basis for assessing the impact on sentencing patterns of social and legal policy changes; and
- C. To demonstrate the feasibility of conducting sentencing research utilizing secondary data sources.

(A) The descriptive data provides information of value to judges, attorneys, and the legislature regarding types of sentences and their relationship to different variables. Such information is necessary for practitioners and for persons responsible for development of policy related to criminal justice.

(B) The data on sentences may be useful in assessing the impacts of three important legal and social policy changes:

- 1. Increased reporting and enforcement of all offenses, especially sex-related offenses since 1980;
- 2. Adoption by the Legislature of the presumptive sentencing scheme in 1978 and modifications in 1982 and 1983; and
- 3. Reclassification by the Legislature of sexual and drug offenses during the past four years.

(C) A final purpose of the study was to determine whether new methods of data collection could reduce the cost of sentencing studies and provide adequate data to the criminal justice system. Past Judicial Council studies have relied on

data collected from original case files by trained research assistants. Data for this study were accumulated from three different computerized management systems: PROMIS (Prosecutors' Management Information System, Department of Law), APSIN (Alaska Public Safety Information Network, Department of Public Safety) and OBSCIS (Offender Based State Correctional Information System). The system has allowed the Judicial Council to monitor sentences and to provide data regarding sentencing patterns at a substantially lower cost than would have been possible under its previous methods. Although the system of data collection limits the number of variables which can be included, the resulting data is still of significant value to the criminal justice system.

SUMMARY OF FINDINGS

A. Findings and Conclusions Related to the Impacts of Policy Changes in the Criminal Justice System.

1. Felony dispositions and the number of convicted offenders increased by 100% between 1980 and 1984, despite a state population growth of only 30.6% during the same period and an 11% decrease in overall crime rates (p. 55). In addition, convictions on the most serious charges (Class A and Unclassified) increased by 124% in urban areas (p. 65). The largest increase was in sexual offenses, where prosecutions and convictions grew by 300% (p. 60). Prosecutions and convictions for robberies, homicides and drug offenses also increased (p. 56; App. E). The increased number of convictions was estimated to account for 39.7% of the 100% increase between 1980 and 1984 in total prison time sentenced. The increased seriousness of convictions was estimated to account for 18.7% of the increase in total prison time served (p. 81).

2. Legislative changes in 1982 and 1983 included reclassification of sexual offenses, recodification of drug offenses, and application of presumptive sentencing to all Class A first offenders (pp. 47-53). These changes had the following effects:

- a) The estimated impact of extending presumptive sentencing to Class A first offenders has been to increase by 179% the number of Class A offenders subject to presumptive sentencing (p. 51);

- b) Although more cases became subject to presumptive sentences, mean sentence lengths imposed for most serious offenses in 1984 were shorter than comparable mean sentence lengths in 1976-79, prior to the adoption of presumptive sentencing (Appendix C, Tables C-1 and C-2);
- c) The seriousness of most sexual offenses was increased, thus increasing the likelihood of trial and of imposition of a presumptive sentence. Reclassification resulted in longer mean sentences for every type of sexual offense and in a lower percentage of offenders sentenced to zero active jail time (p. 77, Table 31); and
- d) Combined, these changes accounted for an estimated 41.6% of the 100% increase between 1980 and 1984 in total prison time sentenced (p. 81).

3. Prosecutorial policy determines in part how justice system resources will need to be allocated.

- a) Court felony trial rates first increased in the mid-to-late 1970s following the adoption by the Attorney General of a ban on plea bargaining. This elevated felony trial rate did not change substantially following the adoption of presumptive sentencing (pp. 64-65). The patterns of changes in felony trial rates suggest a strong relationship between the plea bargaining policy and number of trials and a secondary relationship between presumptive sentencing and reclassification of offenses and numbers of trials.
- b) Although the number of forcible rapes reported to police agencies in Alaska increased by 63.7% between 1980 and 1984, the number of convictions for sexual assaults in the first degree and attempts increased by an estimated 279% during the same period (p. 56). The prosecutorial commitment to increase resources for sexual offense cases was related to the greatly increased number of convictions.

- c) Dispositions of felony cases reflected variation in prosecutorial policies in different offices. Thirty-one percent of defendants initially charged with felonies in Anchorage were ultimately convicted of a misdemeanor as their most serious charge, as compared to 4% in Fairbanks and 15% in Juneau. These variations may also reflect local differences in police charging policies (p. 28).

4. Criminal justice agency resources increased by 117% overall between fiscal year '81 and fiscal year '86, with individual agencies receiving increases ranging from 56% (trial courts) to 229% (Department of Corrections) (p. 57, Table 22).

5. Court felony trials increased by 121% between fiscal year '81 and fiscal year '85, while the number of superior court judges increased by only 38% (p. 67).

6. No new evidence of any racial disparity in sentencing appeared in 1984 cases. Since all evidence of racial disparity had disappeared by 1980, it appears that presumptive sentencing did not cause the elimination of disparity. These findings suggest that presumptive sentencing may be unrelated to racial disparity in sentencing (pp. 41, 87).

7. The classification of offenses by the legislature appears to have resulted in consistent sentencing practices for most types of offenders. The exception was Class B drug offenders, whose mean sentence length was about the same as the mean sentence length for Class C drug offenders (p. 90).

8. Available data suggest that presumptive sentencing was responsible for part of the increase in court felony trials and prison population between 1980 and 1984. Other contributing factors were:

- a) Increased reporting and enforcement of certain offenses, especially sexual offenses;
- b) Upward reclassification of sexual and other offenses by the legislature with provisions for presumptive or mandatory minimum sentences, especially for first offenders;

- c) Elimination of discretionary parole for presumptively-sentenced offenders and adoption by the Parole Board of guidelines for release of non-presumptively-sentenced offenders.

9. The data suggest that:

- a) A change in the Attorney General's policy prohibiting plea bargains would have a more pronounced effect on the number of court felony trials than would reducing the number of offenses subject to presumptive sentencing;
- b) The rapid increases in court caseloads and prison population were phenomena that appeared to be more closely related to greatly increasing resources for most criminal justice system agencies during the 1981-1984 period than to increases in state population or in crime rates. The apparent relationship between numbers of convictions and resources suggests that any further change in the resources available to criminal justice agencies may be reflected in changes in the numbers of convictions.

B. Additional Findings from the Data

1. Eighty percent of the cases studied were found in the urban areas of Anchorage, Fairbanks, Juneau and Palmer. The smaller communities of the state accounted for 20.0% of the cases (p. 10).

2. Convictions of drug offenders, as a percentage of all offenders, increased from 7.3% of rural cases in 1976-79 to 14.9% in 1984; and from 12.2% of offenders statewide in 1976-79 to 16.0% in 1984 (Appendix E, p. E.5, Table E-5).

3. Characteristics of the offender were related to the offense of conviction. Sexual offenders were largely Caucasians (54.1%) or Native Americans (35.7%), and aged 30 and over (62.4%). Drug offenders were largely Caucasian (70.3%) or Black (11.5%) and 25 years or older (70.2%) (p. 19).

4. A majority of offenders (56.0%) pled guilty as charged. About one-fifth (19.4%) were convicted of a misdemeanor as the single most serious charge of

conviction. Lesser numbers were convicted after trial (14.3%) or were convicted of lesser felonies or by a guilty plea bargain. These percentages varied greatly by community (Table 10, p. 28).

5. Presumptive sentences were imposed on 15.8% of the 1984 felony offenders studied. Those convicted of sexual offenses were most likely to receive a presumptive sentence (35.0% had presumptive sentences) (p. 33).

6. Defendants charged with unclassified and Class A felonies were more than three times as likely as those charged with Class B and C felonies to go to trial (p. 65).

7. Neither race nor age of the offender were significant factors in determining length of sentence (p. 42, Table 17).

8. Class of offense, a prior record of felony convictions, conviction after a trial and whether the sentence was presumptive were the most important factors affecting the length of the sentence for most types of offenses (p. 42, Table 17).

9. Offenders convicted after trial received longer sentences than those who pled guilty. This finding from the multiple regression analyses (which measured the independent effect of a variable while holding all other factors equal) applied to all offense groups (pp. 43-44).

10. The variables studied explained much of the variation in sentence length for all types of offenses except property offenses. A relatively small amount of the variation in sentence lengths for property offenses was explained by variables such as class of offense, whether the sentence was presumptive and prior felony record (p. 45).