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alaska judicial council

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Message From the Executive Director

We are pleased to present the Alaska Judicial Council's Sixteenth Report to the Legislature and Supreme Court for the years 1991 and 1992. The Council reports biennially on its dual constitutional responsibilities of nominating candidates for judicial vacancies and of making reports and recommendations to the supreme court and legislature. The report also covers the statutory mandate to evaluate judges standing for retention and applicants for the Public Defender.

This report includes a brief narrative section that summarizes Council activities during 1991 and 1992, and a series of appendices. The appendices include a current listing of statutory and constitutional law affecting the Judicial Council, a log of judicial applicants, nominees and appointees, a log of all sitting judges and their retention election dates, and summaries of Council procedures for judicial selection and retention evaluation. Summaries of the Council's major reports during 1991 and 1992 also are included as appendices.

The Judicial Council welcomes your comments and questions about this report.

Very truly yours,

A handwritten signature in cursive script that reads "William T. Cotton".

William T. Cotton
Executive Director

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Sixteenth Report: 1991-1992
to the
Legislature and Supreme Court

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The Alaska Judicial Council (1991-1992): Members and Terms

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1991-1992

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Part I

Introduction

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 Sixteenth Report to the legislature and the supreme court since statehood. It summarizes the Council's activities in 1991 and 1992 in judicial selection and evaluation and in research. The report includes appendices that describe the Council's membership (Appendix B), judicial selection procedures (Appendix D), judicial nominations and appointments since statehood (Appendix E), retention election evaluation procedures (Appendix F), and a retention election log (Appendix G). Executive summaries or excerpts from the major reports published by the Council are also included as Appendices J through M.

A. Purposes of the Judicial Council

Delegates to Alaska's Constitutional Convention created the Judicial Council for two purposes: to nominate candidates for supreme and superior court judgeships, and to conduct studies and recommend improvements in the administration of justice. The legislature since has 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 elections. The supreme court, by court rule, has requested that the Council assume varied responsibilities, including evaluation of *pro tem* judges and monitoring or evaluation of several experimental court programs. 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 Chairperson. 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.

New members of the Council are Jim Arnesen of Anchorage, Thomas Nave of Juneau, and David Dapcevich of Sitka. Mr. Arnesen was appointed by Governor Hickel to fill the non-attorney seat vacated by Dr. Paul Dittrich of Anchorage. Dr. Dittrich replaced Janis Roller, who resigned from the Council in February, 1991. Dr. Dittrich resigned after a brief period of service. Mr. Nave was appointed by the Board of Governors to replace attorney William Council of Juneau. Mr. Dapcevich was appointed by Governor Hickel to fill the non-attorney seat previously held by Dr. Hilbert Henrickson of Ketchikan.

C. Organization and Administration of the Council

The Judicial Council is governed by bylaws adopted in concurrence with the constitutional provision that the Council shall act "... according to rules which it adopts" (Article IV, Section 8). The bylaws were revised substantially in both 1973 and 1983. Current bylaws are included as Appendix C.

Judicial Council activities are funded primarily by the legislature from the general fund. The Council may receive grants from other sources and has conducted much of its research with federal funding. In 1991, the federally-funded State Justice Institute made a grant to the Judicial Council for evaluation of three rural justice projects—tribal courts in Minto and Sitka, and a conciliation/mediation project in Barrow. In 1992, the State Justice Institute made a grant to the Council to implement a computer document management imaging system.

The Judicial Council's staff currently includes the executive director, senior staff associate, staff attorney, fiscal officer, and administrative assistant/executive secretary. Additional temporary staff are employed as required for major research projects. Further, the Council executive director has supervised the staff of the Alaska Sentencing Commission.

Part II

Judicial Selection and Evaluation 1991-1992

Part II

Judicial Selection and Evaluation 1989-1990

A. Judicial Selection

The Council nominated applicants for ten judicial vacancies in 1991 and 1992. Governor Hickel appointed Elaine Andrews (1991) to the superior court in Anchorage for a vacancy caused by the retirement of Judge Victor Carlson (1990). The Governor appointed Glen Anderson to the superior court in Valdez after the retirement of Judge John Bosshard.

Four of the vacancies were in the Anchorage District Court. These vacancies were caused by the retirement of Judges Ralph Stemp (1990) and David Stewart (1990), and the promotion to the superior court bench of Judges Elaine Andrews (1991) and Glen Anderson (1991). Governor Hickel appointed John Lohff (1991), Gregory Motyka (1991), Sigurd Murphy (1992) and Stephanie Rhoades (1992) to fill these four vacancies.

Governor Hickel appointed Richard Erlich (1991) to fill a vacancy in the superior court in Kotzebue caused by the retirement of Judge Paul Jones (1990). The governor appointed Ralph Beistline (1992) to a newly created Fairbanks superior court position.

The Council sent its nominees to the Governor in late 1992 to fill vacancies in the Fairbanks district court and the Ketchikan superior court. These vacancies were caused by the retirement of Judges H.E. Crutchfield (1992) and Thomas Schulz (1992).

B. Judicial Selection Procedures

The Council reviews a variety of information about judicial applicants from many sources. All Alaska attorneys are surveyed about the applicants and public hearings are

held for public input. References and former employers are asked for comments. Various investigations including credit, health, and criminal history checks also are conducted. See Appendix D for a complete description of selection procedures.

C. Evaluation of Judges

1. Retention Evaluation of Judges.

Alaska's constitution and statutes require every judge to stand periodically 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 also may make a recommendation about each judge.

Fifteen judges stood for retention in 1992. One judge who would have stood for retention was appointed to a new judicial position, and will not stand until 1994 for his new position. The judges who stood included two court of appeals judges, seven superior court judges, and six district court judges. All were found qualified and recommended for retention. All of the judges were retained with at least 60% yes votes (see Appendix F for an analysis of the 1992 vote).

One major change in the 1992 procedures was the inclusion of all judges standing for retention in 1992 and 1994 in the surveys of Alaska Bar Association members and Alaska peace and probation officers. Despite the magnitude of the task, about 50% of the Bar respondents and slightly fewer peace and probation officers completed evaluations and returned them to the survey contractor. There were no observable

problems with the quality of the data compiled that were related to the large size of the survey.

Another change in 1992 was that all jurors who had served in 1990 and 1992 with the judges up for retention were surveyed. As in 1990, public hearings were held throughout the state using the state teleconference network.

2. Performance Evaluation of Pro Tem Judges.

The third evaluation of *pro tem* judges under Administrative Rule 23 (adopted by the supreme court in 1986) occurred in 1992. This evaluation was done with the retention evaluation for the first time in 1992. Judges Asper, Craske, Hanson, Pegues, Jones, and Stewart were evaluated through a survey of all members of the Alaska Bar Association and Alaska peace and probation officers. Evaluation results for each of the judges were approved by the Council and forwarded to the Chief Justice for his review. Judges Asper, Buckalew, Hanson and Stewart were evaluated as *pro tem* judges in 1990. Judges Pegues, Craske and Jones were evaluated as *pro tem* judges for the first time in 1992.

3. Evaluation of Federal District Court Judges.

Judges Holland and Singleton of the federal district court in Alaska asked the Judicial Council to survey the Alaska Bar on their performance in 1992. The Council agreed to include these two federal judges in its retention survey. Survey results, as well as comments, were passed on to the federal judges as they are to state judges.

Part III

Reports and Recommendations

Part III

Reports 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 Reports, 1991 and 1992

The Council's major work during the past two years included a review of rural justice projects in Alaska, an experimental mediation project for child visitation cases, work with the Alaska Sentencing Commission, and a project involving the electronic storing of Council documents on an imaging system. Brief descriptions of each project follow. Appendices J through M contain additional materials from each report.

1. Report on Rural Alternatives for Resolving Disputes

The Council, with a grant from the State Justice Institute, evaluated three rural Alaska organizations that help resolve disputes: the Minto Tribal Court, the Sitka Tribal Court, and the PACT conciliation organization in Barrow. The report, *Resolving Disputes Locally: Alternatives for Rural Alaska*, found that the three demonstrated that low-cost, volunteer-staffed organizations can respond to local needs for resolving disputes among

neighbors, can handle childrens' and family cases, and can enforce local ordinances. The three were chosen to represent the diversity that exists among the dozens of dispute resolution organizations throughout the state. The Council compiled data from the organizations' case files, interviewed volunteers, staff and community residents in each area, and reviewed ordinances and other written documents that structured the work of each group. Staff also interviewed staff of the Native regional non-profit corporations (many of which provide support for tribal courts), attorneys and state court judges, state and local government agency personnel, and others with knowledge of the three organizations. A major section of the report dealt with the legal context in which the organizations operate, focussing especially on Indian law and the varying interpretations given to tribal responsibility and authority under existing statutes and case law.

The evaluation found that the two tribal courts served non-Natives as well as Natives, either because the non-Natives were related through marriage to Natives, or because (in Minto) they lived in the community. Compliance with the decisions or processes of all three of the organizations was voluntary for all parties, but did not appear to present a problem for non-Natives involved with the tribal courts.

The organizations appeared not only to serve a wide range of residents, they appeared, in some instances, to save the state money. The Fairbanks District Attorney's office reported that they had not prosecuted any misdemeanors in Minto in several years, and only a few felonies. In contrast, the District Attorney's office noted that the office typically prosecutes an average of fifty to seventy-five misdemeanors and ten felonies in other villages in the region each year. In Barrow, the PACT organization handles landlord-tenant and small claims types of cases that might otherwise have gone to the state court, and in Sitka, the tribal court handles many of the children's cases that arise that involve children from the tribe. The Council found that the local organizations had established informal relationships with a number of state agencies that permitted all groups involved to serve the needs of local residents more appropriately and efficiently.

The Council recommended that the State and other groups encourage the further growth of these and similar organizations throughout the state. The local organizations were encouraged to continue their work, to cooperate more with state courts and agencies, and to consider new programs such as victim-offender mediation, where appropriate. The Council used funds from the legislature to follow up on this report by developing a directory of all rural organizations in the state that help to resolve disputes, and by preparing a second report that gives a statewide perspective on the work of these organizations (see *below*, Part III. C.).

2. Child Visitation Mediation Pilot Project

The Alaska Legislature asked the Judicial Council to establish and evaluate a pilot project offering mediation to parents engaged in disputes over visitation with their children. Between December, 1990 and October, 1991, nearly 400 parents, with an estimated 780 children, contacted the project for assistance. Based on the data compiled from the evaluation, the Council concluded that separated and divorced parents with disputes over visitation appeared able to agree more quickly, cheaply and satisfactorily using a mediator than going to court. Parents who used mediation, whether or not they reached an agreement on the visitation issues, also seemed to improve their child support payment records.

One of the project's most striking findings was the high level of prior or current domestic violence in the family relationships. Harassment, custodial interference, and child neglect (included in the statutory definition of domestic violence), as well as violence between father and mother of the children were grounds for excluding parents from the project, as required by the legislation that established the experimental program. Any amount of violence, no matter how slight or long ago was included in the exclusion, which disqualified 61% of the parents asking for mediation.

The Council recommended that the project be continued but that the scope be broadened to permit victims of abuse to decide for themselves, with appropriate counseling and support, whether they wanted to participate in mediation. The Council made its recommendation based on a review of the experience of other states, and the requests of those denied participation in the project because of past violence. Mediation would not be mandatory in the permanent program recommended by the Council, but would be broadened to include child custody and support issues, to the extent that those were intertwined with the visitation disputes.

3. Alaska Sentencing Commission

Alaska's Sentencing Commission, which was established as a three-year project in the executive branch, has operated under the administrative direction of the Judicial Council since July, 1990. Council staff have assisted in the administration of the Sentencing Commission's work and have supplemented the Commission's staff efforts. The Commission completed its final report and recommendations at the end of December, 1992. The executive summary of the report is Appendix M of this report, and the commission's continuing work is described below in Part III.C.2, "Work in Progress."

The Sentencing Commission recommended, after extensive review of Alaska's sentencing structure and those of other states, that Alaska maintain its present presumptive sentencing laws, with some modifications depending on fiscal constraints and policy considerations. Primary among the changes recommended was the provision of discretionary parole for all first felony offenders convicted of Class A offenses, with the exception of manslaughter and sexual offenses. The commission recommended further expansion of discretionary parole, if warranted in the future by continued need for substantial budget cuts, instead of relying on emergency release and other short term programs to address prison overcrowding.

A second major focus of the Sentencing Commission's work was alternative punishments for many offenders now sentenced to incarceration. The commission found that many alternative punishments can be less expensive than prison, and more effective at protecting the public, punishing the offender, requiring accountability to the victim and community and encouraging rehabilitation. Alternatives include some options presently used, such as community work service, halfway houses, substance abuse treatment and fines, as well as new or expanded programs such as day reporting centers, intensive supervised probation, and electronic monitoring combined with house arrest. The commission recommended that alternatives be used for many felony offenders, for first offender drunk drivers, and for other misdemeanors as appropriate.

The commission reviewed the status of Alaska Natives in the justice system, noting that although Natives constitute about 16% of the state's population, they make up about 34% of those incarcerated. The commission noted that the relationship between substance abuse and crime was particularly striking among Natives, warranting increased emphasis on treatment. The commission recommended that state agencies work more closely with village councils and tribal courts, and urged the state to collaborate with these groups to develop alternative punishments suitable for rural areas.

4. Document Imaging

Despite the Judicial Council's small size, its work is paper-intensive. Just to evaluate a single applicant for a judicial position takes, on average, about seventy pages of paper. Retention evaluations of judges take substantially more. As a result, the Council has generated tens of thousands of documents at an ever-increasing rate. Filing, storing and finding these documents when needed has become increasingly difficult, time consuming and expensive.

These increasing difficulties with paper records led staff to begin investigating computer systems for electronically storing documents in the fall of 1991. By the summer of 1992, the Council had completed a thorough evaluation of about twenty small-scale imaging software applications and related components. An imaging system was installed in August, 1992 with the help of a grant from the State Justice Institute. Staff currently are entering documents into the system and working with interested courts and other government agencies to share experiences with designing and using imaging systems.

Paper documents are scanned into the system. Our grant from the State Justice Institute allowed us to hire a temporary employee for six months to scan our existing documents. Imara, the imaging software used by the Council, allows us to import WordPerfect and other application documents, and even automatically starts WordPerfect when these documents are retrieved. This ability to save data in addition to images is particularly important because we ourselves create about two-thirds of the documents we need to save. The system also has a fax capability which will allow us to ask, for example, judicial applicants to fax us their applications and thus bypass the scanning process.

Images of documents are stored on a multi-function optical drive holding about 20,000 pages on each disk. The images are organized in a hierarchical structure designed to mimic a paper filing system (cabinet/drawer/folder/document). However, documents also are accessible through various keywords and index fields which are added when documents are entered into the system. We hope to use optical character recognition to automatically index some documents for full text searches in the future.

The results of our project to date have led us to believe that imaging can be a cost-effective solution for smaller users who have problems storing and retrieving documents. However, imaging is an area which is complex and in which users will encounter problems. The field is rapidly advancing with a profusion of products, with

most yet to work out bugs. Imaging software must work with numerous other software and hardware elements, which almost inevitably causes installation problems. Nevertheless, the benefits of imaging are substantial.

C. *Work In Progress, 1993*

The Council continues its work on rural justice issues, imaging, and Sentencing Commission recommendations, as well as maintaining an interest in the use of mediation, and considering new programs. Proposals to the legislature for fiscal year 1994 include a statistical evaluation of Alaska's use of peer panels in medical malpractice cases and a sentencing manual for use by the legislature and public. Funds were requested from the State Justice Institute to develop a sentencing manual specifically for judges, and to analyze fee-shifting in Alaska civil cases under Civil Rule 82. The Council also may work with the legislature to encourage mediation in child visitation and custody cases, especially because the supreme court approved a new civil rule (Rule 100) governing the use of mediation in all civil cases.

1. Rural Justice Issues

The legislature funded further work by the Council on rural justice issues for 1992 and 1993. Staff is preparing a directory listing all tribal courts, traditional village councils, and other dispute resolution organizations throughout the state. The followup report will expand the topics covered in the SJI-funded evaluation, including Indian law, interactions with state courts and other agencies, and qualities of successful organizations to describe the variety of dispute resolution organizations throughout the state. Information about regional programs, and plans for future work in rural justice issues complete the followup report. Both reports are scheduled for publication in the spring of 1993.

Numerous organizations, within Alaska and outside the state, asked the Council to participate in conferences, training programs, and planning meetings related to tribal courts and rural justice, as a result of the report on alternative dispute resolution in rural areas. At the end of 1992, the Council was participating actively in planning for at least one regional tribal courts conference and one statewide tribal-state court forum. The Council also was encouraging interested groups to consider a statewide conference on alternative dispute resolution organizations in the rural areas, and had been invited to assist with a national conference planning for alternative dispute resolution activities for state courts throughout the country.

2. Sentencing Commission Recommendations and Followup

The Sentencing Commission set as one of its most important objectives the continuation of the work undertaken during the previous three years in compiling a comprehensive database for the criminal justice system in the state. The commission urged the legislature to fund the research analyst position proposed for fiscal year 1994 by the Judicial Council for this purpose. The database would provide accurate and timely information for the legislature to use to assess the fiscal and program impact of proposed policy changes, statutes and regulations, and budgetary changes. Although most of the agencies comprising the justice system operate their own computerized management information systems, none presently can easily coordinate their information with that generated by other agencies to answer questions about the effects of new or revised programs and policies.

The tasks to establish the database were completed during the three years of the Sentencing Commission's work. To follow up, the commission suggested that the research analyst position be maintained as a permanent position by the Judicial Council, that a coordinating group of criminal justice agency personnel meet periodically to resolve problems with sharing data, and that agencies continue to improve their internal data collection procedures. The commission also recommended that agencies increase

data collected about crime rates, information about Native and other ethnic and minority groups, and data that help in understanding recidivism, deterrence effects, and program effectiveness.

The Sentencing Commission made several recommendations about improved education for the public and professionals about alternative punishments and about Alaska's sentencing structure. In addition to a public education program that was carried out during the early part of 1993, the commission suggested the development of two sentencing manuals, one for judges, and one for the legislature and general public. Funding for the manuals was requested from the state (for the legislature/public manual) and from the State Justice Institute (for the manual oriented to judges). Finally, the commission assisted the court system in designing a one-day seminar for the 1993 judges' conference that centered on the use of alternative punishments by judges.

D. Administration

The Judicial Council's responsibilities in 1989 and 1990 extended beyond its judicial selection and evaluation and research functions. Participation in legal system planning and monitoring committees, technical assistance to the public and other governmental bodies, and liaison with the legislature all required commitment of Council time and resources. These additional activities are described briefly below.

1. Committee Participation

The Council holds membership on two justice system groups: the Video Arraignments Task Force, and the University of Alaska Anchorage Justice Center Advisory Board. The Video Arraignments Task Force includes the agencies participating in the development of a video arraignment system for Anchorage. Through its membership, the Council monitors the process and provides technical assistance and

information. The UAA Justice Center Advisory Board is oriented to providing suggestions to the Justice Center staff about justice system research issues.

The executive director of the Judicial Council sits on the Civil Rules Committee and the Public Information Task Force, and chairs the Child Support Guidelines Review Committee. The Civil Rules Committee was established by the Supreme Court to review all proposed changes to the Alaska Rules of Civil Procedure and to advise the court on these proposals. The Public Information Task Force was established by the court for the purpose of better educating the public about the judicial process. The Child Support Guidelines Committee was established by the Supreme Court to review Civil Rule 90.3 and make appropriate recommendations.

The Council's Senior Staff Associate serves on an informal federal-state court gender bias work group that includes a federal judge, state judge, attorneys and representatives of the state court and Alaska Bar Association. The work group initially formed to respond to the federal court's Ninth Circuit Annual Conference that set gender bias as a primary topic on its agenda. The Alaskan work group conducted informal surveys of judges and attorneys and used Alaska data from a Ninth circuit mail questionnaire to develop a picture of gender bias in Alaska legal practice and courts. The work group is assisting the court and Bar Association in designing a joint bench-bar seminar on gender bias issues for the 1993 judges' conference and Alaska Bar conference.

The Council's Staff Attorney serves on the Alaska Supreme Court's Standing Advisory Mediation Task Force. The Mediation Task Force was formed in 1991 to encourage the expanded use of mediation in the courts. Membership includes representatives from the bench, the Bar, and mediation service providers. The Task Force recommended that the Alaska Supreme Court adopt proposed Civil Rule 100, which permits judges to order mediation in some cases.

2. Technical Assistance

The Judicial Council is called upon to provide assistance and information to a wide variety of community groups and public interests. In 1991 and 1992, staff responded to the public's need for information by answering questions from other agencies, referring citizens to appropriate agencies, advising nonprofit citizen's groups about the justice system, and providing information to organizations in other states about Alaska's judicial selection and retention methods or about the Council's research. In addition, staff responded to questions from citizens and applicants or judges about the selection and retention evaluation processes.

3. Legislative Liaison

The legislature looks to the Council for information about a wide range of topics. During the past two years, legislators, their staffs or the legislative research agencies called on Council staff for testimony and written materials about presumptive sentencing, the three-judge panel, plea bargaining, minorities, rural justice, and alternative dispute resolution. In addition, the Council regularly responds to requests for information about judicial selection and retention evaluation of judges.

Appendix A

***Catalogue of Current Law
Relating to the Alaska Judicial Council***

Appendix A

Catalogue of Current Law Relating to the 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).
15.13.010	Judges to file retention reports with APOC.
15.15.030(10)	Election ballot for judicial retention.
15.15.450	Certification of retention vote.

Alaska Statutes (Continued)

- 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.
- 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.
- 15.35.080 Determination of judicial district in which to seek approval.
- 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 and should include a description of any public reprimand, public censure or suspension received during the evaluation period by a judge standing for retention.
- 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 mid-term.

Alaska Statutes (Continued)

- 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.
- 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.

Alaska Statutes (Continued)

- 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.
- 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.
- 22.30.011 Responsibilities of the Commission on Judicial Conduct include public or private reprimand of a judge or referral to the Supreme Court for suspension or removal.
- 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.
- 24.55.100 and .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.

Alaska Statutes (Continued)

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.
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	Cost of living increases for ch. 87 SLA 1985 employees of judicial branch.

Alaska Statutes (Continued)

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.

Temporary and Special Acts

Ch. 163 (1990)

Requiring the Alaska Judicial Council to establish and evaluate a pilot child visitation mediation project.

Rules of Court

Adm.R.23(a-b)

Pro tem judge performance evaluation by Council.

Administrative Code

2 AAC 37.010

Judicial retirement for incapacity.

State Admin. Regulations

7602-7684 (State Administrative Manual)

Travel and moving.

Appendix B

Judicial Council Membership

Members of the Alaska Judicial Council

Council Members	Appointment Effective	Expiration Date
CHIEF JUSTICE DANIEL A. MOORE, JR. ALASKA SUPREME COURT 303 "K" STREET ANCHORAGE, ALASKA 99501 264-0622 (Off.)	10/1/92	10/1/95
THOMAS G. NAVE (ATTORNEY MEMBER) 227 7TH STREET JUNEAU, ALASKA 99801 586-3309 (Off.) 789-1436 (Res.) FAX: 586-2206	2/24/92	2/24/98
LEONA OKAKOK (NON-ATTORNEY MEMBER) P.O. BOX 957 BARROW, ALASKA 99723 852-0320 (Off.) 852-7650 (Res.) FAX: 852-0322	7/31/87	5/18/93
MARK E. ASHBURN (ATTORNEY MEMBER) ASHBURN & MASON 1130 W. 6TH AVENUE, SUITE 100 ANCHORAGE, ALASKA 99501 276-4331 (Off.) 276-0859 (Res.) FAX: 277-8235	3/23/90	2/24/96
DAVID A. DAPCEVICH (NON-ATTORNEY MEMBER) 221 LINCOLN STREET SITKA, ALASKA 99835 747-1040 (Off.) 747-6018 (Res.) FAX: 747-6699	5/19/91	5/18/97
JIM A. ARNESEN (NON-ATTORNEY MEMBER) 1800 SHORE DRIVE ANCHORAGE, AK 99515-3209 563-3508 (Off.) 344-7707 (Res.)	10/9/91	5/18/95
DANIEL L. CALLAHAN (ATTORNEY MEMBER) SCHENDEL & CALLAHAN 613 CUSHMAN STREET FAIRBANKS, ALASKA 99701 456-1136 (Off.) 452-8867 (Res.) FAX: 451-8535	2/24/88	2/24/94

Judicial Council attorney and non-attorney members serve terms of six years. The chief justice serves a three-year term.

Historical Roster of Alaska Judicial Council Members

Position	Residence	Appointment Effective	Expiration of Term
<u>CHAIRPERSON¹</u>			
<u>(Current Term Expires 10/10/95)</u>			
Chief Justice Buell A. Nesbett		11/29/59	06/18/70
Chief Justice George F. Boney		06/18/70	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	09/30/84
Chief Justice Jay A. Rabinowitz		10/01/84	09/30/87
Chief Justice Warren W. Matthews		10/01/87	09/30/90
Chief Justice Jay A. Rabinowitz ³		10/01/90	09/30/92
Chief Justice Daniel A. Moore, Jr.		10/01/92	09/30/95
<u>ATTORNEY MEMBERS</u>			
<u>(Current Term Expires 2/24/98)</u>			
E.E. Bailey ²	Ketchikan	02/24/59	02/24/62
E.E. Bailey	Ketchikan	02/24/62	02/24/68
Frank M. Doogan ³	Juneau	10/15/68	04/73
Michael L. Holmes ⁴	Juneau	05/73	02/24/74
Michael L. Holmes	Juneau	02/24/74	02/24/80
Walter L. Carpeneti ⁵	Juneau	02/24/80	02/81
James B. Bradley ⁴	Juneau	04/81	02/24/86
William T. Council	Juneau	02/24/86	02/24/92
Thomas G. Nave	Juneau	02/24/92	02/24/98

Historical Roster of Alaska Judicial Council Members

Position	Residence	Appointment Effective	Expiration of Term
ATTORNEY MEMBERS (Continued)			
<u>(Current Term Expires 2/24/96)</u>			
Raymond E. Plummer ^{2,3}	Anchorage	02/24/59	09/26/61
Harold Butcher ⁴	Anchorage	11/61	02/24/66
George F. Boney ⁵	Anchorage	02/24/66	09/68
Lester W. Miller, Jr. ⁴	Anchorage	10/15/68	02/24/72
Eugene F. Wiles ³	Anchorage	02/24/72	03/75
Joseph L. Young ⁴	Anchorage	04/75	02/24/78
Joseph L. Young	Anchorage	02/24/78	02/24/84
James D. Gilmore	Anchorage	02/24/84	02/24/90
Mark E. Ashburn	Anchorage	03/23/90	02/24/96
NON-ATTORNEY MEMBERS			
<u>(Current Term Expires 5/18/97)</u>			
Elmo LeRoy "Roy" J. Walker ²	Fairbanks	05/18/59	05/18/61
John Cross	Kotzebue	05/18/61	05/18/67
Thomas K. Downes ³	Fairbanks	05/18/67	Mid-1968
V. Paul Gavora ⁴	Fairbanks	10/15/68	05/18/73
Thomas J. Miklautsch ³	Fairbanks	05/28/73	12/10/74
Robert H. Moss ⁴	Homer	12/10/74	05/18/79
Robert H. Moss	Homer	05/18/79	05/18/85
Dr. Hilbert J. Henrickson	Ketchikan	08/13/85	05/18/91
David A. Dapcevich	Sitka	05/19/91	05/18/97
<u>(Current Term Expires 5/18/93)</u>			
Jack E. Werner ²	Seward	05/18/59	05/18/63
Jack E. Werner	Seward	05/18/63	05/18/69
Ken Brady	Anchorage	06/28/69	05/18/75
Ken Brady	Anchorage	05/18/75	05/18/81
Mary Jane Fate	Fairbanks	05/18/81	05/18/87
Leona Okakok	Barrow	07/31/87	05/18/93

Historical Roster of Alaska Judicial Council Members

Position	Residence	Appointment Effective	Expiration of Term
<u>(Current Term Expires 5/18/95)</u>			
Dr. William M. Whitehead ^{2, 3}	Juneau	05/18/59	12/06/62
Charles W. Kidd ^{4, 3}	Juneau	04/63	01/64
H. Douglas Gray ⁴	Juneau	04/64	05/18/65
H.O. Smith ⁶	Ketchikan	05/18/65	06/65
Pete Meland ⁴	Sitka	01/66	05/18/71
Oral Freeman ³	Ketchikan	11/22/71	01/73
Lew M. Williams, Jr. ⁴	Ketchikan	04/73	05/18/77
John Longworth	Petersburg	05/18/77	05/18/83
Renee Murray	Anchorage	08/08/83	05/18/89
Janis Roller ³	Anchorage	09/01/89	02/14/91
Dr. Paul Dittrich, M.D.	Anchorage	04/06/91	10/08/91
Jim A. Arnesen	Anchorage	10/09/91	05/18/95

- 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 re-elected 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

Bylaws of the Alaska Judicial Council

Appendix C

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 Chairperson 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 Chairperson for good cause. If a member is absent without good cause for two consecutive meetings, the Chairperson 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 Chairperson, Vice-Chairperson and Executive Director.

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

(C) Vice-Chairperson. The Vice-Chairperson 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) Chairperson. The Chairperson 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 Chairperson will serve as Acting Director.

(B) Vice-Chairperson. The Vice-Chairperson shall preside at meetings of the Council in the absence of the Chairperson. The Vice-Chairperson shall perform such other duties as usually pertain to the office of the Chairperson when the Chairperson 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 Chairperson 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 Chairperson, 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 Chairperson shall call a special meeting of the Judicial Council within the time-frame required by law. The Chairperson 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 Chairperson 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 Chairperson 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 Chairperson. 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 Chairperson 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.

A candidate's expenses for judicial or Public Defender office are that candidate's responsibility. The Council may reimburse candidates for travel expenses in the Council's discretion. 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 re-advertise 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; January 14, 1989.

Appendix D
Judicial Selection Procedures

Alaska Judicial Council

Judicial Selection Procedures

The Alaska Judicial Council is a constitutionally created state agency that evaluates the applications of persons seeking judicial appointment and nominates 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 that an applicant must take in order to be considered for a judicial appointment and the steps that are taken by the Judicial Council to ensure that applicants are qualified for appointment.

A. The Application Process

Applicants must first complete the Judicial Council's "Application for Judicial Appointment," which consists of a questionnaire 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 ten to twenty pages in length, prepared solely by the applicant within the past five years.

Applicants must submit *eleven* copies of the completed questionnaire and writing sample to the Judicial Council on or by the date set forth in the notice of vacancy. Applicants should have the physician return the signed original medical certificate directly to the Judicial Council by (deadline date) . The Council will make the additional copies. *Eleven* copies of a 2" x 2" photo of the applicant must be provided with the application.

Applicants also are encouraged to review the Code of Judicial Conduct (located in the Alaska Rules of Court) during the evaluation period. Pay particular attention to

Canon 7 of the Code of Judicial Conduct which applies to applicants for judicial positions from the time the application is filed.

B. The Evaluation Process

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

1) The Bar Poll

An independent organization, the University of Alaska's Justice Center, 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 five criteria: professional competence, integrity, judicial temperament, fairness, and overall professional performance. Survey respondents indicate whether their numerical ratings are based upon direct professional experience, other personal contacts, or professional 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 additional questions regarding the applicant's legal ability, comportment, diligence, suitable experience 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 the Justice Center, 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). (Note that ratings based on personal contacts or professional reputation are not included in the average ratings.) Although respondents do not rate candidates in comparison to each other, the Justice Center does prepare an analysis showing relative quantitative rankings among candidates (e.g., 2nd highest average rating out of ten 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 ordinarily are 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 interviewed has the opportunity to discuss the survey results with the Council during the interview. [See below, (5)].

2) **Letters of Reference**

The Council requests each applicant to submit the names of two general character references and three persons who can evaluate the applicant's professional competence. In addition to the names submitted by the candidates, the Council will request references from past employers. Letters of reference also are solicited by the Council in its evaluation process. These reference letters are treated as confidential and may not be viewed by the applicants. The Council does not forward solicited letters of reference to the Governor for nominees. Letters of reference not solicited by the Council may be forwarded to the Governor.

3) **Investigation of Applicants**

The Council may verify applicants' educational and employment history and investigate medical, criminal, 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 used only for the purpose of evaluating fitness for judicial appointment.

4) Public Hearing

The Council generally schedules a public hearing on the selection in the community where the judge will sit. The hearing is held when the Council meets to interview the candidates. [see below, (5)].

5) Interviews

Following its review of applications, survey data and other information, 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 ultimately will review and vote on the qualifications of all applicants, whether or not interviewed.

The final stage of the evaluation process is a 30 to 45-minute applicant interview with the full Council. Applicants invited to interview are given an opportunity to respond to or explain any information of importance gathered during the investigation.

Following these interviews, the Council submits as nominees to the Governor the names of two or more of those candidates deemed most qualified. 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 usually takes about three months. 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 or impending vacancy is received by the Council.
- 2) The position is announced to all members of the Bar Association and the application process begins.
- 3) The deadline for receiving applications is approximately three weeks after the announcement of the position. The deadline for the current vacancy is (deadline date) .
- 4) The names and biographies of applicants are made public immediately after the filing deadline.
- 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.
- 6) The Bar Survey is mailed out to all active members of the Alaska Bar shortly after the close of applications.

- 7) Bar members have approximately three weeks to complete and return the Bar Survey. The results are tabulated and analyzed following the survey return deadline.
- 8) The candidates are advised of the bar survey results and the report is made public.
- 9) Applicant files are screened and applicants selected are advised of the time, date and place of their interviews.
- 10) Interviews ordinarily are held within the next 30 days. Interviews for the current judicial vacancy are tentatively scheduled for (date and place).

Council members vote immediately 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. Letters of reference not solicited by the Council also may be sent to the Governor. The Governor then has up to 45 days to make an appointment from the list.

Alaska Judicial Council 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 will be conducted in (site of interviews).
3. Candidates should plan to arrive five to ten 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 at which you can be reached between 3:00 and 5:00 p.m. on the day of the interview, so that you may be notified personally of the Council's decision.

The Interview:

1. Interviews are scheduled at forty-five 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 or the Council's executive director 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 votes its nominations in public session. Generally, the Council returns to public session to vote within two hours after the last interview.
3. The Council telephones the Governor's office to advise of the names of candidates nominated.
4. The Council telephones all applicants to advise of its decision.
5. The Council 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. Letters of reference not solicited by the Council may also be included.

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



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1917 (907) 279-2526 FAX (907) 276-5046

EXECUTIVE DIRECTOR
William T. Cotton

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Leona Okakok

ATTORNEY MEMBERS
Mark E. Ashburn
Daniel L. Callahan
Thomas G. Nave

October 6, 1992

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

Dear Member of the Alaska Bar Association:

Attached is the bar survey for applicants for the current judicial vacancies: Fairbanks District Court, Fourth Judicial District and Ketchikan Superior Court, First Judicial District.

The Council encourages narrative comments on each candidate. In addition to the space for comments at the bottom of each page, additional pages have been provided for your use. If these are not sufficient please attach separate pages as needed. Comments from the bar survey are not shared with the individual applicant. They are distributed only to Council members. When comments regarding substantial concerns are received, the substance of the comments are ordinarily brought to the candidate's attention, with the statement that the Council may wish to ask the candidate about the subject of the comment.

We ask that you complete and return the survey form no later than October 28, 1992 to the University of Alaska Anchorage, Justice Center, P.O. Box 240207, Anchorage, Alaska 99524-0207.

Very truly yours,

A handwritten signature in cursive script that reads "William T. Cotton".

William T. Cotton
Executive Director

WTC:pjs

Introduction

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, 9 unsigned surveys were excluded from 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 are 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 **October 28, 1992** to:

Justice Center, University of Alaska Anchorage
P.O. Box 240207
Anchorage, AK 99524-0207

Demographic Questions

1. **Type of Practice.** Which of the following best describes your practice? (circle one)
 1. Private, solo
 2. Private, office of 2-5 attorneys
 3. Private, office of 6 or more attorneys
 4. Private corporate employee
 5. State judge or judicial officer
 6. Government
 7. Public service agency or organization (not government)
 8. Other (specify) _____
2. **Length of Alaska Practice.** How many years have you been practicing law in Alaska?
_____ years (total)
3. **Gender.** _____ Male _____ Female
4. **Cases Handled.** The majority of your practice consists of (circle one)
 1. Prosecution
 2. Mainly criminal
 3. Mixed criminal and civil
 4. Mainly civil
 5. Other (specify) _____
5. **Location of Practice.** In which judicial district is most of your work conducted? (circle one)
 1. First district
 2. Second district
 3. Third district
 4. Fourth district
 5. Outside Alaska

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

Ketchikan Superior Court, First Judicial District

Michael A. Thompson

Basis for Evaluation

Which of the following best describes the basis for your evaluation of this candidate? (check one)

- Direct professional experience Professional reputation
 Other personal contacts Insufficient knowledge to evaluate this candidate (go to next candidate)

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	Professional Competence	1 POOR Lacking in knowledge and/or effectiveness	2 DEFICIENT Below-average performance occasionally	3 ACCEPTABLE Possesses sufficient knowledge and required skills	4 GOOD Unusually know- ledgeable and effective	5 EXCELLENT Meets the highest standards for knowledge and effectiveness
2	Integrity	1 POOR Unconcerned with propriety and/or appearance, or acts in violation of codes of professional conduct	2 DEFICIENT Appears lacking in knowledge of codes of professional conduct and/or unconcerned with propriety or appearance at times	3 ACCEPTABLE Follows codes of profes- sional conduct, respects propriety and appearance of propriety at all times	4 GOOD Above-average awareness of ethics, holds self to higher standards than most	5 EXCELLENT Outstanding integrity and highest standards of conduct
3	Fairness	1 POOR Often shows strong bias for or against some persons or groups	2 DEFICIENT Displays, verbally or otherwise, some bias for or against groups or persons	3 ACCEPTABLE Free of substantial bias or prejudice towards groups or persons	4 GOOD Above-average ability to treat all persons and groups impartially	5 EXCELLENT Unusually fair and impartial to all groups
4	Judicial Temperament	1 POOR Often lacks compassion, humility or courtesy	2 DEFICIENT Sometimes lacks compas- sion, humility or courtesy	3 ACCEPTABLE Possesses appropriate compassion, humility and courtesy	4 GOOD Above-average compas- sion, humility and courtesy	5 EXCELLENT Outstanding compassion, humility and courtesy
5	Overall Professional Performance	1 POOR Seldom meets standards of the profession	2 DEFICIENT Occasionally falls short of professional standards	3 ACCEPTABLE Consistently meets professional standards	4 GOOD Often exceeds profes- sional standards	5 EXCELLENT Meets highest standards of the profession

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);
- Suitability of this candidate's experience and character to this particular vacancy.

Please be candid. All comments are confidential. Use additional comment space on pages 21-22.

Appendix E
Judicial Appointment Log

Historical Log of Judicial Appointments* 1959 - Present

Meeting Date	Position	Candidates	Nominated	Appointed
7/16-17/59	Supreme Court (3 new 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 Walter Sczudlo 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 (1959)
10/12-13/59	Superior - Ketchikan/ Juneau (2 new positions)	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 (1959)
10/12-13/59	Superior - Nome (new position)	James M. Fitzgerald Hubert A. Gilbert Verne O. Martin James von der Heydt	Hubert A. Gilbert Verne O. Martin	Hubert A. Gilbert (1959)

* The Judicial Council has attempted to compile an accurate listing of applicants, nominees and appointees to judgeships 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**

Meeting Date	Position	Candidates	Nominated	Appointed
3/12-13/60	Supreme Court Justice (Hodge, Walter)	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 (1960)
4/15/60	Superior - Fairbanks (Arend, H. O.)	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 (1960)
3/17/62	Superior - Anchorage (Cooper, J. Earl)	Harold J. Butcher Clifford Groh Dorothy A. Haaland Peter J. Kalamarides Ralph E. Moody William H. Sanders	Clifford Groh Ralph E. Moody	Ralph E. Moody (1962)

**Historical Log of Judicial Appointments*
 1959 - Present**

Meeting Date	Position	Candidates	Nominated	Appointed
6/12/67	Superior - Anchorage (General) (Gilbert, Hubert A.)	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 (1967 by Gov. Walter Hickel)
6/1-2/67	Superior - Anchorage (Family) (new position)	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 (1967 by Gov. Walter Hickel)
12/5/67	Superior - Ketchikan (Walsh, Walter E.)	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 (1967 by Gov. Walter Hickel)
2/19-20/68	Superior - Anchorage (new position)	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 (1968 by Gov. Walter Hickel)

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**Historical Log of Judicial Appointments*
 1959 - Present**

Meeting Date	Position	Candidates	Nominated	Appointed
10/15/68	Supreme Court Justice <i>(2 new positions)</i>	Russell E. Arnett William V. Boggess George F. Boney Judge Harold J. Butcher Warren C. Christianson Charles J. Clasby Roger G. Connor Judge Edward V. Davis Benjamin T. Delahay Judge James M. Fitzgerald Wendell P. Kay Judge Ralph E. Moody Robert A. Parrish Judge William H. Sanders James K. Tallman	William V. Boggess George F. Boney Charles J. Clasby Roger G. Connor Judge James Fitzgerald	George F. Boney Roger G. Connor <i>(1968 by Gov. Walter Hickel)</i>
11/1/68	District - Juneau <i>(2 new positions)</i>	Hartley Crosby William J. Hurley, Jr. W. Bruce Monroe Irwin Ravin	Hartley Crosby W. Bruce Monroe	Hartley Crosby W. Bruce Monroe <i>(1968 by Gov. Walter Hickel)</i>
11/1/68	District - Sitka <i>(new position)</i>	Peter M. Page Irwin Ravin	Peter M. Page	Peter M. Page <i>(1968 by Gov. Walter Hickel)</i>
11/1/68	District - Fairbanks <i>(3 new positions)</i>	Hugh Connelly Benjamin T. Delahay, Jr. William J. Hurley, Jr. Elinor B. Levinson Mary Alice Miller Irwin Ravin William G. Richards Arthur Lyle Robson Warren A. Taylor	Hugh Connelly Mary Alice Miller William G. Richards Arthur Lyle Robson	Hugh Connelly Mary Alice Miller Arthur Lyle Robson <i>(12/30/68 by Gov. Walter Hickel)</i>

Historical Log of Judicial Appointments* 1959 - Present

Meeting Date	Position	Candidates	Nominated	Appointed
11/1/68	District - Nome <i>(new position)</i>	Maurice Kelliher	Maurice Kelliher	Maurice Kelliher <i>(1968 by Gov. Walter Hickel)</i>
11/1/68	District - Anchorage <i>(5 new positions)</i>	John R. Beard Joseph J. Brewer Richard B. Collins 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 <i>(1968 by Gov. Walter Hickel)</i>
11/1/68	District - Ketchikan <i>(new position)</i>	Keifer L. Gray William J. Hurley, Jr. Henry C. Keene, Jr. Irwin Ravin	Henry C. Keene, Jr.	Henry C. Keene, Jr. <i>(1968 by Gov. Walter Hickel)</i>
11/1/68	District - Bethel <i>(new position)</i>	Nora Guinn	Nora Guinn	Nora Guinn <i>(seat abolished 1976)</i> <i>(1968 by Gov. Walter Hickel)</i>

**Historical Log of Judicial Appointments*
 1959 - Present**

Meeting Date	Position	Candidates	Nominated	Appointed
6/20/69	Public Defender	Victor D. Carlson Charles K. Cranston Stanley Ditus Marvin S. Frankel Johnston Jeffries Irwin Ravin Warren A. Taylor Harold W. Tobey Benjamin O. Walters, Jr.	Victor D. Carlson Marvin S. Frankel Harold W. Tobey	Victor D. Carlson (1969 by Gov. Keith Miller)
4/3/70	Chief Justice (Nesbett, Buell A.)	Justice George F. Boney Justice John H. Dimond Judge C.J. Occhipinti	Justice George F. Boney Justice John H. Dimond	Justice George F. Boney (1970 by Gov. Keith Miller)
6/18/70	Supreme Court Justice (Boney, George F. 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 (1970 by Gov. Keith Miller)
9/16-19/70	Superior - Sitka (new position)	Edmond W. Burke Victor D. Carlson Warren C. Christianson M. Ashley Dickerson Judge James A. Hanson Judge 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 E. Schulz James K. Singleton, Jr.	Victor D. Carlson (1970 by Gov. Keith Miller) (position transferred administratively to Juneau)

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Historical Log of Judicial Appointments* 1959 - Present

Meeting Date	Position	Candidates	Nominated	Appointed
9/16-19/70	Superior - Anchorage <i>(new position)</i>	Seaborn J. Buckalew, Jr. Edmond W. Burke Judge 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 Judge 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. <i>(1970 by Gov. Keith Miller)</i>
9/16-19/70	Superior - Kodiak <i>(new position)</i>	Edmond W. Burke Judge Victor D. Carlson M. Ashley Dickerson Denis Lazarus Roy H. Madsen 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.	Edmond W. Burke Judge Victor D. Carlson Roy H. Madsen Judge William H. Sanders Thomas E. Schulz J.H. Shortell, Jr. James K. Singleton, Jr.	Edmond W. Burke <i>(1970 by Gov. Keith Miller)</i>

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Historical Log of Judicial Appointments* 1959 - Present

Meeting Date	Position	Candidates	Nominated	Appointed
9/16-19/70	Superior - Kenai <i>(new position)</i>	Seaborn J. Buckalew, Jr. Edmond W. Burke Judge Victor D. Carlson M. Ashley Dickerson William Erwin Robert E. Hammond Judge James A. Hanson Denis Lazarus 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 Judge Victor D. Carlson William Erwin Judge James A. Hanson Judge William H. Sanders Thomas E. Schulz James K. Singleton, Jr.	James Hanson <i>(1970 by Gov. Keith Miller)</i>
9/16-19/70	Superior - Fairbanks <i>(new position)</i>	Seaborn J. Buckalew, Jr. Judge 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. Judge Victor D. Carlson Judge Mary Alice Miller James K. Singleton, Jr. Gerald van Hoomissen	Gerald van Hoomissen <i>(11/5/70 by Gov. Keith Miller)</i>
11/9/70	District - Sitka <i>(Page, Peter M.)</i>	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 Thomas B. Payne	Roger W. DuBrock <i>(seat abolished 1976)</i> <i>(1970 by Gov. Keith Miller)</i>

Historical Log of Judicial Appointments* 1959 - Present

Meeting Date	Position	Candidates	Nominated	Appointed
11/9/70	District - Wrangell <i>(new position)</i>	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 <i>(1970 by Gov. Keith Miller)</i>
11/9/70	District - Kodiak <i>(new position)</i>	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 <i>(1970 by Gov. Keith Miller)</i>
11/9/70	District - Anchorage <i>(Hanson, James A.)</i>	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 <i>(12/7/70 by Gov. Keith Miller)</i>
11/28/70	Public Defender <i>(Carlson, Victor D.)</i>	Stanley Ditus Dick L. Madson Herbert D. Soll	Dick L. Madson Herbert D. Soll	Herbert D. Soll <i>(1970 by Gov. William Egan)</i>
12/16/71	Supreme Court Justice <i>(Dimond, John H.)</i>	Robert Boochever Judge James M. Fitzgerald James Lack Roy H. Madsen	Robert Boochever Judge James M. Fitzgerald Roy H. Madsen	Robert Boochever <i>(1971 by Gov. William Egan)</i>
11/16/72	Supreme Court Justice <i>(Boney, George F.)</i>	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 <i>(12/31/72 by Gov. William Egan)</i>

Historical Log of Judicial Appointments* 1959 - Present

Candidates	Nominated	Appointed
Louis E. Agi Benjamin T. Delahay, Jr. Edith A. Glennon Thomas F. Keever Francis van T. Kernan Virgil D. Vochoska	Louis Agi Thomas F. Keever Francis van T. Kernan Virgil D. Vochoska	Virgil D. Vochoska (1972 by Gov. William Egan)
Seaborn J. Buckalew, Jr. Judge Paul B. Jones Peter J. Kalamarides	Seaborn J. Buckalew, Jr. Peter J. Kalamarides	Peter J. Kalamarides (1973 by Gov. William Egan)
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. (6/20/73 by Gov. William Egan)
Benjamin T. Delahay, Jr. Jon Larson Thomas B. Payne Elmer C. Smith Ethan Windahl	Jon Larson Ethan Windahl	Ethan Windahl (seat abolished 1978) (1973 by Gov. William Egan)
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 (11/16/73 by Gov. William Egan)

Historical Log of Judicial Appointments* 1959 - Present

Meeting Date	Position	Candidates	Nominated	Appointed
1/11/75	Superior - Fairbanks <i>(new position)</i>	James R. Blair Judge Hugh Connelly Judge Roger W. DuBrock Eugene V. Miller David J. Pree Judge Arthur L. Robson	James R. Blair Judge Hugh Connelly Judge Roger W. DuBrock	James R. Blair <i>(1/31/75 by Gov. Jay Hammond)</i>
2/12-13/75	Supreme Court Justice <i>(Fitzgerald, James M.)</i>	Judge Edmond W. Burke William V. Boggess	Judge Edmond W. Burke William V. Boggess	Edmond W. Burke <i>(4/4/75 by Gov. Jay Hammond)</i>
2/12-13/75	District - Anchorage <i>(Jones, Paul B.)</i>	Alexander O. Bryner Gary W. Gantz Laurel Peterson	Alexander O. Bryner Gary W. Gantz Laurel Peterson	Alexander O. Bryner <i>(1975 by Gov. Jay Hammond)</i>
4/1/75	District - Juneau <i>(Monroe, W. Bruce)</i>	Richard A. Bradley Gerald O. Williams	Richard A. Bradley Gerald O. Williams	Gerald O. Williams <i>(1975 by Gov. Jay Hammond)</i>
4/1/75	District - Wrangell <i>(Bullerwell, Harris R.)</i>	Duane K. Craske George Gucker Francis van T. Kernan	Duane K. Craske George Gucker Francis van T. Kernan	Duane K. Craske <i>(1975 by Gov. Jay Hammond)</i>
5/16/75	Public Defender <i>(Soll, Herbert D.)</i>	Douglas A. Fox Brian Shortell Herbert D. Soll Ronald T. West	Douglas A. Fox Brian Shortell Herbert D. Soll	Brian Shortell <i>(1975 by Gov. Jay Hammond)</i>
5/16/75	Superior - Anchorage <i>(new position)</i>	Judge Victor D. Carlson Robert E. Hammond Richard P. Kerns David Pree J. Justin Ripley Heien L. Simpson Benjamin O. Walters, Jr.	Judge Victor D. Carlson Richard P. Kerns J. Justin Ripley Benjamin O. Walters, Jr.	J. Justin Ripley <i>(6/27/75 by Gov. Jay Hammond)</i>

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Historical Log of Judicial Appointments* 1959 - Present

Meeting Date	Position	Candidates	Nominated	Appointed
8/20/75	Superior - Kodiak <i>(Burke, Edmond W.)</i>	Roy H. Madsen Milton M. Souter	Roy H. Madsen Milton M. Souter	Roy H. Madsen <i>(9/17/75 by Gov. Jay Hammond)</i>
8/22/75	District - Fairbanks <i>(new position)</i>	Clay Berry Monroe Clayton Stephen R. Cline Francis van T. Kernan Edward Noonan	Monroe Clayton Stephen R. Cline	Monroe Clayton <i>(1975 by Gov. Jay Hammond)</i>
9/17/75	District - Anchorage <i>(new position)</i>	Clay Berry Bruce Bookman Susan Burke Stanley Howitt Laurel Peterson Bruce Tennant	Susan Burke Laurel Peterson	Laurel Peterson <i>(1975 by Gov. Jay Hammond)</i>
9/18/75	Superior - Anchorage <i>(Butcher, Harold J.)</i>	Russell E. Arnett Judge Victor D. Carlson Gary Gantz Karl Johnstone Richard Lytle James Merbs A.D. Talbot	Russell E. Arnett Judge Victor D. Carlson	Victor D. Carlson <i>(10/8/75 by Gov. Jay Hammond)</i>
1/8-9/76	Superior - Juneau <i>(Carlson, Victor D.)</i>	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 <i>(1976 by Gov. Jay Hammond)</i>
3/15/76	District - Valdez <i>(new position)</i>	John Bosshard, III James D. Ginotti Robin Taylor	John Bosshard, III James D. Ginotti Robin Taylor	John Bosshard, III <i>(1976 by Gov. Jay Hammond)</i>

**Historical Log of Judicial Appointments*
 1959 - Present**

Meeting Date	Position	Candidates	Nominated	Appointed
8/31/76	Superior - Sitka <i>(former District Court Position)</i>	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 <i>(9/24/76 by Gov. Jay Hammond)</i>
9/23/76	Superior - Fairbanks <i>(Hepp, Everett W.)</i>	Judge Monroe Clayton Judge Hugh Connelly Jay Hodges	Judge Monroe Clayton Judge Hugh Connelly Jay Hodges	Jay Hodges <i>(9/28/76 by Gov. Jay Hammond)</i>
10/18/76	Superior - Bethel <i>(new position)</i>	Christopher Cooke Stephen Cooper James E. Fisher	Christopher Cooke Stephen Cooper	Christopher Cooke <i>(11/15/76 by Gov. Jay Hammond)</i>
10/18/76	District - Homer <i>(new position)</i>	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 <i>(11/2/76 by Gov. Jay Hammond)</i>
12/13/76	District - Wrangell <i>(Craske, Duane)</i>	Robin Taylor Larry D. Wood	Robin Taylor Larry D. Wood	Robin Taylor <i>(seat abolished 1982)</i> <i>(1976 by Gov. Jay Hammond)</i>
2/1-2/77	Superior - Anchorage <i>(Lewis, Eben H.)</i>	Judge Alexander O. Bryner Denis Lazarus Mark C. Rowland Judge Thomas E. Schulz Gary Thurlow	Judge Alexander O. Bryner Mark C. Rowland Judge Thomas E. Schulz	Mark C. Rowland <i>(2/22/77 by Gov. Jay Hammond)</i>
4/14/77	Supreme Court Justice <i>(Erwin, Robert C.)</i>	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 <i>(5/26/77 by Gov. Jay Hammond)</i>

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Historical Log of Judicial Appointments* 1959 - Present

Meeting Date	Position	Candidates	Nominated	Appointed
6/29/77	District - Anchorage (Tyner, Dorothy D.)	Glen C. Anderson William D. Cook Beverly W. Cutler Richard Lytle James Wolf	Glen C. Anderson William D. Cook Beverly Cutler	Beverly W. Cutler (1977 by Gov. Jay Hammond)
12/14/77	Superior - Anchorage (Occhipinti, C.J.)	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 (1/23/78 by Gov. Jay Hammond)
12/14/77	District - Fairbanks (Robson, Arthur L.)	Robert Blackford Stephen R. Cline Dallas L. Phillips L. Eugene Williams	Stephen R. Cline Dallas L. Phillips L. Eugene Williams	Stephen R. Cline (1977 by Gov. Jay Hammond)
2/10/78	District - Anchorage (Bryner, Alexander)	Glen C. Anderson Joseph Evans John Strachan Richard Tennant L. Eugene Williams Ethan Windahl	Glen C. Anderson L. Eugene Williams Ethan Windahl	Glen C. Anderson (3/16/78 by Gov. Jay Hammond)

Historical Log of Judicial Appointments* 1959 - Present

Meeting Date	Position	Candidates	Nominated	Appointed
9/17/79	Superior - Anchorage <i>(Kalamarides, Peter J.)</i>	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 <i>(10/8/79 by Gov. Jay Hammond)</i>
9/17/79	District - Anchorage <i>(Peterson, Laurel)</i>	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 <i>(1979 by Gov. Jay Hammond)</i>
3/20/80	Superior - Kotzebue <i>(new position)</i>	William D. Cook Paul B. Jones Irwin Ravin Edward Welch Richard J. Whittaker	Paul B. Jones Richard J. Whittaker	Paul B. Jones <i>(5/5/80 by Gov. Jay Hammond)</i>

Historical Log of Judicial Appointments* 1959 - Present

Meeting Date	Position	Candidates	Nominated	Appointed
6/20/80	Court of Appeals <i>(3 new positions)</i>	Susan A. Burke Alexander O. Bryner Robert G. Coats 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 Peterson 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 Ralph Moody A. Lee Peterson Judge Thomas E. Schulz Judge James K. Singleton, Jr.	Alexander O. Bryner Robert G. Coats James K. Singleton, Jr. <i>(7/30/80 by Gov. Jay Hammond)</i>
9/15/80	District - Fairbanks <i>(Clayton, Monroe)</i>	Hershel Crutchfield Robert Downes Natalie Finn Jane F. Kauvar Christopher E. Zimmerman	Robert Downes Jane F. Kauvar Hershel Crutchfield	Hershel Crutchfield <i>(10/30/80 by Gov. Jay Hammond)</i>
11/1/80	Supreme Court Justice <i>(Boochever, Robert)</i>	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 <i>(12/12/80 by Gov. Jay Hammond)</i>

Historical Log of Judicial Appointments* 1959 - Present

Meeting Date	Position	Candidates	Nominated	Appointed
11/1/80	Superior - Anchorage (2 new positions) (1 existing position) (Singleton's position filled by Brian Shortell)	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 (12/12/80 by Gov. Jay Hammond)
11/1/80	Superior - Nome (Sanders, William H.)	Judge Paul B. Jones Charles Tunley	Judge Paul B. Jones Charles Tunley	Charles Tunley (12/12/80 by Gov. Jay Hammond)
1/23/81	District - Fairbanks (Miller, Mary Alice)	Hershel Crutchfield Robert Downes Jane F. Kauvar Brett M. Wood Thomas F. Keever	Robert Downes Jane F. Kauvar	Jane F. Kauvar (2/18/81 by Gov. Jay Hammond)
3/31/81	Public Defender (Shortell, Brian)	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 (1981 by Gov. Jay Hammond)

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Historical Log of Judicial Appointments* 1959 - Present

Meeting Date	Position	Candidates	Nominated	Appointed
4/28-29/81	Superior - Juneau (Compton, Allen T.)	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 (6/11/81 by Gov. Jay Hammond)
5/28-29/81	District - Anchorage (Avery, Charles R.)	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 (6/11/81 by Gov. Jay Hammond)
9/3/81	Superior - Kenai (Hanson, James)	Charles Cranston Charles Merriner Timothy Rogers Andrew R. Sarisky	Charles Cranston Charles Merriner	Charles Cranston (10/15/81 by Gov. Jay Hammond)
9/28/81	Superior - Juneau (Stewart, Thomas)	Walter L. Carpeneti Peter M. Page	Walter L. Carpeneti Peter M. Page	Walter L. Carpeneti (10/15/81 by Gov. Jay Hammond)

Historical Log of Judicial Appointments* 1959 - Present

Meeting Date	Position	Candidates	Nominated	Appointed
9/3/82	Superior - Palmer <i>(new position)</i>	Judge Glen C. Anderson Judge Beverly W. Cutler LeRoy DeVeaux Carolyn Jones Charles Merriner Sigurd Murphy Thomas J. Yerbich	Judge Glen C. Anderson Judge Beverly W. Cutler LeRoy DeVeaux	Beverly W. Cutler <i>(10/28/82 by Gov. Jay Hammond)</i>
9/30/82	Superior - Barrow <i>(new position)</i>	Michael Jeffery Timothy Stearns	Michael Jeffery Timothy Stearns	Michael Jeffery <i>(10/28/82 by Gov. Jay Hammond)</i>
9/30/82	Superior - Wrangell <i>(new position)</i>	Richard Folta Judge Henry C. Keene, Jr. Dennis L. McCarty Robin Taylor	Judge Henry C. Keene, Jr. Robin Taylor	Henry C. Keene, Jr. <i>(11/10/82 by Gov. Jay Hammond)</i>
2/15-16/83	District - Ketchikan <i>(Keene, Henry C., Jr.)</i>	Barbara Blasco James Bruce Roger Carlson George Gucker Dennis L. McCarty Richard J. Whittaker	Barbara Blasco George Gucker	George Gucker <i>(3/31/83 by Gov. William Sheffield)</i>

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**Historical Log of Judicial Appointments*
 1959 - Present**

Meeting Date	Position	Candidates	Nominated	Appointed
2/15-16/83	District - Anchorage (Brewer, Joseph) (Fuld) (Vochoska, Virgil) (Finn) (position moved from Kodiak)	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 (3/31/83 by Gov. William Sheffield)
5/26/83	Supreme Court Justice (Connor, Roger G.)	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. (7/10/83 by Gov. William Sheffield)

**Historical Log of Judicial Appointments*
 1959 - Present**

Meeting Date	Position	Candidates	Nominated	Appointed
11/29/83	Superior - Anchorage <i>(Moore, Daniel A.)</i>	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 <i>(1/10/84 by Gov. William Sheffield)</i>
5/16/84	Superior - Valdez <i>(new position)</i>	Judge John Bosshard, III Hal P. Gazaway (withdrew) Patrick Owen (withdrew) Gordon J. Tans	Judge John Bosshard, III Gordon J. Tans	John Bosshard, III <i>(5/29/84 by Gov. William Sheffield)</i>
5/16/84	District - Juneau <i>(Williams, Gerald O.)</i>	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 <i>(6/22/84 by Gov. William Sheffield)</i>
9/25-26/84	Anchorage - Superior <i>(2 new positions)</i>	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 <i>(11/8/84 by Gov. William Sheffield)</i>

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**Historical Log of Judicial Appointments*
 1959 - Present**

Meeting Date	Position	Candidates	Nominated	Appointed
9/25-26/84	Anchorage - District (2 positions) (<i>Beverly W. Cutler's position filled by Martha Beckwith</i>) (<i>Warren A. Tucker's position filled by D. Ralph Stemp</i>)	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 (11/8/84 by Gov. William Sheffield)
12/17/84	Fairbanks - District (<i>Cline, Stephen R.</i>)	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 (2/1/85 by Gov. William Sheffield)
12/17/84	Fairbanks - Superior (<i>Taylor, Warren Wm.</i>)	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 (1/4/85 by Gov. William Sheffield)

Historical Log of Judicial Appointments* 1959 - Present

Meeting Date	Position	Candidates	Nominated	Appointed
12/18/84	Anchorage - Superior <i>(Moody, Ralph E.)</i>	Edward G. (Ted) Burton Gail Roy Fraties Judge William H. Fuld Peter A. Michalski Eugene Murphy Benjamin O. Walters, Jr. Thomas J. Yerbich	Edward G. (Ted) Burton Peter A. Michalski Eugene Murphy Benjamin O. Walters, Jr.	Peter A. Michalski <i>(1/31/85 by Gov. William Sheffield)</i>
3/27-28/85	Wrangell - Superior <i>(Keene, Henry C., Jr.)</i>	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 <i>(5/11/85 by Gov. William Sheffield)</i>
4/7-8/86	Bethel - Superior <i>(Cooke, Christopher)</i>	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 <i>(5/22/86 by Gov. William Sheffield)</i>
3/20/87	Fairbanks - Superior <i>(Van Hoomisen, Gerald)</i>	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 <i>(4/27/87 by Gov. Steve Cowper)</i>

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Historical Log of Judicial Appointments* 1959 - Present

Meeting Date	Position	Candidates	Nominated	Appointed
6/20/87	Palmer - District <i>(new position)</i>	Peter G. Ashman Dennis P. Cummings John Thomas Maltas Daniel Weber Mark I. Wood	Peter G. Ashman Mark I. Wood	Peter G. Ashman <i>(7/31/87 by Gov. Steve Cowper)</i>
7/14/88	Fairbanks - District <i>(Connelly, Hugh)</i>	S. Joshua Berger James H. Cannon Patrick B. Cole Monte Engel J. John Franich Raymond Funk James M. Mullen Charles R. Pengilly Kenneth P. Ringstad, Jr. Fleur L. Roberts Larry C. Zervos	James H. Cannon Raymond Funk Charles R. Pengilly Larry C. Zervos	Larry C. Zervos <i>(8/26/88 by Gov. Steve Cowper)</i>
7/15/88	Fairbanks - Superior <i>(Blair, James R.)</i>	Gary Foster J. John Franich Raymond Funk Judge Jane F. Kauvar Charles R. Pengilly D. Rebecca Snow Niesje J. Steinkruger Judge Chris E. Zimmerman	D. Rebecca Snow Niesje J. Steinkruger	Niesje J. Steinkruger <i>(8/26/88 by Gov. Steve Cowper)</i>

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**Historical Log of Judicial Appointments*
 1959 - Present**

Meeting Date	Position	Candidates	Nominated	Appointed
5/8/89	Anchorage - Superior <i>(Buckalew, Seaborn J.)</i>	Terry Aglietti Jacob Allmaras Judge Glen Anderson Don Bauermeister Dan Dennis William Donohue Phillip Eide Judge William Fuld David Mannheimer Nelson Page John Reese Judge David Stewart Benjamin O. Walters, Jr. Larry Wood	Judge Glen Anderson David Mannheimer Nelson Page John Reese Judge David Stewart	John Reese <i>(6/26/89 by Gov. Steve Cowper)</i>
5/9/89	Juneau - District <i>(Asper, Linn H.)</i>	Margaret Berck Peter Froehlich Pat Conheady David Walker Monte Brice David Ingram Stephen Pearson	Margaret Berck Peter Froehlich	Peter Froehlich <i>(6/26/89 Gov. Steve Cowper)</i>
11/20/89	Bethel - Superior <i>(Fraties, Gail Roy)</i>	Dale O. Curda Lawrence Delay Jonathan Link Allison Mendel Joseph Slusser Richard Whittaker	Dale O. Curda Allison Mendel Jonathan Link	Dale O. Curda <i>(12/15/89 by Gov. Steve Cowper)</i>
6/5/90	Kenai - Superior <i>(new position)</i>	Thomas Boedeker Jonathan Link Peter Mysing Arthur S. Robinson Judge Michael Wolverton	Jonathan Link Arthur S. Robinson Judge Michael Wolverton	Jonathan Link <i>(7/20/90 by Gov. Steve Cowper)</i>

**Historical Log of Judicial Appointments*
 1959 - Present**

Meeting Date	Position	Candidates	Nominated	Appointed
6/25/90	Juneau - Superior <i>(Pegues, Rodger)</i>	Judge Thomas M. Jahnke Margot O. Knuth Ronald W. Lorensen Richard A. Svobodny David T. Walker Larry R. Weeks	Judge Thomas M. Jahnke Margot O. Knuth Ronald W. Lorensen Larry R. Weeks	Larry R. Weeks <i>(8/3/90 by Gov. Steve Cowper)</i>
8/6/90	Sitka - Superior <i>(Craske, Duane)</i>	Theron J. Cole Dennis L. McCarty William E. Olmstead J. Michael Robbins Elizabeth L. Shaw Edward A. Stahla Larry C. Zervos	Elizabeth L. Shaw Larry C. Zervos	Larry C. Zervos <i>(9/14/90 by Gov. Steve Cowper)</i>
8/26/90	Court of Appeals <i>(Singleton, James)</i>	Judge Glen C. Anderson David Mannheimer Susan Orlansky	Judge Glen C. Anderson David Mannheimer Susan Orlansky	David Mannheimer <i>(10/11/90 by Gov. Steve Cowper)</i>
8/27/90	Fairbanks - District <i>(Zimmerman, Christopher)</i>	Teresa Foster Brimner Robert B. Downes Raymond Funk Charles R. Pengilly Fleur Louise Roberts Wm. Ronald Smith	Teresa Foster Brimner Raymond Funk Charles R. Pengilly	Charles R. Pengilly <i>(9/27/90 by Gov. Steve Cowper)</i>
11/18/90	Kodiak - Superior <i>(Madsen, Roy)</i>	L. Ben Hancock Donald D. Hopwood Craig S. Howard Carolyn E. Jones Susan S. McLean Anna M. Moran T.W. Patch J. Michael Robbins (withdrew)	Donald D. Hopwood Carolyn E. Jones Susan S. McLean	Donald D. Hopwood <i>(11/30/90 by Gov. Steve Cowper)</i>

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Historical Log of Judicial Appointments* 1959 - Present

Meeting Date	Position	Candidates	Nominated	Appointed
11/19/90	Homer - District <i>(Hornaday, James C.)</i>	Lynn H. Christensen Thomas H. Dahl Ronald W. Drathman Monte Engel (withdrew) Virginia Marie Espenshade James A. Farr Donald D. Hopwood Carolyn E. Jones M. Francis Neville Fate Putman (withdrew) J. Michael Robbins (withdrew) Daniel William Westerburg	Lynn H. Christensen Donald D. Hopwood Carolyn E. Jones M. Francis Neville Daniel William Westerburg	M. Francis Neville <i>(11/30/90 by Gov. Steve Cowper)</i>
1/20-21/91	Anchorage - District <i>(Stewart, David)</i>	Louis E. Agi Dennis Cummings Steven D. DeVries James A. Farr Carolyn E. Jones Charlene Lichtmann (w/drew) John R. Lohff Kevin F. McCoy Gregory J. Motyka James Ottinger John A. Scukanec Benjamin O. Walters, Jr.	Carolyn E. Jones John R. Lohff Kevin F. McCoy	John R. Lohff <i>(3/8/91 by Gov. Walter Hickel)</i>

Historical Log of Judicial Appointments* 1959 - Present

Meeting Date	Position	Candidates	Nominated	Appointed
1/21-22/91	Anchorage - Superior (Carlson, Victor D.)	Judge Glen C. Anderson Judge Elaine M. Andrews Bruce A. Bookman Stephen E. Branchflower Robert D. Frenz Kenneth P. Jacobus Thom F. Janidlo Carolyn E. Jones John R. Lohff J. Frank Prewitt, Jr. Richard Brock Shamberg James T. Stanley Richard J. Willoughby Judge Michael Wolverton Larry D. Wood	Judge Glen C. Anderson Judge Elaine M. Andrews Bruce A. Bookman Judge Michael Wolverton	Elaine M. Andrews (3/8/91 by Gov. Walter Hickel)
2/8/91	Kotzebue - Superior (Jones, Paul B.)	Richard H. Erlich James A. Farr Gayle L. Garrigues Eric Smith Janna Stewart (withdrew)	Richard Erlich Eric Smith	Richard H. Erlich (3/8/91 by Gov. Walter Hickel)
6/9-10/91	Anchorage - District (Andrews, Elaine)	Louis E. Agi Lynn H. Christensen Carolyn E. Jones Richard D. Kibby Michael L. Lindeman Kevin F. McCoy Gregory J. Motyka J. Frank Prewitt, Jr. Rhonda Butterfield Roberson John A. Scukanec William Jay Soule Susan M. Williams	Lynn H. Christensen Carolyn E. Jones Michael L. Lindeman Kevin F. McCoy Gregory J. Motyka	Gregory J. Motyka (7/26/91 by Gov. Walter Hickel)

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Historical Log of Judicial Appointments* 1959 - Present

Meeting Date	Position	Candidates	Nominated	Appointed
10/11/91	Valdez - Superior <i>(Bosshard, John)</i>	Glen C. Anderson Bill Cook Kenneth D. Lougee Michael J. Walleri	Glen C. Anderson Kenneth D. Lougee	Glen C. Anderson <i>(11/26/91 by Gov. Walter Hickel)</i>
5/10-12/92	Anchorage - District <i>(Stemp, Ralph)</i> <i>(Anderson, Glen C.)</i>	Jacob H. Allmaras Lynn H. Christensen Paul Cossman James A. Farr Stephanie E. Joannides Carolyn Jones Shannon D. Hanley Michael J. Lindeman Allison E. Mendel Bruce Moore Sigurd E. Murphy Joseph D. O'Connell Diane Taylor O'Gorman Stephanie Rhoades Mitchel Schapira John Scukanec Valerie Van Brocklin Stephen J. Van Goor James N. Wanamaker Daniel Weber Roy V. Williams Teresa E. Williams	Jacob H. Allmaras Paul Cossman Stephanie Joannides Sigurd E. Murphy Stephanie Rhoades John Scukanec Stephan J. Van Goor James N. Wanamaker	Sigurd E. Murphy Stephanie Rhoades <i>(7/30/92 by Gov. Walter Hickel)</i>
9/25/92	Fairbanks - Superior <i>(new position)</i>	Ralph R. Beistline Daniel R. Cooper, Jr. J. John Franich Jane F. Kauvar Charles R. Pengilly	Ralph R. Beistline Jane F. Kauvar Charles R. Pengilly	Ralph R. Beistline <i>(10/26/92 by Gov. Walter Hickel)</i>

Historical Log of Judicial Appointments* 1959 - Present

Meeting Date	Position	Candidates	Nominated	Appointed
12/6-7/92	Fairbanks - District <i>(Crutchfield, H.E.)</i>	Christian N. Bataille Scott Davis J. John Franich R. Poke Haffner Lynn Levensgood Richard Lee Musick Brenda Sheehan (Withdraw) Wm. Ronald Smith Karla J. Taylor-Welch Terrence Howard Thorgaard Mark I. Wood	Scott Davis Karla J. Taylor-Welch Mark I. Wood	<i>(1993 by Gov. Walter Hickel)</i>
12/8-9/92	Ketchikan - Superior <i>(Schulz, Thomas E.)</i>	Richard D. Kibby Richard Lee Musick Vivian Senungetuk John W. Sivertsen, Jr. Michael A. Thompson Kirsten Tinglum Stephen R. West	Michael A. Thompson Kirsten Tinglum	<i>(1993 by Gov. Walter Hickel)</i>

Appendix F

Retention Evaluation Procedures

Appendix F

Alaska Judicial Council Retention Evaluation Program

Alaska's statutes require the Alaska Judicial Council to evaluate each judge standing for retention election, and to make its evaluations and any recommendations public prior to the election. The Judicial Council also evaluates *pro tem* judges (retired judges sitting *pro tem* by order of the supreme court) at the request of the supreme court and may evaluate other judges. The procedures used by the Council, and the results of evaluations conducted since 1976 are outlined in the following paragraphs.

A. Retention Evaluation Procedures

Retention evaluations were first authorized by the legislature in 1976. The evaluation procedures have evolved since that time into a thorough, objective review of each judge. The Council tried several new procedures in 1990 on a pilot basis, and has revised the 1992 procedures based on its experience.

The procedures fall into three general categories. First are the professional evaluations, which include surveys of all Alaska Bar Association members and all active peace and probation officers, as well as questionnaires sent to selected attorneys who have had demonstrated experience before each judge. Second are the materials specific to each judge, which include a questionnaire completed by the judge, a list of five major cases handled by the judge, and a review of a wide range of public information including court case files, Alaska Public Offices Commission conflict-of-interest filings, and Commission on Judicial Conduct public records. The third aspect of the evaluations is public input. In 1992, this included public hearings at about seventeen locations throughout the state, and newspaper ads encouraging public comment (both oral and written) during the evaluation period. The Council also conducted a survey of all jurors who had served in 1990 and 1991 with the judges up for retention in 1992.

The Council reviews all of the materials obtained and may interview the judge personally before making its final evaluation and recommendation. Once the evaluations

are completed and the Council has made its recommendations, it publishes the results in newspapers throughout the state and in the Official Election Pamphlet prepared by the Lieutenant Governor.

1. Professional Evaluations

a. Surveys.

The Council surveys all active members of the Alaska Bar Association and all peace and probation officers in the state who handle state criminal cases. In 1992, approximately 2,300 attorneys and 1,100 peace and probation officers were surveyed. About half of the attorneys, and a slightly lower percentage of the peace and probation officers responded, which is considered by survey specialists to be a relatively high response rate for mail surveys.

Bar members evaluate all judges; peace and probation officers evaluate all judges except appellate judges, before whom they do not appear. Peace and probation officers do not evaluate trial judges on legal abilities. The ten to twenty areas of evaluation for each judge include impartiality, integrity, administrative skills, judicial temperament, legal skills and knowledge, and overall performance. Respondents are encouraged to add comments, based on their experience with each judge. See Attachment A for sample pages.

The surveys are conducted by independent contractors for the Judicial Council, to assure objectivity in the findings. For most of the analysis, only responses from those who reported direct professional experience with the judge being evaluated are used. Analysis takes into account the respondent's type of practice, location within the state, and other demographic variables. Draft results are shared with each judge prior to the Council's evaluation meeting; the final report is available to the public and sent to media throughout the state.

b. Counsel Questionnaires.

Each judge provides the Judicial Council with a list of five cases that the judge believes were significant during his or her most recent term in office. The Council contacts all of the attorneys in each case, sending a brief questionnaire that asks about

the judge's fairness, legal abilities, temperament and administrative handling of the case. Most attorneys contacted return these questionnaires. The comments typically are not strikingly different from the survey findings. However, they provide evidence from attorneys who have had proven substantial experience with the judge, and the corroboration of the survey findings is extremely helpful in the evaluations. The comments from the counsel questionnaires are shared with the judges, after minor changes are made to assure anonymity, and the questionnaires are used by the Council members in arriving at their final evaluations.

2. Judges' Materials

a. Judge's Questionnaire.

Each judge is asked to fill out a short questionnaire that gives the Council information about the types of cases handled during the previous term, legal or disciplinary matters the judge may have been involved in, and health matters that could be related to the judge's ability to perform judicial duties. The questionnaire also asks the judge to describe satisfaction with judicial work during the previous term and to make any comments that would be helpful to the Council in its evaluations.

b. Other Records.

Council staff review a series of other public records, including conflict-of-interest annual statements filed with the Alaska Public Offices Commission and separate forms filed with the court system, court case files, and Commission on Judicial Conduct public files. Performance-related court data, such as the number of peremptory challenges filed against a judge and the number of reversals on appeal are also reviewed. The performance-related data are scrutinized carefully, however, because the type of caseload or judge's location may play a major part in the numbers of challenges or appeals and reversals. A domestic relations judge assigned 6,000 cases in one year is likely to have more challenges (and possibly more appellate reversals) than a judge handling 1,000 criminal and civil cases.

c. Interviews.

Any judge may request an interview with the Judicial Council. The Council, in turn, may ask judges to speak with the Council members during the final stages of the evaluation process, to respond to concerns raised by attorneys, peace or probation officers, or citizens.

3. Public Input

The Council encourages input from the public with a wide variety of techniques. Among these are public hearings, juror surveys, and publicizing the evaluation process. The public input is shared with each judge and considered together with all of the other information about the judge gathered by the Council.

a. Juror Surveys.

In 1990, for the first time since 1978, the Council surveyed jurors for their opinions on the performance of judges. The surveys provided useful information to the Council and were used again in 1992. Over 2,000 jurors were surveyed. While jurors tend to rate judges more positively than do attorneys and peace officers, their opinions are a valuable aid to an overall evaluation.

b. Public Hearings.

Public hearings for all judges standing for retention were conducted throughout the state in 1992, using the legislature's teleconference network and public meeting rooms. Participation at the hearings was encouraged through newspaper ads and public service announcements on radio and television stations throughout the state. While juror surveys provided largely positive information about judicial performance, public hearings tended to attract persons who were less satisfied with judicial decisions. The two procedures offered some balance to each other, giving the Council the opportunity to view a range of opinions.

c. Other Publicity and Input.

The evaluation process was publicized widely through use of frequent press releases, personal contacts with radio and television stations, and submission of feature articles to newspapers. The Victims for Justice courtwatchers' group provided information to the Council about the retention judges who had been evaluated by that group.

4. Dissemination of Results

By law, the Council must make its evaluations and recommendations public at least sixty days prior to the election, and also must submit materials to the Lieutenant Governor's Official Election Pamphlet. Sample materials are attached as Attachment B. In 1992, besides complying with both of these requirements, a series of advertisements detailing the Council's recommendations were published in newspapers statewide in the week immediately before the election. Council staff also may meet with community organizations to provide information about the recommendations.

B. Results of Evaluations

The Council has evaluated judges standing for retention since 1976. In every election between 1976 and 1982, the Council found most of the judges qualified, and recommended their retention. All of the judges found qualified were retained, most by substantial margins. Vote analyses for all years since 1976 indicate that typically judges receive from 60 to 70% "yes" votes in the Third Judicial District (which includes Anchorage, Palmer, the Kenai Peninsula and Kodiak), and from 70 to 75% "yes" votes in the other judicial districts (see Attachment C for voting pattern analyses). The effects of the Council's recommendations, and of campaigns opposing judges must be measured against the typical voting patterns.

1. Judges Found "Not Qualified"

The Council found one or two judges not qualified for retention in each of the years between 1976 and 1982. All of the judges were district court judges; all were evaluated by both Bar and peace officers as "below acceptable" on most of the evaluation

criteria, including legal ability and overall performance. The judges were retained, although by significantly lower vote totals than most judges in their districts, in 1976, 1978 and 1980. In 1982, the two judges found unqualified were not retained, having only received about 45% "yes" votes in each case. Reasons suggested for the difference between the 1982 election and prior elections included increasing reliance on Judicial Council recommendations as voters grew more familiar with them; a number of very controversial ballot issues that may have generated more general interest in the elections; and low "yes" vote totals for all judges in the Third Judicial District in 1982 may have been correlated with a minority of "yes" votes for the two judges found unqualified by the Council.

During the years 1984 through 1992, most judges have been found qualified, and all have been retained in office. The only judge found unqualified by the Council since 1982 was a superior court judge found unqualified in 1988, based on information including "below acceptable" ratings from attorneys and some peace officers on integrity, impartiality and some of the judicial temperament criteria. That judge was retained, although with significantly fewer "yes" votes than typical for that year.

2. Campaigns Against Judges

Several judges experienced campaigns against their retention from various public groups. For the most part, campaigns against judges have not been mounted until shortly before the election date. Opponents have been aware of the Code of Judicial Conduct provision (Canon 7 B(3)) that prohibits judges from campaigning until opposed. By waiting until just before the election, opponents have the advantage of being able to prepare and raise funds while the judge cannot raise funds or prepare until after the first instance of public attack. Two substantial campaigns against supreme court justices were waged, in 1980 and in 1988. Both justices were retained, but by lower margins than most other judges. In 1984, and to a lesser extent in the other years, grass roots campaigns were conducted against some trial court judges. For the most part, they were not well-organized and had little effect on voters' actions.

3. Effectiveness of Council Evaluations

The effectiveness of the Council's evaluation process has been assessed twice, once formally in 1979 in a survey sponsored by the Council of 1978 voters, and once

informally in a student-run survey of voters as they were leaving the polls in 1990. In both instances, some voters said that they always voted either for or against all judges. Others said they discriminated, voting yes for some judges and no on others, based on personal experience or information available to them. Those voters were more likely to say that they had read the Judicial Council's recommendations or had used them in their voting.

Outside of these surveys, one good example of the effectiveness of the Council's recommendations came from the 1992 elections. Although all judges were found qualified, and the Council recommended "yes" votes on each, two Third Judicial District judges were rated below the other judges. No group campaigned against these judges, but they received substantially fewer votes than the other judges on the ballot. The voting results suggest that many voters used the information in the Official Election Pamphlet to make their own decisions about how to vote.

4. Judicial Retirements

The relatively low percentage of judges against whom the Council recommends, and the even lower percentage of judges rejected by the voters, has been cited by some as evidence that Alaska's retention election system does not work. The Council believes that it is evidence of the quality both of Alaska's non-political merit selection system for judges and of the quality of Alaska's judiciary.

Another factor not immediately obvious is that a significant number of judges choose to retire rather than stand for retention. In 1990, twenty-two judges were eligible to stand for retention. Seven of these judges took themselves off the ballot voluntarily. While this decision had little to do with the retention election and the Council's evaluation in the majority of cases, these factors probably do play a part in judges' decisions to retire in a few cases.

C. Other Judicial Evaluations

The Council has conducted three other types of judicial performance evaluation.

1. Pro Tem Judge Evaluations

The supreme court mandated Council evaluations of *pro tem* judges by court rule (Administrative Rule 23) in 1987. Results of the *pro tem* evaluations are sent to the Chief Justice, who combines them with presiding judges' evaluations and other materials to determine whether judges should continue to serve *pro tem* for another two-year term. The first judges were evaluated in 1988, and a second group of four were evaluated in 1990. Six judges were evaluated in 1992. Most *pro tem* judges are retired superior court judges who serve for a few days, up to a few months per year. Because retired district court judges can only sit *pro tem* on district court cases, they are not used as frequently by the court. However, former district court judge Linn Asper from Juneau sat periodically throughout the last two years, and was evaluated with the other *pro tem* judges. The *pro tem* evaluation program is described in the text of the Council's Fifteenth Report.

2. General Judicial Performance Evaluation

The 1992 surveys of Bar and peace and probation officers included every judge in Alaska standing for retention in 1992 and 1994. The purpose of evaluating the judges on the ballot in 1994 was to give the judges an opportunity to assess their performance before having to stand for retention. This process has been requested by judges since at least 1980, and has been supported by the Council for the same period.

3. Federal Judges Evaluation

The 1992 surveys of the Bar also included, at their request, Alaska's two federal district court judges. The judges asked for the evaluation to assist them in improving their performance as judges.

Attachment A

COURT OF APPEALS

Judge Robert G. Coats

Basis for Evaluation

- A. Which of the following describes the basis for your evaluation of this judge? (CIRCLE ONE OR MORE)
1. Direct professional experience
 2. Professional reputation
 3. Social contacts
 9. Insufficient knowledge to evaluate this judge (GO ON TO NEXT JUDGE)
- B. If you have had direct professional experience with this judge, which of the following best describes the amount of that experience? (CIRCLE ONE)
1. Substantial
 2. Moderate
 3. Limited

To rate this judge, circle one number for each criterion. If you lack sufficient knowledge to rate the judge for any one of the criteria, circle 9. (SEE INSIDE FRONT COVER FOR PRECISE DEFINITION OF THE RATING SCALE)

	Unacceptable	Deficient	Acceptable	Good	Excellent	Insufficient Knowledge
Legal Ability						
1. Legal and factual analysis	1	2	3	4	5	9__
2. Writing clarity and precision	1	2	3	4	5	9__
Impartiality						
3. Equal treatment of all parties	1	2	3	4	5	9__
4. Sense of basic fairness and justice	1	2	3	4	5	9__
Integrity						
5. Conduct free from impropriety or the appearance of impropriety	1	2	3	4	5	9__
6. Makes decisions without regard to possible public criticism	1	2	3	4	5	9__
Judicial Temperament						
7. Courtesy, freedom from arrogance	1	2	3	4	5	9__
8. Human understanding and compassion	1	2	3	4	5	9__
Diligence						
9. Preparation for appeals and attentiveness to counsel's oral arguments	1	2	3	4	5	9__
Overall Evaluation						
10. Overall evaluation of judge	1	2	3	4	5	9__

Comments: Please add any comments that you believe would aid the Judicial Council in its evaluations. These comments are anonymous to protect the confidentiality of the respondent. If more space is needed, use pages 16, 23, 26, and 52 in this survey booklet or attach another sheet of paper.

THIRD JUDICIAL DISTRICT SUPERIOR COURT

Judge John Reese

Basis for Evaluation

- A. Which of the following describes the basis for your evaluation of this judge? (CIRCLE ONE OR MORE)
1. Direct professional experience
 2. Professional reputation
 3. Social contacts
 9. Insufficient knowledge to evaluate this judge (GO ON TO NEXT JUDGE)
- B. If you have had direct professional experience with this judge, which of the following best describes the amount of that experience? (CIRCLE ONE)
1. Substantial
 2. Moderate
 3. Limited

To rate this judge, circle one number for each criterion. If you lack sufficient knowledge to rate the judge for any one of the criteria, circle 9. (SEE INSIDE FRONT COVER FOR PRECISE DEFINITION OF THE RATING SCALE)

	Unacceptable	Deficient	Acceptable	Good	Excellent	Insufficient Knowledge
Legal Ability						
1. Legal and factual analysis	1	2	3	4	5	9__
2. Knowledge of substantive law	1	2	3	4	5	9__
3. Knowledge of evidence and procedure	1	2	3	4	5	9__
Impartiality						
4. Equal treatment of all parties	1	2	3	4	5	9__
5. Sense of basic fairness and justice	1	2	3	4	5	9__
Integrity						
6. Conduct free from impropriety or the appearance of impropriety	1	2	3	4	5	9__
7. Makes decisions without regard to possible public criticism	1	2	3	4	5	9__
Judicial Temperament						
7. Courtesy, freedom from arrogance	1	2	3	4	5	9__
8. Human understanding and compassion	1	2	3	4	5	9__
9. Ability to control courtroom	1	2	3	4	5	9__
Diligence						
10. Reasonable promptness in making decisions	1	2	3	4	5	9__
11. Willingness to work diligently; preparation for hearings	1	2	3	4	5	9__
Special Skills						
12. Settlement skills	1	2	3	4	5	9__
13. Consideration of all relevant factors in sentencing	1	2	3	4	5	9__
14. Talent and ability for cases involving children and families	1	2	3	4	5	9__
Overall Evaluation						
15. Overall evaluation of judge	1	2	3	4	5	9__

Comments: Please add any comments that you believe would aid the Judicial Council in its evaluations. These comments are anonymous to protect the confidentiality of the respondent. If more space is needed, use pages 16, 23, 26, and 52 in this survey booklet or attach another sheet of paper.

Attachment B

ALASKA'S JUDICIAL EVALUATION AND RETENTION SYSTEM

Alaska judges are appointed by a merit selection system. After appointment, they periodically appear on the ballot to allow the voters to decide whether the judges should be retained in office. 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 nonpartisan and unopposed. Each judge stands for retention based on his or her record of judicial performance. If a judge is not retained in office, the position becomes vacant and a new judge is appointed by the merit selection system.

The Alaska Judicial Council is charged under Alaska statutes with evaluating judges up for retention elections and making recommendations to the voters. The Judicial Council is a state agency, independent from the court system, created by the Alaska Constitution. The Council consists of six non-paid citizens with the chief justice of the Alaska Supreme Court as chair. Three of the six Council members are non-attorneys and three are attorneys.

The Judicial Council is required by law to publish its evaluation and recommendations on judges standing for retention election in the Official Election Pamphlet. These evaluations and recommendations are contained in the following pages. This introduction describes the methods the Council used to evaluate judges and summarizes the Council's recommendations. A biographical statement, provided and paid for by the judge if the judge wishes, is printed on the page before the Alaska Judicial Council's evaluation of that judge's performance.

For the 1992 General Election, the Judicial Council has evaluated two Court of Appeals judges and thirteen trial court judges. These judges were all found to be QUALIFIED, and are all recommended for retention.*

Court of Appeals:

Judge Alexander O. Bryner
Judge Robert G. Coats

Superior Court:

Judge Michael I. Jeffery, Second Judicial District
Judge Beverly W. Cutler, Third Judicial District
Judge Dana A. Fabe, Third Judicial District
Judge John Reese, Third Judicial District
Judge Mark C. Rowland, Third Judicial District
Judge Jay Hodges, Fourth Judicial District
Judge Niesje J. Steinkruger, Fourth Judicial District

District Court:

Judge George L. Gucker, First Judicial District
Judge Peter G. Ashman, Third Judicial District
Judge Natalie K. Finn, Third Judicial District
Judge William H. Fuld, Third Judicial District
Judge John D. Mason, Third Judicial District
Judge Charles Pengilly, Fourth Judicial District

*Only information regarding the Court of Appeals judges and judges serving the districts pertinent to this pamphlet is included on the following pages.



Judicial Evaluation Procedures

The Judicial Council conducted a comprehensive evaluation of the judges up for retention election before making its recommendations. First, the Council surveyed all of the peace and probation officers in Alaska. Forty-eight percent of the approximately 1,200 officers responded to the survey which asked the officers to rate the trial judges in twelve categories.

Second, the Council surveyed all of the approximately 2,400 attorneys in the state for their evaluation of the retention judges. Fifty-three percent of the attorneys responded to the survey which asked that they rate the trial court judges in sixteen categories and the Court of Appeals judges in ten categories.

The summary of evaluation information for each retention judge on the following pages presents the attorney and peace and probation officer survey scores for several of the more significant categories. Also, five summary scores are presented in a graph for each judge. The ratings are on a five point scale with "1" as the lowest score, "5" as the highest, and "3" as acceptable. A complete copy of the survey results may be obtained by calling or writing the Alaska Judicial Council, 1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501; (907) 279-2526.

Third, the Council surveyed all of the approximately 2,200 jurors who had served with the trial court judges up for retention in 1990 and 1991. Forty-four percent of the jurors responded, and all of the judges standing for retention were highly rated by jurors.

Fourth, the Judicial Council aggressively sought input from the public on the retention of judges. Witnesses, litigants, crime victims and other interested members of the public all had differing and valuable perspectives on the judges up for retention. The Council sought public comments through public hearings, paid newspaper ads asking for public input, and public service announcements. Public hearings were held using the state teleconference system in 15 Alaska communities.

Fifth, the Council sought other information about the judges from a variety of sources. A background investigation was completed on each judge, including a court records check, a disciplinary records check and a review of conflict of interest statements. In addition to the survey results described above, attorneys, peace officers, probation officers, jurors, litigants and members of the public were encouraged to submit written comments. The courtwatching program initiated by the Victims for Justice organization submitted an evaluation of several retention judges which was reviewed by the council.

The Judicial Council members carefully considered all of this information before voting to recommend that all of the judges who will be on the ballot this year be retained. The Council's recommendations and a summary of the evaluation information which formed the basis of the recommendations follow.



DANA ANDERSON FABE, Third Judicial District

I. JUDICIAL COUNCIL EVALUATION

The Alaska Judicial Council, a non-partisan citizens commission established by the Alaska Constitution, finds Judge Fabe to be **Qualified** and recommends that the public vote "Yes" to retain her as a superior court judge.

II. SUMMARY OF EVALUATION INFORMATION

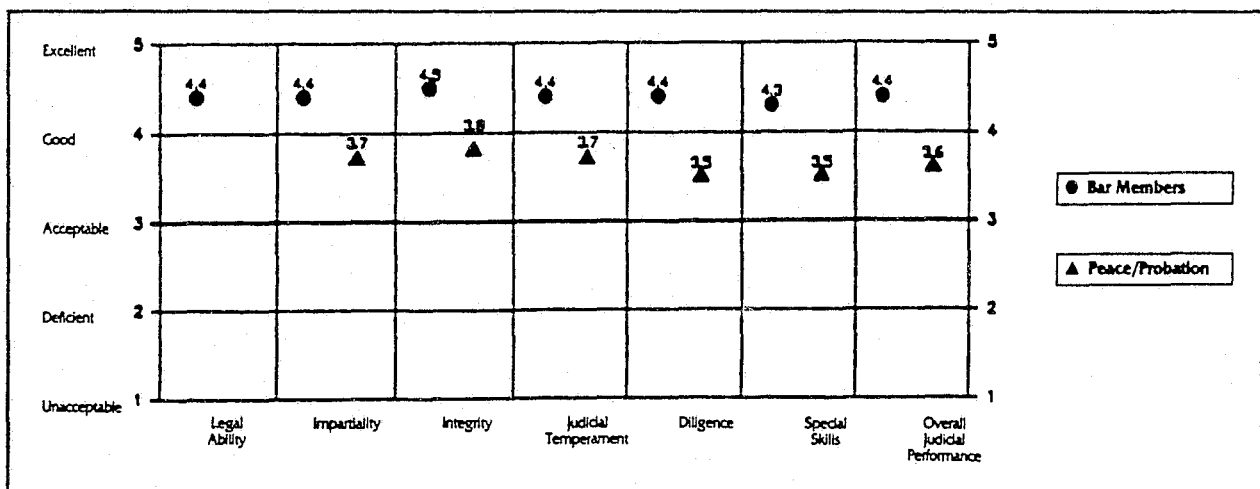
The survey of about 2,400 attorneys in Alaska rated Judge Fabe in the good category on her overall judicial performance (4.4, see below). She scored highest in the categories of "conduct free from impropriety" (4.5), "willingness to work diligently; preparation for hearings" (4.5), and "makes decisions without regard to possible public criticism" (4.4). She scored above 4.0 in all 16 categories.

The survey of about 1,200 peace and probation officers in Alaska rated Judge Fabe in the upper range of the acceptable category on her overall judicial performance (3.6, see below). She scored highest in the categories of "conduct free from impropriety" (3.9), "human understanding and compassion" (3.8), and "courtesy, freedom from arrogance" (3.7). She scored lowest, but still acceptable, in the categories of "reasonable promptness in making decisions" (3.4), "consideration of all relevant factors in sentencing" (3.4), and "talent and ability in cases involving children and families" (3.5).

Judge Fabe was rated very highly on the juror survey. Eighty-four percent of the jurors rated her as excellent and a total of 95% rated her as either excellent or good (other choices were fair or poor).

The Council completed a background investigation including a court records check, a disciplinary records check, and a review of conflict of interest statements. Attorneys, peace and probation officers, and jurors were asked for comments on the judge. The Council actively encouraged the public to comment, either in writing or in public hearings held in 15 communities. These and other investigations revealed nothing to indicate that Judge Fabe should not be retained.

In summary, the Judicial Council concluded that the evaluation information showed Judge Fabe to be a qualified judge who should be retained.



Editor's Note: Complete survey results are available by calling or writing the Alaska Judicial Council at 1029 West Third Avenue, Suite 201, Anchorage, Alaska 99501; (907) 279-2526.



Attachment C

alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1917 (907) 279-2526 FAX (907) 276-5046

EXECUTIVE DIRECTOR
William T. Cotton


NON-ATTORNEY MEMBERS
Jim A. Arnesen
David A. Dapceвич
Leona Okakok

MEMORANDUM

ATTORNEY MEMBERS
Mark E. Ashburn
Daniel L. Callahan
Thomas G. Nave

CHAIRMAN, EX OFFICIO
Daniel A. Moore, Jr.
Chief Justice
Supreme Court

TO: Judicial Council

FROM: Teri Carns 

DATE: December 11, 1992

RE: Analysis of 1992 Retention Vote Patterns

The memo adds to the Council's earlier memos analyzing retention voting patterns between 1976 and 1990. Fifteen judges stood for retention in 1992; two from the Court of Appeals and thirteen from the trial courts. The Judicial Council evaluated all as "Qualified," and recommended their retention. All were retained, by more than 60% "yes" votes.

The "yes" and "no" votes cast for each judge appear in Table A. The vote tallies used were reported by the Division of Elections on December 2, 1992, with all absentee and questioned ballots included. Table B shows the "yes" vote percentages for every trial court judge evaluated by the Council since 1976, together with the Bar and peace and probation officer survey scores (Overall Performance, for experienced raters only).

Most judges received "yes" vote percentages between 61% and 65%. "Yes" votes in all districts appeared somewhat lower than in previous years. In the First District, only one judge evaluated since 1984 received less than 71% "yes" votes; that was Judge Gucker in 1984, with 67.9% "yeses" (in 1988, Judge Gucker received 71.1% "yes" votes, with substantially lower scores from both the Bar and peace and probation officers). In the Second District, Judge Jeffery's survey scores improved, but the "yes" votes dropped from 76% to 73%. In the Fourth District, "yes" vote percentages also tended to be higher between 1984 and 1990 than they were in 1992, usually at 69% or more (only two have been below 69%, Judge Greene at 67.6% in 1988 and Judge Blair at 65.4% in 1984). No Fourth District judge received 69% in 1992; their percents ranged from 64% to 68%.

"Yes" votes for Third District district court judges followed the same pattern, with even more substantial drops in "yes" votes from prior years. District court judges typically have

Memo, Retention Vote Analysis, 1992
December 11, 1992
Page 2

ranged between 66% and 70% in the years between 1984 and 1990, but in 1992, all four judges had dropped by eight percentage points from their 1988 vote percentages. Although the survey scores were slightly different from the 1988 scores, the changes were not sufficient to account for such a large drop in "yes" vote percentages.

Third District superior court "yes" vote percentages typically cover a wider but slightly lower range, between 63% and 69%. Unlike most of the other judges evaluated, "yes" vote percents for the Third District superior court judges remained in the expected range, but clustered at the lower end. The two superior court judges who had earlier evaluations that could be compared (Judges Cutler and Rowland) both dropped from about 69% "yes" votes to about 63% "yes" votes. The other two judges, Judges Fabe and Reese, stood for retention for the first time in 1992. The drops for Judges Cutler and Rowland fit the pattern found in the other judicial districts, and for the district court in the Third Judicial District of a substantial decrease in "yes" vote percentages from the preceding four retention elections.

We have no easy explanation for the drop in retention "yes" percentages. Survey scores from attorneys and peace and probation officers for most judges either stayed the same as in earlier years or rose, providing no explanation for a reduction in votes. The Council's presentation of information about the judges and their evaluations did not change substantially from the format followed in 1990. We actually spent more on advertising in 1990 and 1992 than in previous years.

One striking change in 1992 from prior retention elections was the substantial increase in the percentage of registered voters who actually cast ballots. That percentage rose from 65.7% in 1990 to 82.9% in 1992, an increase of 32.3% (from 197,540 in 1990 to 261,427 in 1992). In the Third and Fourth Judicial Districts, about 25% more voters cast votes for or against judges in 1992 than did in 1990.

The lower "yes" percentages in 1992 may reflect the public's perception that terms for public officers generally should be limited. Probably 80% of Alaskans favor term limits. While this issue seldom has been discussed in the context of judges' terms, staff believes the general public perception on this issue probably affected judicial retention results this year, and may do so even to a greater extent in the future.

Table A
1992 Retention Vote Totals

District	Justice/Judge	"Yes" Votes		"No" Votes		Total Votes
		Number	Percent	Number	Percent	
Ct. of Appeals	Bryner	128,241	62%	77,114	38%	205,355
	Coats	123,788	61%	79,871	39%	203,659
1st District	Gucker	20,224	69%	9,154	31%	29,378
2nd District	Jeffery	5,799	73%	2,126	27%	7,925
3rd District	Cutler	80,659	63%	47,809	37%	128,468
	Fabe	79,369	63%	46,976	37%	126,345
	Reese	77,855	62%	47,733	38%	125,588
	Rowland	78,917	62%	47,500	38%	126,417
	Ashman	78,766	63%	45,844	37%	124,610
	Finn	82,108	65%	43,637	35%	125,745
	Fuld	75,703	61%	48,949	39%	124,652
	Mason	75,818	61%	49,708	39%	125,526
4th District	Hodges	28,106	67%	13,555	33%	41,661
	Steinkruger	26,017	64%	14,478	36%	40,495
	Pengilly	27,660	68%	12,923	32%	40,583
1. Total number of registered voters				315,058		
2. Number that actually voted				261,427		82.9%
3. Number that voted in U.S. House race (Young/Devens)				239,116		
4. % of all who voted, who voted in the U.S. House race						91.5%
5. Number and % of all who voted, who voted for or against Judge Bryner				205,355		78.6%

**Table B-1
Retention Vote Analysis, Trial Judges
1976 - 1982**

Judge	1976			1978			1980			1982		
	Bar*	PPO	Vote**	Bar	PPO	Vote	Bar	PPO	Vote	Bar	PPO	Vote
First Judicial District												
Superior Court												
Carpeneti												
Compton							4.1	4.0	76.1%			
Craske							3.7	3.0	70.4%			
Jahnke												
Pegues												
Schulz				3.9	2.6	74.8%						
Stewart, T.	4.2	3.8	72.8%									
District Court												
Asper												
Craske	3.8	3.7	78.2%									
Froehlich												
Gucker												
Keene				3.1	3.6	73.9%				3.5	4.1	76.4%
Taylor, R.				3.8	3.2	75.1%						
Williams	2.3	3.4	71.5%				2.2	3.9	59.1%			
Second Judicial District												
Superior Court												
Jeffery												
Jones												
Tunley												

* Survey scores are the mean score given by experienced raters (i.e., those who have direct professional experience with the judge) for the criterion "Overall Judicial Performance."

** The percentage shown is the percentage of "yes" votes cast for the judge in the retention election.

**Table B-1
Retention Vote Analysis, Trial Judges
1976 - 1982**

Judge	1976			1978			1980			1982		
	Bar*	PPO	Vote**	Bar	PPO	Vote	Bar	PPO	Vote	Bar	PPO	Vote
Third Judicial District												
Superior Court												
Bosshard												
Buckalew	3.7	3.1	62.2%							3.9	3.4	59.9%
Carlson				3.9	3.2	67.4%						
Cutler												
Cranston												
Gonzalez												
Hanson							3.0	2.8	54.7%			
Hunt												
Johnstone										not evaluated		52.0%
Kalamarides	3.0	3.1	64.2%									
Katz												
Madsen				2.8	3.1	64.1%						
Michalski												
Moody				3.3	3.6	64.6%						
Ripley				3.5	3.5	67.8%						
Rowland							3.8	3.6	61.0%			
Serdahely												
Shortell												
Singleton							4.0	3.3	missing			
Souter										3.6	3.2	56.4%

**Table B-1
Retention Vote Analysis, Trial Judges
1976 - 1982**

Judge	1976			1978			1980			1982		
	Bar*	PPO	Vote**	Bar	PPO	Vote	Bar	PPO	Vote	Bar	PPO	Vote
Third Judicial District												
District Court												
Anderson							4.1	3.6	63.7%			
Andrews										4.1	3.7	66.1%
Ashman												
Beckwith												
Bosshard				3.6	3.8	67.1%				3.6	3.5	57.9%
Brewer				2.7	2.7	55.6%				2.6	2.7	45.5%
Bryner	4.2	2.7	66.2%									
Cutler				3.8	2.8	69.5%				4.0	3.0	63.0%
Finn												
Fuld												
Hornaday				3.1	3.1	66.6%				3.2	4.1	59.8%
Mason	3.3	3.2	63.7%				3.1	3.1	57.8%			
Peterson	3.6	3.9	68.3%									
Stemp												
Stewart, D.												
Tucker				2.9	2.8	64.9%				2.8	3.1	54.5%
Vochoska				2.7	2.8	51.6%				2.7	2.4	42.3%
White												
Wolverton												

**Table B-1
Retention Vote Analysis, Trial Judges
1976 - 1982**

Judge	1976			1978			1980			1982		
	Bar*	PPO	Vote**	Bar	PPO	Vote	Bar	PPO	Vote	Bar	PPO	Vote
Fourth Judicial District												
Superior Court												
Blair				3.7	3.7	73.4%						
Cooke							3.2	2.5	68.4%			
Greene												
Hodges							3.5	3.1	65.7%			
Taylor, W.							3.1	3.8	72.8%			
Van Hoomisen							3.5	4.1	72.3%			
District Court												
Clayton	3.9	3.8	75.9%				3.7	3.3	missing			
Cline							2.5	2.6	55.5%			
Connelly				3.8	4.0	74.3%				3.8	4.0	71.8%
Crutchfield										3.7	3.8	67.9%
Kauvar										3.6	2.9	68.7%
Miller				3.3	3.0	62.2%						
Savell												
Zimmerman												

**Table B-2
Retention Vote Analysis, Trial Judges
1984 - 1992**

Judge	1984			1986			1988			1990			1992		
	Bar*	PPO	Vote**	Bar	PPO	Vote	Bar	PPO	Vote	Bar	PPO	Vote	Bar	PPO	Vote
First Judicial District															
Superior Court															
Carpeneti	4.4	3.6	77.0%							4.5	4.2	76%			
Compton															
Craske				3.9	3.2	72.5%									
Jahnke							4.0	4.1	72.3%						
Pegues	3.5	3.7	75.4%												
Schulz	3.8	3.2	74.1%							3.6	3.3	72%			
Stewart, T.															
District Court															
Asper				4.0	2.2	72.5%									
Craske															
Froehlich										3.6	4.2	73%			
Gucker	3.8	2.1	67.9%				3.3	3.1	71.1%				3.7	3.7	69%
Keene															
Taylor, R.															
Williams															
Second Judicial District															
Superior Court															
Jeffery				3.5	3.5	76.3%							3.9	3.6	73%
Jones	3.4	3.5	75.6%												
Tunley	3.8	2.9	71.4%							3.7	3.8	72%			

* Survey scores are the mean score given by experienced raters (i.e., those who have direct professional experience with the judge) for the criterion "Overall Judicial Performance."

** The percentage shown is the percentage of "yes" votes cast for the judge in the retention election.

**Table B-2
Retention Vote Analysis, Trial Judges
1984 - 1992**

Judge	1984			1986			1988			1990			1992		
	Bar*	PPO	Vote**	Bar	PPO	Vote	Bar	PPO	Vote	Bar	PPO	Vote	Bar	PPO	Vote
Third Judicial District															
Superior Court															
Bosshard							3.2	3.3	68.6%						
Buckalew															
Carlson	3.6	4.1	63.6%												
Cranston	4.1	3.1	65.1%							3.8	2.9	61%			
Cutler				3.9	3.7	68.9%							4.0	2.9	63%
Fabe													4.4	3.6	63%
Gonzalez							3.5	2.8	65.2%						
Hanson															
Hunt							4.1	3.4	72.3%						
Johnstone							2.9	3.2	58.1%						
Kalamarides															
Katz							3.7	3.7	70.5%						
Madsen	3.1	3.1	62.1%												
Michalski							3.5	3.9	69.9%						
Moody															
Reese													4.0	4.1	62%
Ripley	3.4	3.7	64.2%							3.6	3.9	63%			
Rowland				3.6	3.9	69.6%							3.6	4.0	62%
Serdahely	4.1	3.7	68.1%												
Shortell	3.8	3.5	67.4%							4.0	3.7	63%			
Singleton															
Souter							3.7	3.5	68.7%						

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Sixteenth Report to the Legislature and Supreme Court
Alaska Judicial Council 1991-1992

**Table B-2
Retention Vote Analysis, Trial Judges
1984 - 1992**

Judge	1984			1986			1988			1990			1992		
	Bar*	PPO	Vote**	Bar	PPO	Vote	Bar	PPO	Vote	Bar	PPO	Vote	Bar	PPO	Vote
Third Judicial District															
District Court															
Anderson	4.1	3.8	72.4%				4.2	4.0	74.3%						
Andrews				4.1	4.0	71.2%				4.2	4.2	67%			
Ashman							4.4	3.4	70.6%				4.2	4.0	63%
Beckwith				3.7	3.7	69.8%				3.6	3.7	66%			
Bosshard															
Brewer															
Bryner															
Cutler															
Finn	4.1	4.0	72.4%				4.1	4.0	72.8%				3.9	4.2	65%
Fuld	3.6	3.7	68.3%				3.5	3.5	68.5%				3.4	3.6	61%
Hornaday				3.1	3.9	67.2%									
Mason	3.2	2.8	58.1%				3.2	3.0	68.2%				3.1	2.9	61%
Peterson															
Stemp				3.3	4.0	67.8%									
Stewart, D.				4.0	3.6	70.5%									
Tucker															
Vochoska															
White				3.8	3.9	70.5%									
Wolverton										4.3	4.0	66%			

**Table B-2
Retention Vote Analysis, Trial Judges
1984 - 1992**

Judge	1984			1986			1988			1990			1992		
	Bar*	PPO	Vote**	Bar	PPO	Vote	Bar	PPO	Vote	Bar	PPO	Vote	Bar	PPO	Vote
Fourth Judicial District															
Superior Court															
Blair	3.4	3.8	65.4%												
Cooke															
Greene							4.2	2.4	67.6%						
Hodges				3.4	3.2	69.2%							3.6	3.4	67%
Savell										3.9	3.6	70%			
Steinkruger													3.5	3.3	64%
Taylor, W.															
Van Hoomisen				3.4	4.0	72.2%									
District Court															
Clayton															
Cline															
Connelly				3.6	3.9	74.2%									
Crutchfield				3.5	3.6	71.3%				3.5	3.4	69%			
Kauvar				3.4	3.4	72.0%				3.6	3.6	70%			
Miller															
Pengilly													4.1	3.7	68%
Zimmerman				4.0	3.8	74.8%									

Table C		
Supreme Court "YES" Vote Percentages		
Boochever	1976	67.8%
Burke	1978	68.6%
Rabinowitz	1978	67.8%
Matthews	1980	53.5%
Connor	1982	61.5%
Compton	1984	69.7%
Moore	1986	69.1%
Burke	1988	72.9%
Rabinowitz	1988	59.0%
Matthews	1990	65.1%

Table D		
Court of Appeals "YES" Vote Percentages		
Bryner	1984	68.5%
Coats	1984	68.1%
Singleton	1984	68.9%
Bryner	1992	62.4%
Coats	1992	60.7%

Appendix G
Retention Log of Judges

Appendix G 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	04/04/75	78, 88	98
Allen T. Compton	12/12/80	84	94
Warren W. Matthews	05/26/77	80, 90	2000
Daniel A. Moore, Jr.	07/10/83	86	96
Jay A. Rabinowitz	02/21/65	68, 78, 88	98

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	07/30/80	84, 92	2000
Robert G. Coats	07/30/80	84, 92	2000
David Mannheimer*	10/11/90	--	94

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. Carpeneti	10/15/81	84, 90	96
Larry C. Zervos*	09/14/90	--	94
Thomas M. Jahnke	05/11/85	88	94
Larry Weeks*	09/03/90	--	94
Vacant			96

* Indicates first time judges for retention in current position

Retention Election Log (Continued)

SUPERIOR COURT JUDGES (Continued)

B. Second Judicial District

Judge	Appointed	Prior Retention Elections	Next Retention Election
Michael I. Jeffery	10/28/82	86, 92	98
Charles R. Tunley	12/12/80	84, 90	96
Richard H. Erlich*	03/08/91	--	94

C. Third Judicial District

Judge	Appointed	Prior Retention Elections	Next Retention Election
Glen C. Anderson*	11/26/91	80, 84, 88	96
Elaine M. Andrews*	03/08/91	82, 86, 90	94
Charles K. Cranston	10/15/81	84, 90	96
Beverly W. Cutler	10/28/82	78, 86, 92	98
Dana A. Fabe	08/26/88	92	98
Rene J. Gonzalez	11/08/84	88	94
Donald D. Hopwood*	11/30/90	--	94
Karen L. Hunt	01/10/84	88	94
Karl S. Johnstone	10/08/79	82, 88	94
Joan M. Katz	11/08/84	88	94
Jonathan H. Link*	07/20/90	--	94
Peter A. Michalski	01/31/85	88	94
John Reese	06/26/89	92	98
J. Justin Ripley	06/27/75	79, 84, 90	96
Mark C. Rowland	02/22/77	80, 86, 92	98
Brian C. Shortell	12/12/80	84, 90	96
Milton M. Souter	01/23/78	82, 88	94

Retention Election Log (Continued)

SUPERIOR COURT JUDGES (Continued)

D. Fourth Judicial District

Judge	Appointed	Prior Retention Elections	Next Retention Election
Ralph R. Beistline*	10/26/92	--	96
Dale O. Curda*	12/15/89	--	94
Mary E. "Meg" Greene	01/04/85	88	94
Jay Hodges	09/28/76	80, 86, 92	98
Richard D. Savell	04/27/87	90	96
Niesje J. Steinkruger	08/26/88	92	98

IV. DISTRICT COURT JUDGES - Retention Dates: First general election held more than 2 years after appointment; every 4 years thereafter.

A. First Judicial District

Judge	Appointed	Prior Retention Elections	Next Retention Election
George L. Gucker	03/31/83	84, 88, 92	96
Peter Froehlich	06/26/89	90	94

B. Second Judicial District

Judge	Appointed	Prior Retention Elections	Next Retention Election
NO DISTRICT COURT JUDGES IN THE SECOND JUDICIAL DISTRICT			

Retention Election Log (Continued)

DISTRICT COURT JUDGES (Continued)

C. Third Judicial District

Judge	Appointed	Prior Retention Elections	Next Retention Election
Peter G. Ashman	07/31/87	88, 92	96
Natalie K. Finn	03/31/83	84, 88, 92	96
William H. Fuld	03/31/83	84, 88, 92	96
John R. Lohff*	03/08/91	--	94
John D. Mason	12/07/70	72, 76, 80, 84, 88, 92	96
Gregory Motyka	07/26/91	--	94
Sigurd E. Murphy	07/30/92	--	94
M. Francis Neville*	11/30/90	--	94
Stephanie Rhoades	07/30/92	--	94
Michael L. Wolverton	08/26/88	90	94
1 Dist. Court Seat Vacant as of 12/92			

D. Fourth Judicial District

Judge	Appointed	Prior Retention Elections	Next Retention Election
Jane F. Kauvar	02/18/81	82, 86, 90	94
Charles Pengilly	09/27/90	92	96
Vacant			96

* Indicates first time judges for retention in current position.

1992 Retention Election Candidates		
Judge	Appointed	City/Judicial District
1. Court of Appeals Judge Alexander O. Bryner	07/30/80	Anchorage/NA
2. Court of Appeals Judge Robert G. Coats	07/30/80	Anchorage/NA
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 Dana A. Fabe*	08/26/88	Anchorage/Third
6. Superior Court Judge John Reese*	06/26/89	Anchorage/Third
7. Superior Court Judge Mark C. Rowland	02/22/77	Anchorage/Third
8. Superior Court Judge Jay Hodges	09/28/76	Fairbanks/Fourth
9. Superior Court Judge Niesje J. Steinkruger*	08/26/88	Fairbanks/Fourth
10. District Court Judge George L. Gucker	03/31/83	Ketchikan/First
11. District Court Judge Peter G. Ashman	07/31/87	Palmer/Third
12. District Court Judge Natalie K. Finn	03/31/83	Anchorage/Third
13. District Court Judge William H. Fuld	03/31/83	Anchorage/Third
14. District Court Judge John D. Mason	12/07/70	Anchorage/Third
15. District Court Judge Charles Pengilly*	09/27/90	Fairbanks/Fourth

* Indicates first time judges for retention in current position.

1994 Retention Election Candidates		
Judge	Appointed	City/Judicial District
1. Justice Allen T. Compton	12/12/80	Anchorage/NA
2. Court of Appeals Judge David Mannheimer*	10/11/90	Anchorage/NA
3. Superior Court Judge Larry C. Zervos*	09/14/90	Sitka/First
4. Superior Court Judge Thomas M. Jahnke	05/11/85	Wrangell/First
5. Superior Court Judge Larry Weeks*	09/03/90	Juneau/First
6. Superior Court Judge Richard Erlich*	03/08/91	Kotzebue/Second
7. Superior Court Judge Elaine M. Andrews*	03/08/91	Anchorage/Third
8. Superior Court Judge Rene J. Gonzalez	11/08/84	Anchorage/Third
9. Superior Court Judge Donald Hopwood*	11/30/90	Kodiak/Third
10. Superior Court Judge Karen L. Hunt	01/10/84	Anchorage/Third
11. Superior Court Judge Karl S. Johnstone	10/08/79	Anchorage/Third
12. Superior Court Judge Joan M. Katz	11/08/84	Anchorage/Third
13. Superior Court Judge Jonathan H. Link*	07/20/90	Kenai/Third
14. Superior Court Judge Peter A. Michalski	01/31/85	Anchorage/Third
15. Superior Court Judge Milton M. Souter	01/23/79	Anchorage/Third
16. Superior Court Judge Dale O. Curda*	12/15/89	Bethel/Fourth
17. Superior Court Judge Mary E. Greene	01/04/85	Fairbanks/Fourth
18. District Court Judge Peter Froehlich	06/26/89	Juneau/First
19. District Court Judge John Lohff*	03/08/91	Anchorage/Third
20. District Court Judge Gregory Motyka*	07/26/91	Anchorage/Third
21. District Court Judge Sigurd E. Murphy*	07/30/92	Anchorage/Third
22. District Court Judge Stephanie Rhoades*	07/30/92	Anchorage/Third
23. District Court Judge M. Francis Neville*	11/30/90	Homer/Third
24. District Court Judge Michael L. Wolverson	08/26/88	Anchorage/Third
25. District Court Judge Jane F. Kauvar	02/18/81	Fairbanks/Fourth

* Indicates first time judges for retention in current position.

1996 Retention Election Candidates

Judge	Appointed	City/Judicial District
1. Supreme Court Justice Daniel A. Moore, Jr.	07/10/83	Anchorage/N/A
2. Superior Court Judge Walter L. Carpeneti	10/15/81	Juneau/First
3. Superior Court Judge Charles R. Tunley	12/12/80	Nome/Second
4. Superior Court Judge Charles R. Cranston	10/15/81	Kenai/Third
5. Superior Court Judge J. Justin Ripley	06/27/75	Anchorage/Third
6. Superior Court Judge Brian C. Shortell	12/12/80	Anchorage/Third
7. Superior Court Judge Glen C. Anderson*	11/26/91	Valdez/Third
8. Superior Court Judge Richard D. Savell	04/27/87	Fairbanks/Fourth
9. Superior Court Judge Ralph R. Beistline*	10/26/92	Fairbanks/Fourth
10. District Court Judge George L. Gucker	03/31/83	Ketchikan/First
11. District Court Judge Peter G. Ashman	07/31/87	Palmer/Third
12. District Court Judge Natalie K. Finn	03/3/83	Anchorage/Third
13. District Court Judge William H. Fuld	03/31/83	Anchorage/Third
14. District Court Judge John D. Mason	12/07/70	Anchorage/Third
15. District Court Judge Charles Pengilly	09/27/90	Fairbanks/Fourth

* Indicates first time judges for retention in current position.

Appendix H

***Summary of Programs and Recommendations
of the Council Since Statehood: 1959-1992***

Appendix H

Summary of Programs and Recommendations of the Council Since Statehood: 1959-1990

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).
14. Revised criteria for judges serving *pro tem* (court, administrative rule 23).
15. Guidelines for evaluation of *pro tem* judges (court, administrative rule 23).
16. Extension of district court judge's "probationary" period for retention elections to two years rather than one year (approved by legislature, 1990).

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 (Crim. Rule 6.1 adopted by court).
23. Revised media plan and judicial canons to permit use of cameras in court proceedings.
24. Establishment of a Sentencing Commission to review existing sentencing laws and practices in context of state's needs and resources (Commission established June 1990 through June 1993).

25. Creation of a pilot program to mediate disputes in child visitation cases (program established October 1990); establish permanent mediation program for mediation of custody and visitation issues.
26. Maintenance of high screening standards by Attorney General's office for criminal cases.
27. Coordination of Attorney General's charge bargaining policies with actual charge bargaining practices.
28. Examination of appellate court sentencing benchmarks and guidelines, to determine whether some case law should be statutory.
29. Summarization of appellate court benchmarks and sentencing criteria to make them accessible to judges, attorneys and public.
30. Cooperate with the legitimate voluntary dispute resolution work done by tribal courts (the Council takes no position on the resolution of sovereignty issues) and other rural dispute resolution organizations.

Appendix I

Council Publications Since Statehood

Appendix I

Alaska Judicial Council Studies and Reports

Biennial 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. *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.
9. *Ninth Report to Supreme Court and Legislature 1976-1978.* (March, 1978). Review of the Council's activities and recommendations during the period 1976-1978.
10. *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.

11. *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.
12. *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.
13. *Thirteenth Report: 1985-1986 to the Legislature and Supreme Court.* (May, 1987). Review of the Council's activities in 1985 and 1986.
14. *Fourteenth Report: 1987-1988 to the Legislature and Supreme Court* (June 1989). Review of the Council's activities in 1987 and 1988.
15. *Fifteenth Report: 1989-1990 to the Legislature and Supreme Court* (April 1991). Review of the Council's activities in 1989 and 1991.

Policy Reports

1. *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.
2. *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.
3. *Evaluation of Courts of Limited Jurisdiction.* (1974, unpublished). Resulted in establishment of superior court judgeships in Kodiak and Sitka.
4. *Judicial Districting.* (Jan., 1975). Resulted in creation of Barrow and Bethel service areas by court order.
5. *The Grand Jury in Alaska.* (Feb., 1975). Resulted in preliminary hearing pilot project in Anchorage and experimental rule change by supreme court.
6. *Sentencing in Alaska.* (March, 1975). Statistical analysis of felony sentences imposed in 1973.
7. *Bail in Anchorage.* (March, 1975). Statistical analysis of bail practices for Anchorage felony cases in 1973.

8. **1973 Sentences of Five Years or Longer.** (April, 1975). Analysis of factors contributing to lengthy sentences, and the impact of appellate review of sentencing.
9. **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.
10. **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.
11. **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.
12. **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.
13. **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.
14. **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.
15. **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.

16. ***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.
17. ***"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.
18. ***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.
19. ***Sentencing Under Revised Criminal Code.*** (Jan., 1980). Probation Officer training manual for the revised criminal code.
20. ***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.
21. ***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".
22. ***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.
23. ***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.
24. ***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.
25. ***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.

26. ***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.
27. ***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.
28. ***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.
29. ***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.
30. ***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.
31. ***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.
32. ***News Cameras in the Alaska Courts: Assessing the Impact.*** (January, 1988). Evaluation of the Supreme Court's experimental programs, including statistical analysis of increased news coverage. Based on the report, a revised media plan and judicial canons have been promulgated by the Supreme Court.
33. ***Alaska Bar Membership Survey*** (July, 1989). An economic and demographic survey of the membership of the Alaska Bar Association.
34. ***A Re-evaluation of Alaska's Ban on Plea Bargaining*** (January 1991). An analysis of data and interviews showing the career of Alaska's ban on plea bargaining and its interactions with presumptive sentencing and other changes into the justice system between 1975 and 1990.

35. *A Re-evaluation of Alaska's Ban on Plea Bargaining: Executive Summary* (January 1991).
36. *Appellate Sentence Review in Alaska* (January, 1991). A historical analysis of appellate sentence review in Alaska, and analysis of current benchmarks and guidelines for sentencing established by the appellate courts. Also published as an *Alaska Law Review* article (December 1990).
37. *Alaskan Rural Justice: A Selected Annotated Bibliography* (May 1991). A selected bibliography of materials related to rural justice in Alaska, including anthropology, law, sociology, and related fields.
38. *Alaska Child Visitation Mediation Pilot Project* (February 1992). Describes the pilot program established by the legislature to offer mediation for parents with visitation disputes. Recommends expansion of the project and continuation in another agency.
39. *Resolving Disputes Locally: Alternatives for Rural Alaska* (August 1992). Evaluates three rural organizations that resolve disputes—Minto and Sitka tribal courts and the PACT conciliation organization in Barrow. Recommends increased cooperation among state courts and local dispute resolution organizations.
40. *Managing Documents with Imaging Technology: A review of the computer software and hardware evaluated by the Alaska Judicial Council* (Publication planned for summer 1993). Evaluates imaging systems for small organizations. Describes available software, hardware; develops criteria for choosing a system.

Selection Surveys

1. *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.
2. *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.
3. *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.

4. *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.
5. *Survey of Alaska Bar Association Members Evaluation of One Judicial Position and One Public Defender Position.* (Mar. 19, 1981). Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates candidates for Juneau Superior Court and Alaska Public Defender positions.
6. *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.
7. *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.
8. *Survey of Alaska Bar Association Members Evaluation of Applicants for the Juneau Superior Court Judgeship.* (Sep. 16, 1981). Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates candidates for the Juneau Superior Court judge position.
9. *Survey of Alaska Bar Association Members Evaluation of Applicants for the Palmer, Barrow and Wrangell Superior Court Judgeships.* (Sep. 17, 1982). Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates candidates for the Palmer, Barrow and Wrangell Superior Court Judge positions.
10. *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.
11. *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.
12. *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.
13. *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).* (Apr. 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.
 14. *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.
 15. *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.
 16. *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.
 17. *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.
 18. *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.
 19. *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.
 20. *Survey of Alaska Bar Association Members Evaluation of Judicial Applicants for the Third Judicial District (Palmer) District Court,* (June, 1987). Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates candidates for the Palmer District Court judge position.

21. *Survey of the Alaska Bar Association Members Evaluation of Judicial Applicants for the Superior and District Courts, Third Judicial District (Anchorage) and the Superior and District Courts, Fourth Judicial District (Fairbanks).* (June, 1988) Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates candidates for four judicial vacancies in Anchorage and Fairbanks courts.
22. *Survey of Alaska Bar Association Members Evaluation of Applicants for the Position of Public Defender, State of Alaska.* (December, 1988). Prepared for the Judicial Council by Professor Richard Ender, UAA. Evaluates the two applicants for the Public Defender vacancy.
23. *Survey of Alaska Bar Association Members Evaluation of Applicants for the Superior Court, Third Judicial District (Anchorage) and for the District Court, First Judicial District (Juneau).* (April, 1989).
24. *Survey of the Alaska Bar Association: Results on the Evaluation of Applicants for the Bethel Superior Court* (November 1989). Prepared for the Judicial Council by The Justice Center, UAA.
25. *Survey of the Alaska Bar Association: Results on the Evaluation of Applicants for the Kenai Superior Court* (May 1990). Prepared for the Judicial Council by The Justice Center, UAA.
26. *Survey of the Alaska Bar Association: Results on the Evaluation of Applicants for the Juneau Superior Court* (May 1990). Prepared for the Judicial Council by The Justice Center, UAA.
27. *Survey of the Alaska Bar Association: Results on the Evaluation of Applicants for the Sitka Superior Court* (July 1990). Prepared for the Judicial Council by The Justice Center, UAA.
28. *Survey of the Alaska Bar Association: Results on the Evaluation of Applicants for the Court of Appeals and Fairbanks District Court* (August 1990). Prepared for the Judicial Council by The Justice Center, UAA.
29. *Survey of the Alaska Bar Association: Results on the Evaluation of Applicants for the Kodiak Superior Court* (October 1990). Prepared for the Judicial Council by The Justice Center, UAA.
30. *Survey of the Alaska Bar Association: Results on the Evaluation of Applicants for the Homer District Court* (October 1990). Prepared for the Judicial Council by The Justice Center, UAA.

31. *Survey of the Alaska Bar Association: Results on the Evaluation of Applicants for the Anchorage Superior and District Court, and Kotzebue Superior Court* (January 1991). Prepared for the Judicial Council by The Justice Center, UAA.
32. *Survey of the Alaska Bar Association: Results on the Evaluation of Applicants for the Anchorage District Court* (May 1991). Prepared for the Judicial Council by the Justice Center, UAA.
33. *Survey of the Alaska Bar Association: Results on the Evaluation of Applicants for the Valdez Superior Court* (September 1991). Prepared for the Judicial Council by the Justice Center, UAA.
34. *Survey of the Alaska Bar Association: Results on the Evaluation of Applicants for the Anchorage District Court* (April 1992). Prepared for the Judicial Council by the Justice Center, UAA.
35. *Survey of the Alaska Bar Association: Results on the Evaluation of Applicants for the Fairbanks Superior Court* (September 1992). Prepared for the Judicial Council by the Justice Center, UAA.
36. *Survey of the Alaska Bar Association: Results on the Evaluation of Applicants for the Fairbanks District Court* (November 1992). Prepared for the Judicial Council by the Justice Center, UAA.
37. *Survey of the Alaska Bar Association: Results on the Evaluation of Applicants for the Ketchikan Superior Court* (November 1992). Prepared for the Judicial Council by the Justice Center, UAA.



Retention Surveys

1. *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.
2. *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.
3. *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.

4. ***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.
5. ***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.
6. ***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.
7. ***Report on the 1988 Retention Election Survey.*** (June, 1988). Prepared for the Judicial Council by Mystrom Research. Presents and analyzes the results of surveys of the Bar Association and of peace and probation officers regarding judges standing for retention in 1988.
8. ***Report on the 1990 Retention Election Surveys*** (June 1990). Prepared for the Judicial Council by Dittman and Associates. Presents the results of surveys of the Bar Association and of peace and probation officers regarding judges standing for retention in 1990.
9. ***Report on the 1992 Retention Election Surveys*** (May 1992). Prepared for the Judicial Council by the Justice Center. Presents the results of surveys of the Bar Association and of peace and probation officers regarding judges standing for retention in 1992. (Note: Results of juror surveys for trial court judges standing for retention are available separately, from the Judicial Council).

Appendix J

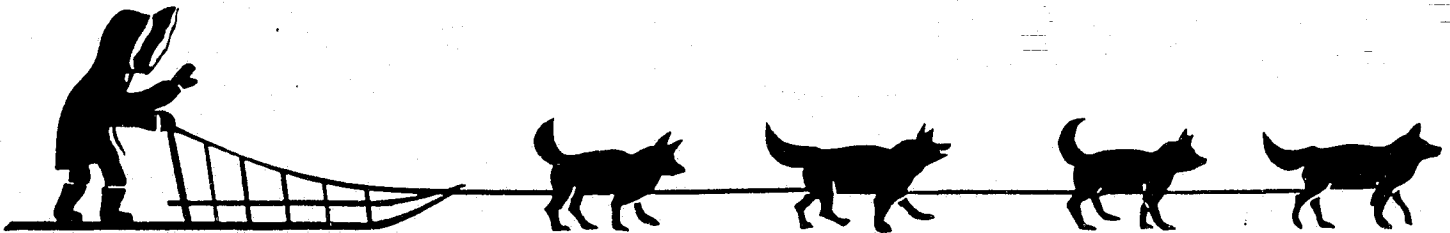
***Resolving Disputes Locally:
Alternatives for Rural Alaska***



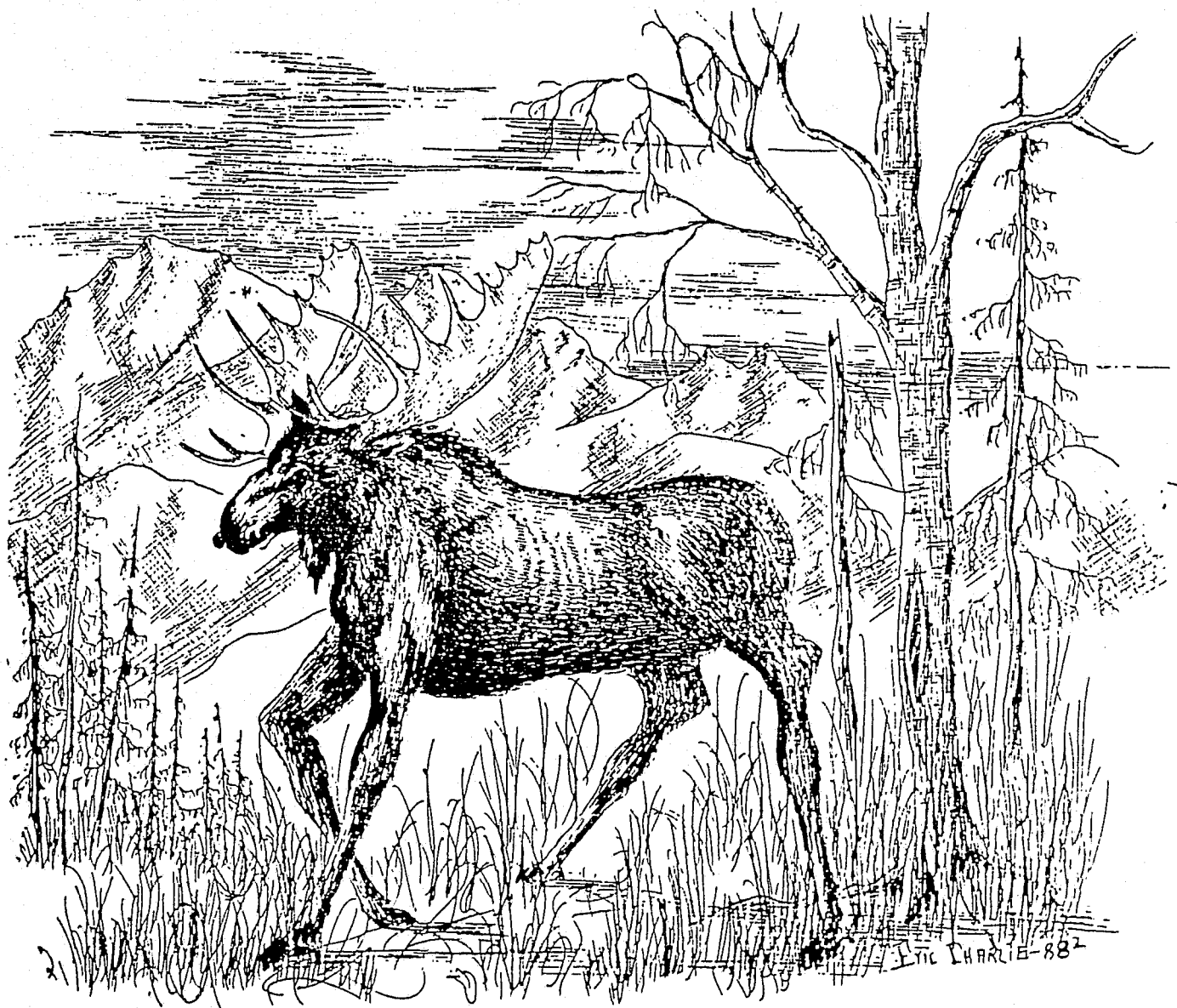
*resolving disputes locally:
alternatives for rural alaska*

August 1992

alaska judicial council



*Artwork created by Ayse Gilbert Graphic Design for 1992 Alaska Bar Association Annual Convention
and used with permission.*



*Illustration by Minto artist Eric Charlie,
courtesy of Seth-de-ya-Ah Corporation.*

Executive Summary



Rural Alaskan communities have developed methods of resolving disputes locally that may benefit the state's justice system as well as the communities' residents. The Alaska Judicial Council has evaluated a conciliation organization in Barrow (PACT), the Minto Tribal Court and the Sitka Tribal Court to describe and assess these organizations and the approaches they have taken to rural justice in Alaska. The Council found that the largely volunteer organizations functioned with varying degrees of effectiveness, depending upon the strength of their case referral systems, and the level of community commitment to supporting the organization and resolving disputes through it. Recommendations included continued cooperation among local organizations and state courts and agencies, increased mutual education between tribal court and state court judges, and increased voluntary development of local organizations in other communities to resolve disputes.

The Executive Summary includes an overall description of the evaluation project, brief descriptions of each of the three organizations evaluated, and the findings, conclusions and recommendations of the Judicial Council. The report itself includes chapters on the cultural and justice system setting for each community, a brief summary of rural justice needs and alternative dispute resolution in Alaska, the legal context for the functioning of the tribal courts, and detailed evaluations of each organization. A chapter comparing the three organizations, a discussion of interactions with state courts, and a chapter on the conditions needed to replicate the work done by these organizations in other communities complete the report. Appendices to the main report include a more thorough discussion of the evaluation methods, a list of references used in the report, and a memo summarizing the recommendations made at rural justice conferences and the outcomes of those recommendations.

A. Purposes and Structure of the Evaluation

The Alaska Judicial Council set rural justice issues as a top priority for its staff in 1987.* The Council proposed that the State Justice Institute fund an evaluation of three organizations in rural communities that provided alternative means of resolving disputes. The purpose of the evaluation was to conduct a neutral review that would benefit the local organizations, as well as state courts and agencies and other communities. Local organizations would benefit because their limited resources would not otherwise permit them to obtain an independent review of their work. State courts and other agencies would gain by having a neutral view of the characteristics, strengths and weaknesses of the organizations that would enable the state courts to increase their involvement with local communities. Other communities, both within and outside of Alaska, would benefit from an understanding of the qualities and conditions needed to replicate effective local means of resolving disputes.

Criteria for evaluating organizations included a history of continuous functioning for at least two years, access to written case records, some level of interaction with state courts (or indication that the organization's work had an effect on the work of the state courts), and willingness of the organization's personnel to collaborate in the evaluation. The diversity of rural organizations is embodied in the three evaluated: three of Alaska's five main Native groups are represented (Inupiat in Barrow, Athabascan in Minto and Tlingit in Sitka); three of the state's five major geographical areas (Barrow on the North Slope, Minto in the Interior and Sitka in Southeast); three very different organizational structures (panels of volunteer conciliators in Barrow, a panel of elected judges in Minto, and a single appointed judge in Sitka); and three major groupings of case types (small claims and civil disputes in Barrow, civil regulatory/quasi-criminal in Minto, and children's cases in Sitka).

The evaluation relied on various methods of collecting information to provide a comprehensive picture of the organizations and the contexts (legal and cultural) in which they act. Methods sensitive to cultural differences and small databases were selected, including extensive interviews with the decision-makers/conciliators in each organization, other volunteers associated with the organization's work, and state court judges, regional Native non-profit corporation staff, and others familiar with the

* The Judicial Council is required by the state's constitution (Article 4, § 9) to conduct studies and report to the legislature on improving the administration of justice.

organizations' activities. Each of the organizations gave the evaluators access to their case files; although limited in numbers, these were a rich source of information. Secondary sources, case law, analyses of Indian law, and data from state court case files and state Department of Public Safety files provided the basis for analysis of data from the interviews and organizations' case files.

Of critical importance to the accuracy and completeness of the report was the draft report review process. Over one hundred and twenty-five copies of the draft report were sent out for review, to organization volunteers, decision-makers/conciliators, all persons interviewed for the report, academicians, attorneys specializing in Indian law, and the project's Advisory Committee.** The Project Evaluator returned to each community for several days to go over the report personally with the people interviewed to check for accuracy and completeness of the description of the organization. This thorough review process was an intrinsic part of the evaluation and helps firmly to validate the findings and conclusions drawn from the information gathered about the organizations.

B. Summary Descriptions of the Organizations Evaluated

1. Minto Tribal Court

- ▶ The court was established in about 1940 with Bureau of Indian Affairs assistance. It was unused during the 1970s, then re-established in 1985.
- ▶ The court was re-established to serve as a governmental entity, and to "help" the village by resolving local problems in a traditional Athabascan manner.
- ▶ Five judges are popularly elected to serve staggered three-year terms without payment.
- ▶ The court holds regular hearings. Typically, only the Village Public Safety Officer, parties, and witnesses attend hearings, although the defendant may ask

** Members of the Advisory Committee who assisted in the evaluation design and report revision were Judge Michael Jeffery (Alaska Superior Court, Barrow), Judge Douglas Luna (Central Council Tlingit and Haida Indian Tribes of Alaska, Juneau, Alaska), and Dr. Gary Copus (Professor, Political Science, University of Alaska, Fairbanks).

for an open hearing. The court maintains strict confidentiality of proceedings and case files.

- ▶ Part of each hearing is devoted to "counseling" parties. Judges use this opportunity to speak of community values, to warn those who are misbehaving of the consequences of their actions, to praise good role models, and to offer practical solutions to problems.
- ▶ The court applies the Minto Code of Village Regulations. The Code contains substantive provisions regulating liquor (Minto is a dry community), weapons, vehicle safety, minor and dependent children, animal control, and sanitation.
- ▶ The court's caseload is split between 84% civil regulatory actions (enforcement of local ordinances) and 16% children's matters. Over 50% of the court's civil regulatory cases are alcohol-related. Defendants commonly plead guilty or no contest.
- ▶ The most common sanctions imposed include fines and community work service. The court also may order counseling, rehabilitation, and restitution.
- ▶ Children's cases may come to the court through notice under the Indian Child Welfare Act (ICWA), or upon petition of family members, e.g., for approval of traditional adoptions. In the past, the court has called before it parents who appeared to be neglecting their children. The court also has assisted in negotiating child custody agreements.
- ▶ Parties have a right of appeal to the Minto Village Council.
- ▶ Apparently as a result of the Minto Tribal Court's activity, almost no local criminal cases are prosecuted in state court.

2. Sitka Tribal Court

- ▶ The Sitka Tribal Court was first established in 1981 to hear children's cases under ICWA and traditional Tlingit law. The court is an arm of the Sitka Tribe of Alaska, which is organized under the Indian Reorganization Act.

- ▶ The court has had one judge, appointed by the tribal council, since its inception. The judge has received only token compensation.
- ▶ The court has held a handful of formal hearings. Generally, court activity is conducted informally with the judge functioning as a mediator-negotiator.
- ▶ The court operates under a Code of Civil Procedure and Children's Code. The court asserts personal jurisdiction, under traditional Tlingit law, over children born to female clan members regardless of their state of residence.
- ▶ The tribal Children's Code mandates that the court cooperate with the State Division of Family and Youth Services (DFYS) and others to coordinate functions in the best interest of Indian children and their families. Cooperation is a hallmark of tribal-DFYS relations.
- ▶ Aside from three civil actions which involved internal tribal politics, the court's entire caseload has been comprised of children's cases. The court receives referrals from attorneys, notice under ICWA from the state courts and DFYS, and from other states. A number of cases come from the tribal social service agency and from self-referrals.
- ▶ Typical cases include guardianships and tribal child in need of aid matters. The court has also intervened in ICWA proceedings in Alaska and elsewhere, and successfully won transfer of some actions to tribal court. Recently the court has assisted in negotiating child custody and visitation questions.
- ▶ Parties have a right of appeal to the Sitka Tribal Council.

3. PACT

- ▶ PACT is a community conciliation organization in Barrow. Its name is an acronym for the Tagalog (Filipino), Inupiat (Eskimo), and English words for "come together." The group has been active since 1989.
- ▶ Broadly, PACT's goal is to promote harmony in the community. Activities designed to meet this goal include offering free conciliation for Barrow residents, educating the community about conciliation, and promoting community

responsibility for conflict prevention and resolution. PACT also provides technical assistance to other Alaska communities interested in conciliation.

- ▶ PACT is an independent group with no institutional ties to any power structure in Barrow. The group believes its independence gives it credibility and flexibility.
- ▶ PACT is organized as a nonprofit corporation. Its only requirement for membership is that one be "ready, willing and able to participate as much as possible in PACT activities." Members have responsibility for carrying out tasks they volunteer to complete.
- ▶ PACT applies no substantive law. Disputants craft their own solutions. The process emphasizes consensus.
- ▶ PACT's dispute resolution process begins with intake and screening. All disputants must personally request services. If a case is deemed inappropriate for PACT, referrals are made. Sometimes a PACT member trained in dispute resolution helps the disputants resolve their disagreement without resort to the panel process. If early resolution is not possible, the parties are referred for a panel session. These generally take up to four hours and provide the disputants an opportunity to talk about the facts of their disagreement and their feelings about the problem in a structured, safe, and non-judgmental atmosphere.
- ▶ Resolutions vary depending upon the unique circumstances of the case. Except in instances where the parties have agreed to a payment schedule and written out the details, case resolutions are typically memorialized by a handshake. Afterwards, a PACT member follows up to assure that the resolution is holding. Disputants may ask to have the panel reconvene if they want to further negotiate an issue.
- ▶ PACT's guidelines specifically exclude the following types of disputes: child abuse or neglect, foster care, child in need of aid, domestic violence, probate, disputes being processed by another agency, or cases in court. The group does agree to hear such matters as landlord-tenant problems, noise or pet complaints between neighbors, property damage, vandalism, unpaid bills, and workplace or school problems. PACT has handled a large number of small claims-type actions and landlord-tenant disputes.

C. Findings, Conclusions and Recommendations

The purpose of this project was to describe and evaluate three organizations in rural Alaska, other than the state court system, that resolve disputes. After reviewing all of the case files from the Minto and Sitka tribal courts and the Barrow PACT conciliation organization, comparing those case files with similar cases in the state courts, interviewing nearly 100 attorneys, judges, decision-makers, conciliators, and other persons interested in the organizations, reviewing Native law and current alternative dispute resolution processes, and assessing a wide range of other information about each organization, the Judicial Council makes the following findings.

1. Findings

Rural Alaskans in Barrow, Minto and Sitka have found ways to solve their disputes locally. They have adapted three methods of dispute resolution to their unique circumstances. Barrow's PACT blends the urban, apolitical Community Boards and the rural Indian Peacemakers in the Arctic environment. Sitka's tribal court harmonizes federal, state, and traditional Tlingit law in its decisions and process. The Minto Tribal Court embodies Athabascan justice, modern and ancient. These three organizations indicate that many Alaska communities could create equally unique and effective dispute resolution organizations. The evaluation found that the organizations shared the following characteristics.

Reliance on Volunteer Effort. Each organization was founded by individuals strongly committed to an idea, whether the idea was a vision of community harmony or well-being, or of collective responsibility. This initial commitment has translated over the years into a willingness to work long hours, for little or no pay. However, this reliance on volunteer support has left all three organizations susceptible, in varying degrees, to burnout and turnover among decision-makers/conciliators and support staff.

Absence of Outside Funding. None of the three organizations relies on outside funding sources; in fact, none of the three has any significant material support. PACT owns an answering machine, Minto owns case files alone, and Sitka owns only a file cabinet. That these organizations have accomplished so much with so little is testimony to the integrity of the ideas that inspired them and the commitment necessary to bring those ideas to life.

Community Support and Acceptance. Each organization has been continuously active in varying degrees, for a number of years. This continuity is tied to broad-based community support and acceptance. In Minto, every member of the village had the opportunity to assist in drafting village ordinances. Public participation in law-making has given the tribal court heightened credibility and visibility within the community. In Minto and Sitka, community support and awareness of the court's work serves to attract participants and to be a factor in their compliance with the courts' decisions. In a few instances, non-Native members of the community voluntarily used or cooperated with the tribal courts in the resolution of children's and family matters, and in civil regulatory cases. Community support is also key in Barrow, since PACT hears cases only when both disputants consent.

State and Governmental Agency Support and Acceptance. Each of the organizations interacts with one or more state or other governmental agencies. The Sitka tribal court works with the state's social workers and the state courts. Minto relies heavily on the VPSO program that is funded through the state Department of Public Safety. PACT, in Barrow, interacts least routinely with state agencies, but the state court does distribute information about PACT to everyone inquiring about small claims litigation.

Referral Systems. A strong system for referring cases to the organization is critical to its effectiveness, judging by the experiences of these three organizations. The strongest and most reliable referral sources are those tied to governmental structures, such as the VPSO in Minto and the Sitka tribal and state social workers. The tribal courts also draw on ICWA referrals, and referrals from state agencies. PACT lacks a consistent referral source, and has the smallest caseload of the three organizations.

Case Screening. Decision-makers/conciliators select the cases they will take and reject those that do not meet criteria they set. PACT formally expresses these criteria in writing. The Sitka Tribal Court judge screens cases based on past experience, and the Minto Tribal Court relies on discussions among its members about which cases to accept or reject. As a practical matter (given the unsettled legal status of tribal courts in Alaska), the Minto and Sitka tribal courts attempt to avoid cases that might directly challenge their authority or jurisdiction. PACT's case screening focuses more on the organization's philosophical beliefs about the types of cases appropriate for conciliation than on concerns about challenges to its jurisdiction.

Caseload Characteristics. The three organizations differ in the types of cases that they hear. Minto's tribal court attempts to police the community, not so much to punish offenders as to "help" villagers solve problems. The court also handles some traditional adoptions in addition to the civil regulatory cases that make up the bulk of its work. The Sitka Tribal Court's cases consist almost entirely of child custody proceedings, some of which are involuntary proceedings under ICWA and some of which are guardianships. A few have been formally transferred to the tribal court from state or county courts in other states. PACT handles mostly civil matters such as landlord-tenant matters and small business cases. PACT, to date, has not handled any criminal or domestic matters.

Importance of Dispute Resolution Style. Participants in each organization believed strongly that the opportunity to resolve disputes in a certain way (e.g., with equal participation, in a conciliatory manner, or in "the traditional Athabascan way") was one of the most important reasons for, and benefits of, an alternative dispute resolution process.

Separation of Tribal Court Activities from Sovereignty Issues. Tribal courts were able to handle many types of disputes satisfactorily without resolution of sovereignty issues. Rather surprisingly, the presence of those unsettled issues did not interfere significantly with the tribal courts' ability to resolve disputes productively.

Cultural Cohesiveness. The three organizations studied differ in the degree of cultural cohesiveness within their communities and their participants. Sitka's tribal court operates in the fourth-largest Alaska community and serves not only Tlingit, but also other Alaska Natives and Indians from other states. Indianness predominates among Sitka Tribal Court disputants, although some are non-Indians related through marriage or joint parenthood to Indian disputants. In Minto, participants are more alike, ethnically and culturally, than they are different. In contrast to these two, PACT offers conciliation services in Barrow to a wide range of cultures. Cultural or ethnic cohesiveness of the community may be helpful, but does not appear to be at all necessary.

2. Conclusions

Effective Dispute Resolution. Each of the organizations has demonstrated the ability to effectively and fairly resolve disputes within its community

to the satisfaction of the great majority of participants, and it seems, to the satisfaction of parties whose cases were handled by the organization. They also have operated continuously for a substantial period of time.

Interaction with State Courts. The organizations interact with state courts to varying degrees; each has demonstrated the potential for increased interaction to the benefit of the state courts.

Interaction with Other State Agencies. The organizations interact with other state agencies to varying degrees. In particular, DFYS social workers and VPSOs are important sources of case referrals for the tribal courts. In general, these interactions appear to be beneficial for all parties. For example, the Minto Tribal Court appears to ease the workload of state prosecutors.

Characteristics. The characteristics of effective rural dispute resolution organizations, based on this evaluation, appear to include committed volunteers to run the organization; voluntary acceptance by disputants of the organization's resolution of disputes whether through conciliation methods or other techniques; one or more reliable sources of case referrals; and acceptance, at least informally, by state courts and governmental agencies of the organization's activities.

Resources Needed. Remarkably few resources were needed for the operation of each organization. Increased resources would permit better training of decision-makers/conciliators, less turnover and burnout among decision-makers/conciliators, and more effective service to the communities, among other benefits. However, the organizations' fiscal resources were not the most important aspect of their operations.

Resolution of Sovereignty Issues. In the long run, the tribal courts' ability to work with the state courts and other agencies will be improved by the resolution of sovereignty issues because the ambiguity of those issues will not act as a barrier to cooperation on the resolution of cases.

Use of Tribal Courts by Non-Natives. Non-Natives voluntarily used or cooperated with tribal courts in the resolution of children's and family matters, and civil regulatory cases. This indicates that the tribal courts can serve citizens of all races in the state in their capacity as local dispute resolution organizations.

Wide Range of Disputes Resolved. All three organizations evaluated appeared to have the potential to handle a very wide range of dispute types that are presently filed in state courts, including typical civil matters, family and children's matters (this was less clearly demonstrated in the case of PACT), and quasi-criminal matters. They also were able to deal with personal disputes that normally would not be handled by the state courts.

Homogeneity of Community. Homogeneity of a community's population did not appear to be related to the ability of the organization to resolve disputes.

Replication. To the extent that other communities can replicate the conditions that appear to be essential (i.e., committed volunteers, strong referral sources, willingness of community members to submit their disputes to the particular process chosen), they should be able to establish local organizations to resolve disputes within the community. Effective local organizations will serve somewhat different needs in each community and it is not recommended that a community attempt to duplicate exactly any one of the three organizations evaluated.

3. Recommendations

Cooperative attitude towards legitimate work of tribal courts. Issues of Native sovereignty and the authority of tribal courts have been in dispute in Alaska for many years and will likely continue to be so. The Judicial Council takes no position on the resolution of these issues, which are beyond the scope of this study. None of the following recommendations should be taken as supporting or opposing Native sovereignty or the authority of tribal courts to compel compliance with their proceedings or orders. They should, however, be taken as supporting a cooperative attitude on the part of the State and the Tribes toward the legitimate work of tribal courts. To the extent that local communities voluntarily submit to the authority of dispute resolution organizations, the State has every reason to support this effort, including cooperation with organizations identified as tribal courts.

Further discussion of remaining issues in the ICWA state/tribal agreement. The Judicial Council recommends that in an attempt to foster cooperation between the state and its Native population, the Department of Health and Social Services considers beginning discussions on the issues that were reserved for subsequent negotiation in the

1989 ICWA State-Tribal Agreement. Those issues were tribal courts, jurisdiction, and state funding for social services and for children placed in foster homes by a tribe. Included in negotiations on state funding of social services should be discussion of a tribal guardian ad litem program modeled after the state's.

Continued voluntary cooperation among rural dispute resolution organizations and state personnel. The Judicial Council recommends that state agencies and employees continue to cooperate voluntarily with rural organizations to further local justice in both civil and criminal matters, in order to meet the legitimate expectations of rural communities for justice in their communities.

Increased voluntary development of local alternative dispute resolution organizations in interested communities. The Judicial Council supports greater development of voluntary local dispute resolution organizations in interested communities. The State does not provide law enforcement and prosecution services to all villages for minor criminal matters, and it is appropriate for village governments to assert control over these matters and to seek local solutions. The Council recommends that the Department of Public Safety establish clear policy encouraging the referral by Troopers and VPSOs of appropriate criminal matters to local dispute resolution organizations, including tribal courts. The Department also should include discussions of local dispute resolution options in VPSO training.

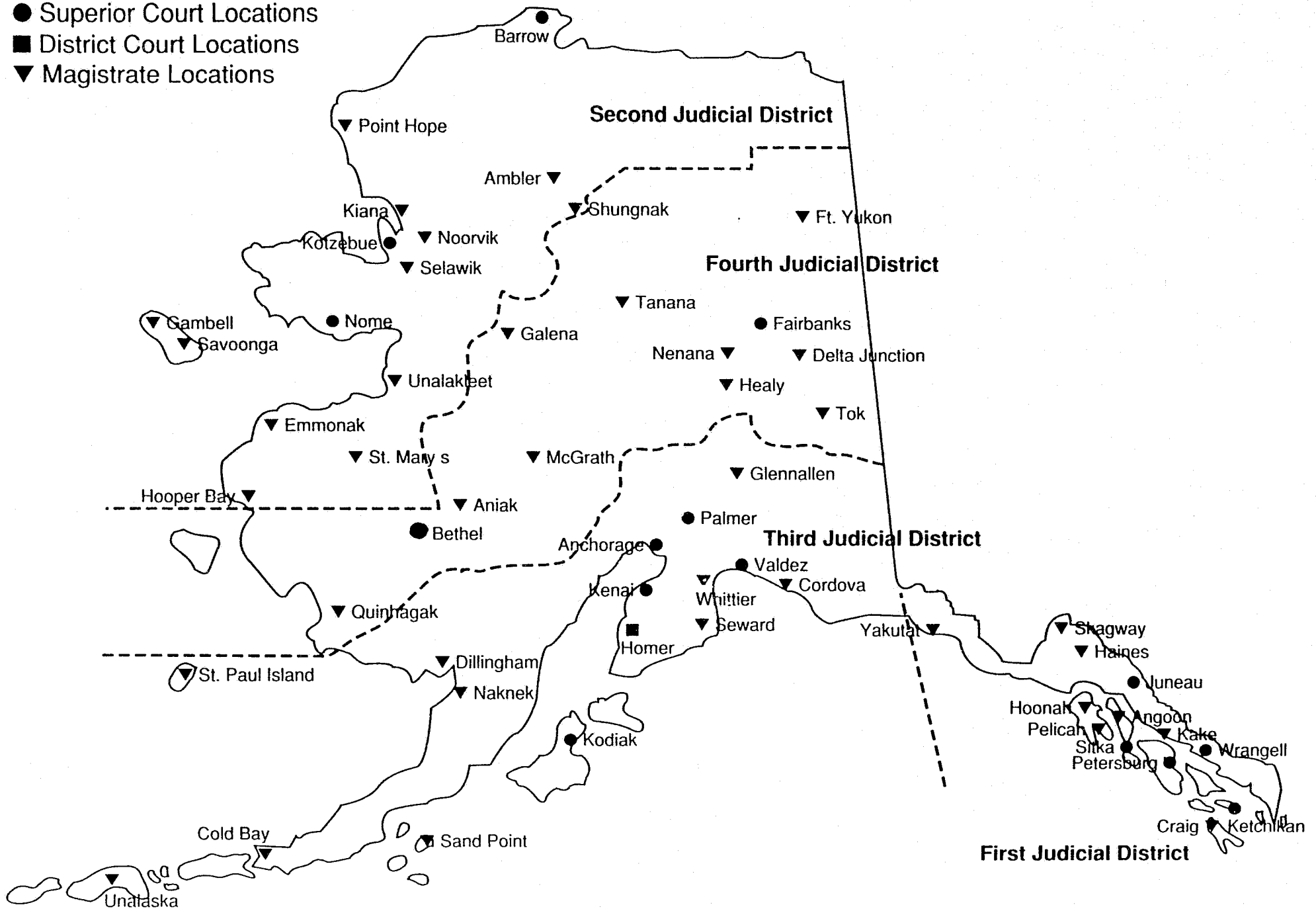
Continued mutual education between state and tribal courts. The Judicial Council recommends that the state and tribal court judges make continuing efforts to communicate with each other. Current efforts at mutual education include the Tribal/State Court Working Group, composed of ten lawyers and judges who work with state and tribal courts in Alaska. A second important step toward mutual understanding was the half-day tribal court session at the 1992 Alaska Judges Conference. The Judicial Council recognizes the very important steps these activities represent and praises the coordinators of and participants at this year's judicial conference for their efforts at opening communication between state and tribal court judges.

Also welcome are other efforts by the tribal courts to invite state court judges and court personnel to visit their locations (Metlakatla, for example, recently invited the Chief Justice and state court judges in its area to visit). Further discussions should take place in a series of meetings at which work groups organized by both state and regional levels conduct research and carry out specific tasks. Work groups should reconvene at the meetings to report on progress achieved.










Support for court-referred victim/offender mediation by PACT. The Council recommends that the State support any efforts by PACT to commence agency or court-referred victim-offender mediation. PACT can provide a valuable service to Barrow by providing the service, and in turn, can benefit from the institutional connection with the referring agency or court system.

ALASKA COURT LOCATIONS

- Superior Court Locations
- District Court Locations
- ▼ Magistrate Locations

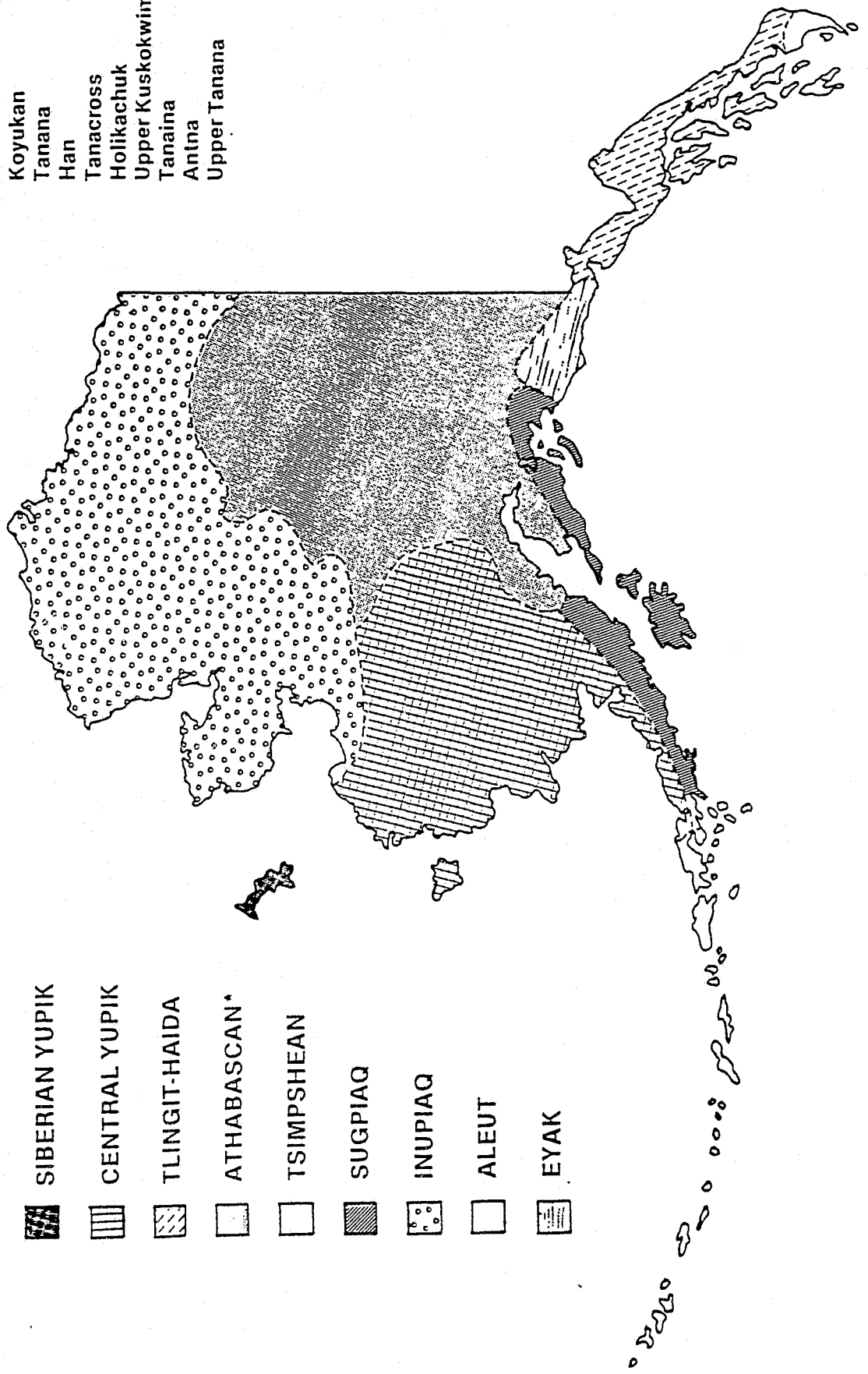


NATIVE LANGUAGE BREAKDOWN

-  SIBERIAN YUPIK
-  CENTRAL YUPIK
-  TLINGIT-HAIDA
-  ATHABASCAN*
-  TSIMPSHEAN
-  SUGPIAQ
-  INUPIAQ
-  ALEUT
-  EYAK

*ELEVEN ATHABASCAN LANGUAGES

- Kutchin
- Koyukan
- Tanana
- Han
- Tanacross
- Hoiikachuk
- Upper Kuskokwim
- Tanaina
- Antna
- Upper Tanana



Appendix K

Child Visitation Mediation Project

Appendix K

Child Visitation Mediation Project

Executive Summary

The Alaska Child Visitation Mediation Pilot Project was a seventeen month pilot project created and funded by the Alaska Legislature. Its purpose was first, to help parents having visitation disputes resolve those disputes through mediation, a collaborative problem solving process emphasizing cooperation and communication, and second, to evaluate the effects of mediation on the families who participated, especially on the children.

Based on the data gathered for this project, and on information provided by other states, the Judicial Council concluded that if the pilot project's current eligibility restrictions were included in a future project, that project would not be cost-effective. However, the Judicial Council concludes that an expanded mediation program would be more cost-effective and would help meet the needs of a substantially larger group of parents. Therefore, the Judicial Council recommends that the legislature create a future mediation program and expand the scope to include issues of custody and child support that are directly related to visitation, with the requirement that child support agreements be subject to court approval, or to administrative approval, whichever is appropriate. In addition, the Judicial Council recommends that parents without a visitation order be permitted to mediate, and that in certain circumstances people who have experienced domestic violence who want to mediate be permitted to do so, for example, after receiving domestic violence counseling.

The Pilot Project accepted cases from December of 1990 through November of 1991, screening 475 inquiries during that eleven-month period. Of the 475 inquiries, 85 were given information or referred to other agencies. Of the remaining 390 cases, 237 (61%) were found to be ineligible for mediation services due to a statutory restriction excluding cases involving domestic violence or a pattern of harassment (at any time, past or present), 27 were ineligible due to a statutory restriction excluding cases lacking a court-ordered visitation schedule, and one case was excluded under a restriction prohibiting parents from mediating a material change in the visitation order. Applicants who were ineligible for mediation were given referrals to other organizations and service providers.

The especially large number of cases screened out for domestic violence and harassment was unexpected. Because domestic violence cases comprised the largest group of cases in the project, they were studied in more detail. Victims of domestic violence who had requested and been denied mediation were interviewed on the phone

and were asked to complete a written questionnaire. Often, victims saw the violence as irrelevant to the situation because it had occurred in the past, or had been relatively minor or infrequent in nature. Virtually none of the victims interviewed perceived formal litigation through the court system as a realistic option for them. Many victims, after being told that the exclusion was designed to protect them from further violence and from unequal bargaining power, indicated that they should be the ones to decide whether the potential risks associated with mediation were outweighed by the potential benefits or by the potential and actual risks of other options (i.e., dealing with their abuser directly, dealing with their abuser through a lawyer). Many of these victims still wanted to try mediation; a few felt that mediation might not be right for them.

Only 125 cases were eligible for mediation services. Of that total, only 20 cases actually mediated. Eligible cases did not go to mediation for a variety of reasons, the most common being that the applicant never filed a formal request for mediation (42 cases), and that the responding parent declined to participate in mediation (34 cases). Of the eligible cases, the Judicial Council further analyzed characteristics of two groups: those who mediated and those in which one parent declined mediation. These two groups were compared to each other and to the ineligible applicants.

Because the number of mediations was so small, the Judicial Council could not evaluate the effects of the mediations with statistical certainty. However, some general conclusions could be reached. One finding is that half of those who mediated had shared parenting arrangements of some sort (either joint legal custody, or joint physical and legal custody). Shared parenting arrangements characterized only 26% of the total project cases. Also, those who mediated tended to be more educated and have higher incomes than all other groups. They had lower child support arrearages than any other group, although 87% were in arrears when they contacted the project.

A second finding concerned the cases in which one parent refused to mediate. Parents in this group seemed to be more hostile and embittered towards each other than the parents in any other group including those disqualified because of domestic violence. They also complained of more visitation problems at intake than any other group, and reported having more child support arrearages than any other group.

The Judicial Council evaluated the results of the mediations on seven different criteria contained in the legislation. The results of these evaluations suggested first, that mediation seemed to help parents focus on the needs of their children and come to agreements that furthered the best interests of their children. Second, it seemed that parents and mediators who were able to reach agreements were generally satisfied with the process, and, surprisingly, that some of those who could not reach agreement had been satisfied with the process or at least continued to believe that mediation could be useful to other parents.

In attempting to measure whether mediation is more economical and efficient than litigation, the Judicial Council discovered that few visitation disputes are resolved

through formal litigation; indeed, many are never resolved at all, although some are worked out between the parents one way or another. With that caveat in mind, it nevertheless appears that for those visitation disputes that are resolved through formal litigation, mediation is more efficient and faster than formal litigation, and that it is at least as economical (measured in terms of cost to the state and also in terms of cost to the litigants).

It was unclear whether mediation helped reduce future litigation. Seven of the parents who mediated visitation issues also had custody or support motions pending with the court when mediation began; none were able to settle those motions during mediation or after it ended. On the other hand, parents who were litigating during and after mediation were not litigating issues that could have been mediated; i.e., they were litigating custody and support issues beyond the scope of this project. Also, one parent filed a formal motion to change custody after being told that he could not discuss custody and support in mediation. These data, in addition to child support data and comments made in interviews and on written questionnaires, suggest that parents who mediated a visitation problem often had custody and support disputes on their minds as well, and that addressing the visitation problem did not cause the support and custody issues to go away.

Finally, the Judicial Council found possible support for the hypothesis that mediation can help improve compliance with child support. Although the number of cases for which CSED data were available was very small, it appeared that child support arrearages for parents who mediated (including those who did not reach agreement) dropped 32% between the day that mediation was requested and the end of the project. Similar decreases were not noted for the domestic violence group or for the group in which one parent refused to mediate. Thus, although the mediation group's improved child support compliance could be related to many factors, it is at least possible that mediation was one of them.

Appendix L

Evaluating Smaller Scale Imaging Systems

Appendix L

Evaluating Smaller Scale Imaging Systems

William T. Cotton
Alaska Judicial Council

I. Introduction

A. The Alaska Judicial Council

The Alaska Judicial Council is a small state agency charged by law with: (1) screening and nominating judicial applicants; (2) evaluating the performance of judges and making recommendations to the voters on whether the judges should be retained; and (3) conducting studies and making recommendations to improve the administration of justice in Alaska. Despite its small size--currently eight employees--the Council has generated tens of thousands of documents over the thirty years of its existence. Filing, storing and finding these documents when needed has become increasingly difficult, time consuming and expensive.

Because of the Council's increasing difficulties with paper records, Council staff began investigating computer systems for electronically storing and retrieving documents in the fall of 1991. By the summer of 1992 the Council had completed a thorough evaluation of small-scale imaging systems and related components. An imaging system was installed in August 1992 with the help of a grant from the State Justice Institute (SJI).

The Council currently is entering existing paper documents into the imaging system. We expect to issue a final report in June 1992. In the meantime, Council staff will work with interested courts, state agencies and other users to share our experience and knowledge with document management imaging systems. The current report is a draft portion of the final report which is intended to inform users of the information and criteria needed to evaluate imaging equipment. Please feel free to contact the Council's executive director, William Cotton, for more details.

The Council emphasizes that this report is necessarily based on its staff's evaluation of the products reviewed within the context of the Council's work. Other persons, especially persons who work for agencies with different needs, might reach different conclusions. Further, the report is based on the perspectives of end users rather than specialists in the imaging field.

B. Imaging Software

The central component in an electronic document managing system is its imaging software. It allows the user to store, retrieve and view electronic images of documents.

The list of imaging software products evaluated here certainly is not complete or even to date. First, the Council was concerned with relatively inexpensive systems. (As a general rule, the imaging software reviewed could be purchased for a five-station network for under \$20,000.) Second, this area is one in which technology is rapidly advancing. New imaging software is appearing monthly and existing products can disappear almost as fast. Even products which are available when this report is read will probably have substantially new features.

The imaging software reviewed by the Council generally was available as a separate product--in other words, it was not necessarily tied to and sold with other components of an imaging system such as scanners and optical drives. This ability to mix and match standard components has been a major advancement in imaging technology which promotes flexibility and lower prices.

However, it is important to understand that this ability to mix and match components has only advanced so far. Any particular imaging software product is only compatible with a limited number of other components. Thus, it is absolutely critical to evaluate and make a decision on imaging software before purchasing other imaging equipment.

The report will first summarize the various components of imaging software. As will be apparent, imaging is only a small part of the product's capabilities. Second, the report will discuss how to evaluate imaging software.

II. An Overview of the Components of Imaging Software

Imaging software allows paper documents to be stored, retrieved and viewed electronically. However, this capability is only a small part of most of the imaging software now available. Thus, before discussing how to evaluate the software, it is useful first to briefly discuss what these various components are.

A. Document Management

Imaging software is perhaps first and foremost a computerized system for organizing and keeping track of documents. This component has nothing which necessarily has to do with "imaging," and could be constructively applied even if all documents were to remain paper files in filing cabinets. The software allows the user to find documents by which folder/drawer/cabinet the file is in (whether electronic or not), as well as find documents by keywords, dates or other special index fields.

Adding the folder/drawer/cabinet as well as keywords and other information to the computerized document management system is one of the most difficult and time consuming parts of establishing an imaging system. In addition, users must spend a great deal of effort reviewing the organization of current files and deciding how the files can be better referenced by a computerized document management system.

However, the time spent in designing and implementing a computerized document management system can be well worth the effort. Council staff have become tremendously more familiar with Council records through this process. We not only know much more about what documents we have, but can use this knowledge to better complete our day-to-day tasks.

B. Database of Information in Documents

This second component of imaging software, just as the first, has nothing necessarily to do with electronic storage and retrieval. Here the objective is to create a database of information in documents--not to find them as was the case with the document management component, but primarily to answer questions that arise without the need even to look at a document. Very few imaging systems include the ability to create such a database. We concluded that it was one of the more important features, however, because all imaging systems require that labor be expended to create keywords

and to index documents. If the program builds a database simultaneously, the usefulness of the indexing effort has been multiplied several times, because the database can serve a variety of management and forecasting purposes.

In practical terms this means a capability to store information in user-created fields at the file folder rather than document level. For example, the Council has many documents for each judicial applicant which are organized into file folders named for the applicant. The Council's imaging software allows us to save information about each applicant in a database. We hope to minimize the need to look up multiple documents which even on the computer will be more time-consuming than looking in the database. Also, we should be able to statistically analyze the information about applicants and use the database to automatically produce the summary sheet on each applicant for the nomination process that now is done by hand.

C. Imaging

The actual imaging component of the software is relatively straightforward. Once a document is located using the "document manager," and assuming we still need to see the document itself rather than the information also on the "database," an imaging capability allows the user to virtually instantaneously view an image of the document. Staff time to retrieve documents from paper files is saved as well as storage space. Documents are entered into the system by scanner, fax or importing image files. The electronic documents usually are stored on optical disk storage devices.

D. Text (as Opposed to Image) Storage

The imaging component of the software stores and retrieves images of documents. However, many imaging products also will store and retrieve application files containing text or data, and automatically launch the software that created the document when it is retrieved. For example, most of the Council's current documents are created by Council staff using WordPerfect for Windows. Our imaging software allows us to store and retrieve these documents as WordPerfect files, saving considerable disk space, scanning time and allowing us to easily update documents when, for example, a judicial applicant applies for a second vacancy.

E. Optical Character Recognition (OCR)

OCR allows images of documents (or parts of documents) to be converted into text. The only alternative, assuming this conversion is necessary, is to retype the document. OCR can be used by imaging software in three ways.

First, OCR can allow small zones in a document to be converted into text for index fields so that the document does not have to be indexed by hand. This can be a tremendous timesaver if an organization uses forms where zones for fields can be standardized. The technology for this type of OCR works fairly well.

Second, OCR can allow all or part of a document to be converted into text so that a full text search capability can be used to find information. While OCR will make many mistakes even on relatively clear documents, it is accurate enough to constructively use in this regard.

Third, OCR theoretically can replace an image of a document with text. However, unless the document is in near perfect condition with a standard layout, it is almost easier to retype the document if it must be mistake free.

F. Networking

While imaging software can be installed on a standalone computer, imaging technology is much more useful when available on a network. Users can have access to documents, even simultaneous access, at their desks. Further, using a network allows the utilization of other applications such as E-mail and workflow, which are discussed below.

G. Electronic Mail

In most organizations, documents are not simply retrieved and refiled by individual users. Rather, a document must go through a process of review by multiple users, each of whom may have something to pass along about the document. Imaging software with an E-mail component allows this sharing of documents to occur electronically. Such software, in addition to allowing documents to be electronically routed, usually allows written or even spoken notes to be attached to documents.

H. Fax

This capability in imaging software allows documents to be electronically shared with others outside the office much like E-mail allows sharing within the office. Further, the component allows documents to be entered into the system directly by faxing rather than submission of paper documents which then must be scanned.

I. Workflow

Workflow is a component of certain imaging software systems which allows repetitive tasks requiring document routing to be standardized. For example, the Council regularly screens and nominates judges. Workflow components allow an electronic message to be sent to a staff member whenever a task needs to be completed. The message can include instructions, a copy of any documents necessary to complete the task, and a deadline.

Much of the literature on imaging systems emphasizes the workflow component of imaging as more important than everything else put together. While this conclusion depends on the type of tasks an organization has, implementation of workflow allows an organization not only the opportunity to do what it does more effectively, but also the opportunity to review the organization's work processes to significantly change those processes for the better.

III. General System Standards

Before focusing on the features of imaging software applications, it is useful to discuss the general system factors that will guide the choice of imaging software.

A. System Size

1. Standalone Systems:

Several excellent standalone (single user) imaging products are available. While E-mail and workflow are of course not available with standalone systems, sophisticated products are available which include all other features for under \$1,000. A standalone system might be appropriate for a very small office. The key here is to fully consider whether the system can be upgraded if necessary.

Imara Lite is sold for under \$300 and includes all the features of the regular version of Imara, except of course the network features such as E-mail. However, it is only an option if the user will not need to have the documents available on a network in the future.

Single user versions of File Magic (formerly Imagic) and Keyfile are other examples of Windows imaging software available for under \$1,000. These products have the advantage of being upgradeable to a network version--File Magic to about five users and Keyfile substantially more. Paper Less Filer is an excellent example of DOS imaging software available for under \$500 which can be upgraded to a network.

The Canofile 250 is a very different example of a standalone system. It includes all associated software and hardware including a built-in scanner, monitor and computer for \$15,000. While its solely proprietary hardware and software are a drawback, it does have excellent capabilities as a standalone unit.

2. Network Systems:

All of the systems we reviewed, except for Imara Lite and the Canofile 250, can be used on a network. Thus, users can review files at their desks which other users also have access to--even simultaneous access to--the same document. The Council's focus was on small network systems rather than standalone systems. Our network contains six workstations currently.

The first variable to consider is how large a network the product is compatible with. Some products are aimed at networks no larger than about five to eight workstations. On the other hand, other software packages, such as those using an OS-2 server, are capable of supporting many more workstations. The key to evaluating a system's capabilities is to talk to a customer who uses the system on at least as large a network as you wish to do.

Second, make sure that the imaging software supports the network you wish to use. Note that peer network systems such as Lantastic are probably impractical for other than quite small networks given the sheer size of imaging files.

B. Operating Systems

The Judicial Council focused on imaging applications which run under DOS and Windows. We also reviewed several OS-2 systems, but did not attempt to review Macintosh systems.

1. DOS vs. Windows:

One of the first choices which a user must make is whether to acquire a DOS or a Windows imaging application. The Council decided on a Windows product--Imara--after concluding that Windows was the clear choice for our needs. However, DOS systems do have advantages.

Windows currently appears to be the interface of the future, not only with imaging systems, but with software generally. Further, most new imaging software is written for Windows. Windows imaging software is, as a general rule, easier to learn and use. The Windows' graphical interface works better for manipulating and viewing images. Finally, and this point is quite significant, Windows imaging applications are preferable to their DOS counterparts because they can use standard Windows drivers for such things as monitor resolution and printing. A user must be much more careful that a DOS system is compatible with related imaging components, although this is a real concern even for Windows systems.

DOS imaging applications, however, do have significant advantages. They will run on less powerful computers and, other factors being equal, they probably will run faster than a comparable Windows program. Further, a DOS system can be designed to be as easy to use and even as graphical as a Windows system. The Council reviewed several DOS systems, including Data Flow, Laser Fiche, Paper Less Filer, Paper Tamer and UniDoc, all of which had their strong points.

2. OS-2:

The Council reviewed only one system which was designed to run on OS-2 workstations--Imara. Given the lack of software for OS-2 versions 1.3 and 2.0, and, more importantly, the compatibility problems with different imaging components which are likely to arise, we would be wary of attempting to set up an imaging system on OS-2 workstations.

However, the ability to run OS-2 on a server, found in Imara, Keyfile and DocuPact, has advantages. Such a server is probably more stable and can handle more traffic than its DOS-based counterparts. Also, a small organization like the Council can combine a network OS-2 server such as Lan Manager with the imaging server. This brings considerable savings for small users.

3. Macintosh:

The Council did not review Mac systems. We did, however, run across two. The first is called MARS and is produced by Micro Dynamic Ltd. [(301) 589-6300]. Their product starts at about \$30,000. The second product was Optix produced by Blueridge Technologies [(703) 675-3015].

C. Proprietary vs. Open Systems

Users should choose imaging applications that do not rely on proprietary hardware and software components for several reasons. The price of open systems will generally be lower, and the user will be less dependent on a particular company that could go out of business. Open systems permit the user more flexibility in the choices of components and compatibility with other hardware and software already installed.

Most small scale imaging products are quite open in many regards. They are designed to run on any PC with sufficient processing power and can work with a variety of peripherals such as scanners, optical drives and monitors. The proprietary Canofile 250 is the obvious exception.

One aspect in which the software differed significantly was the use of a proprietary database. It is cheaper for imaging software to use a proprietary database, and one can be crafted which is particularly tuned for images. However, a proprietary database, even when coupled with various utilities, is an inferior solution compared to the use of such options as Oracle, Microsoft's SQL Server, or the Gupta database. An open database means that more tools will be able to access it and that the user is not dependent on a relatively small imaging company for these tools.

Another important reason for a system to use open systems is the compression method imaging software uses. However, most products we reviewed did allow use of the industry standard CCITT III and IV.

D. Component Compatibility

As mentioned elsewhere in this report, it is critical to choose imaging related hardware and software compatible with the imaging software selected. Of course, imaging software which is compatible with a larger variety of peripheral equipment is a major plus for the imaging product.

E. Ease of Use: The Interface

This report will emphasize consistently that imaging products should be evaluated in terms of how easy they are to use. It bears repeating that ease of use will depend in many respects on the particular needs of each user and how these unique needs blend with product features.

One general aspect of ease of use concerns the software interface. Keyfile is a good example of an interface that is sophisticated, but appears relatively simple to the user. Interestingly, Keyfile has so many options that it is actually much more complex to set up than it appears to the casual user.

This area is so subjective that it is difficult to offer general advice. However, we can advise users to try several imaging systems in their own offices before committing to any one. Viewing products at trade shows or at a vendor's office simply cannot give enough hands-on experience to make a fully informed decision. Council staff evaluated products by having five employees spend a minimum of several hours apiece with different software packages. Staff used the Council's own documents to get as much of a feel as possible for the qualities of each product under actual working conditions.

In this regard, note that several products such as Paper Tamer and Fileflo are available on free demonstration disks. These disks are worth trying, to get a general feel for imaging products even if you believe you are probably not interested in purchasing those particular products. Also, many vendors are willing to allow serious potential customers to try their system for 30 days.

IV. Document Organization and Access

The features and capabilities of imaging software which relate to document organization and access (the "document management" component discussed above) are

probably the most critical part of the software for most small users. The methods of organizing documents and permitting access to them generally fall into five areas: (1) hierarchical structures; (2) index fields and keywords; (3) full text search capability; (4) hyperlinks; and (5) simulated desktop.

A. Hierarchical Structures

1. Introduction:

The most common method of allowing access to electronic documents is to organize them in hierarchical levels, usually mimicking a traditional paper filing system. Documents are grouped into "folders," "drawers" and then "filing cabinets." This structure is simple and intuitive, and can take advantage of existing file organization. While products such as Paper Gate can access any document relatively easily without using a hierarchical structure, this approach is almost necessarily more confusing for the casual user.

2. Presentation:

A hierarchical structure can be presented in several different ways. The best way seems to be an expandable or contractible tree structure much like that used in the Windows 3.1 File Manager. This approach, used by Paper Tamer, allows easy access through the hierarchical structure, while at the same time giving the user an overview of the file organizational structure.

A second means of presenting the organizational structure uses some variation of what we refer to as "descending boxes." A box listing the different file cabinets is presented initially. Selecting one particular cabinet brings up a new box showing the drawers in that cabinet. Selecting a drawer brings up a list of its contents and so on. This presentation of the structure is probably the most common (Imara is an example) and it is certainly more than adequate. Its drawbacks are that the overall structure can become confusing for the casual user and that it takes slightly longer to navigate around in the structure.

A third means of presenting the file structure is through use of a spreadsheet type table. A product named File Flow uses this option to list the cabinet, drawer, folder and document name for each document. While this method is a bit different and takes

getting used to, it does offer sort options that are not available in the presentation methods discussed above.

3. Levels:

Imaging software varies in the number of hierarchical levels it allows the user to set up. The most sophisticated allow a virtually unlimited number of levels. Documents can be placed directly in cabinets or alternatively in folders, nested in other folders. A good example of such a system is Keyfile.

Software which only allows a two-level structure, and even Imagic which is limited to three levels, is extremely limited. However, software which allows four levels (cabinet/drawer/folder/document) is probably more than adequate for most users. Imara and Navigator 2000 are examples.

4. Filing:

Imaging software allows users to place a document in the filing structure using several different methods. Shortcuts to the arduous task are discussed below under document entry. However, it is important to emphasize that this step is one of the most time-consuming parts of imaging and thus shortcuts are critical.

B. Index Fields and Keywords

1. Introduction:

All imaging software we reviewed, whether or not the software allowed hierarchical filing, contained some capability for entering index information about documents. This information sometimes could be placed into separate fields on a form and sometimes could be entered as keywords in a single field. Note that the dividing line between a hierarchical structure and index fields can be quite fuzzy. For example, Fileflo has four index fields called cabinet, drawer, folder and document, as well as a capability to add keywords.

2. Index Fields:

Ideally, imaging software allows the user to define the number, titles, and types (for example, text, numerical, etc.) of index fields. Imara and Paper Gate, for example, let the user design a form which can be exactly tailored to the organization's needs. File Magic allows a limited number of fields, more than enough for most users. Other software only allows a very limited number of fields whose titles are preset by the manufacturer.

3. Keywords:

Many systems provide a preset index field called keywords in which the user can enter multiple words or phrases to identify a document. While this approach is much less sophisticated than the ability to design multiple index fields, it may well be sufficient for many organizations. The Council, for example, uses Imara's keyword capability for much of the routine indexing, rather than its more sophisticated index field capability.

4. A Spreadsheet or Database Format:

One product reviewed, Frequent Filer, while allowing documents to be organized with user-definable index fields, had a very different look and feel from other products. The index information is presented in a spreadsheet or database format. In fact, the product seemed more of a database with an imaging capability than a pure imaging product. For example, a possible application for the software used by the manual was a bike shop inventory. The capability to show an item in the inventory or an order form seemed almost incidental to the database function of keeping the inventory. On the other hand, a focus on the database as opposed to imaging function may be exactly what many users want.

5. Search Capability:

The usefulness of index fields or keywords is only as good as the search capability of the software. Does the user have to remember the exact wording of the keyword or are wildcards and drop down lists available? Are searches case sensitive? Are boolean searches allowed? One of the best examples of a capable product in this regard is Paper Gate.

C. Full Text Search

One way to retrieve documents requires no organization at all when entering the document. If the full text of the product can later be searched (in effect every word in the document is a keyword) index fields and a hierarchical structure may be unnecessary (although a hierarchical structure and keywords are still a good idea in most situations). Of course, a full text search ability requires the capability to reasonably accurately enter documents using OCR. OCR is not possible with poor quality documents, and re-entering the text, or typing each document manually is expensive. Further, using OCR to create a text version of an image is very slow, as are full text searches.

Finally, a hierarchical structure or index fields provide for easier access to documents, assuming the points of access can be anticipated. For example, the Council would not rely on OCR and full text search instead of associating a document to a particular judicial applicant and vacancy.

Nevertheless, access to documents by a full text search is extremely useful for some types of documents. Court cases or similar reference material contain too many possible issues to reference solely with index fields. (Prime examples are the Lexis and Westlaw legal research computer systems.) The Council has scanned in its reading files without any indexing or keywords because retrieval will not be done often enough to justify the time required to index the files. They currently are organized hierarchically by year and month, but we hope eventually to be able to access information in the reading files using full text searches.

Full text search software products are not created equal. None of the imaging products we reviewed is as sophisticated as some of the software specifically written for this function. Laser Fiche is probably the most capable imaging product with full text search capability. For example, it allows the users to quickly review the context of search results (the sentence in which the words searched on appeared on-screen).

D. Hyperlinks

One product, DocuPact, allows an innovative method of accessing documents described as hyperlinks. A small portion of a document can be shaded and linked to any other document. Clicking with the mouse on this shaded area (the shading could be hidden or removed) brings up the linked document without regard to whatever index

fields or hierarchical structure were present. Such a feature is not necessary, but it certainly could be useful and we hope other software adapts this feature.

E. Simulated Desktop

The four document retrieval methods listed above all allow the user to, in effect, walk out to the filing room, find a document and bring it back to the office. This is sufficient if the user only needs a page or two at his or her desk at a time, but most people's desks have many documents and folders on them. It is inconvenient to have to go to the file room every time you need to refer back to a document, even if the file room is available through a hierarchical structure or index field.

Keyfile and Imara implement a system which allows users to leave icons representing documents, folders (including search results folders) on the computer screen, thus simulating a desktop. This feature, though easily overlooked, can be quite convenient for a user who works with many files at once.

V. Document Entry

Documents can be entered into document imaging systems by several different means: scanning, faxing and importing. Application files such as WordPerfect files can sometimes be imported, and some systems allow image files to be converted to text files using OCR. The most critical issue involving document entry is the ease and time with which documents can be entered into the imaging system and indexed (or filed in hierarchical structure).

A. Methods of Document Entry

1. Scanning Documents:

All the imaging systems reviewed allowed documents to be scanned into the system. The procedures for doing so differed as did the number of scanners that the software supported. At a minimum, the imaging software should support a Fujitsu 309X or similar scanner.

2. Faxing In Documents:

Many of the systems reviewed worked with a fax card to allow faxed documents to be entered into the system without scanning. (A fax machine is really only a scanner that has the added ability to send or receive an image on a phone line.) As discussed above, such a capability could reduce the need for paper documents.

3. Importing Documents:

a. Importing Image Files: Most of the software reviewed allowed at least a few types of image files to be imported directly from a hard or floppy disk on the computer. If this is useful for a particular organization, and it would not be for most, be sure that the software supports the image type you wish to import. Also, the ability to import files (including application files discussed below) should be coupled with a "file manager" or "browse" function. Otherwise, the user will have to remember the exact file name to import the document.

b. Importing Text Documents: A much more useful capability is the ability to import application files, as emphasized above in the text storage component (see page 4). Over half of the current documents the Council wishes to put on its imaging system fall into this category. Products such as Imara allow application files to be easily imported, and start the applicable software (such as WordPerfect) when the file is retrieved. However, an ability to view the document in its native format without starting the underlying software also would be useful. Keyfile recently implemented this added capability.

Applications which allow text importing sometimes save a copy of the text file with their image files, and sometimes simply record where the application file has come from. The former method is preferable because the file will be permanently stored (probably on an optical disk) with the image files on the same subject. Ideally, however, the user should still be able to access the text file without using the imaging software. Imara allows this option.

Several systems such as Paper Tamer allow application files to be imported, but only save the file as ASCII text. While this is better than no ability to import applications at all, the inability to save formatting can be annoying at best.

4. Optical Character Recognition:

OCR is a means of entering a text version of a document into the system after the image version has been scanned, faxed or imported into the system. This would be done to allow a full text search capability or to try to replace the image with a text version that requires much less storage space. As discussed above, the latter purpose is impractical if the image is not in virtually perfect condition with minimal formatting.

Since converting image files to text files is a very time-consuming process, the imaging software should be able to complete this step automatically after normal work hours. As discussed above, Laser Fiche is probably the best example of OCR capable imaging software. However, File Magic has a useful ability to OCR a limited portion of a document with surprising accuracy.

B. Ease of Document Entry

Even small scale imaging projects such as the one at the Judicial Council involve the entry of tens of thousands of documents. In evaluating imaging software, it is easy to overlook the speed with which documents can be entered onto the system and indexed. The fact that one system takes a couple of minutes more to enter and index a document does not stand out in an evaluation in which only a couple of documents are scanned or imported. But multiply the difference by perhaps 100,000 documents and there is clearly a huge impact.

The first aspect on which to focus is how many steps and how much time it takes to scan and import a document. Is the interface logical? Are necessary steps kept to a minimum? Is at least a medium speed scanner such as a Fujitsu 309X supported? Is batch scanning of multiple documents supported?

The second aspect, and perhaps the more important, involves the ease of placing the document into the hierarchy and adding index information or keywords. This evaluation should be conducted in the context of how the user wishes to organize and index documents, and what organizational options the product allows.

Documents can be placed in a hierarchy, first, by typing in the cabinet/drawer/folder information. Such systems ideally should have shortcuts such as drop down lists from which selections can be made. Another shortcut is referred to as sticky

fields. This allows, for example, the cabinet/drawer/folder fields to retain their settings while different document names are entered.

Second, some software such as Keyfile and Imara allow a document to be dragged and dropped in the appropriate hierarchical box using a mouse. A third option is to allow a document to be imported or scanned from a particular level in the hierarchy, then automatically placed in that level. Imara allows this option for importing application files.

File Magic uses an innovative method of hierarchical filing which requires considerable effort to set up, but once set-up makes filing automatic. In most systems, folders are a level in the hierarchy where documents are placed. They are created simply by naming them. File Magic folders, however, are defined to include any documents whose index fields correspond to a query defined when the folder is created. Thus, a document later scanned and indexed which meets the query terms is automatically placed in the folder.

Shortcuts for entering index field data and keywords also should be available. Several systems such as Keyfile and Imara will automatically enter the document's date of entry. Ideally, however, this date should be changeable so that the dates of old documents can be correctly entered.

Drop-down lists are particularly important for index fields, not only for ease of entry, but also to ensure index information is entered accurately and consistently. Index information which is misspelled, or ordered differently, and, if the software is case sensitive, not capitalized consistently makes documents effectively disappear on the system. Paper Gate is the best example of how each user-created and -titled index field can have a drop-down list with all values previously entered into the field. Sticky fields such as used by Frequent Filer also are useful.

While a keyword field also could have a drop-down list, the number of entries would quickly become too long to be practical. Imara allows a drop-down keyword master list limited to 100 values. This is especially useful, both for ease of use and consistency, because each user can have a different list. The Council, for example, has one for "judicial selection" and another for "judicial retention."

File Magic makes use of OCR to enter index field information easily. A word, paragraph or even page can be highlighted with the mouse and then linked to an index field. The characters then are OCR'd automatically and placed in the index field. There may be inaccuracies which must be corrected, but the procedure works quite well.

File Magic has the much more useful capability of pre-selecting and shading several areas on a form. Each can then be associated with a particular field. Thus, a whole stack of forms could be scanned and automatically indexed with negligible effort. Expect this feature to be standard on all successful imaging software. Imara and DocuPact currently are working on it.

VI. Document Viewing

Imaging software, in addition to allowing the user to organize logically and enter files easily, must also allow files to be viewed easily and clearly. The first issue is whether the software supports drivers for the appropriate high resolution monitors. Second, software should have a sufficient number of controls to aid viewing and these controls should be easily accessible. Third, other miscellaneous features such as an ability to overlay notes on a document are useful.

A. Drivers

Windows imaging software has a tremendous advantage in this regard. Basically, a Windows product does not have to worry about drivers because the video card and monitor companies already have developed the necessary drivers for Windows. DOS imaging software producers, on the other hand, must ensure that their product is compatible with different monitors, video cards and resolutions. One product we reviewed, Paper Tamer, although a very good low-end product otherwise, was ruled out because a lack of drivers meant that documents simply could not be viewed easily and clearly.

If you are considering a DOS system, be sure to try it with the monitor, video card and resolution, and even the other system components, you plan to use before purchasing the system. The same advice applies to OS-2 systems. The Council, for example, was unable to get a Cornerstone Dual Page monitor, the industry standard, to adequately perform on our OS-2 server running Lan Manager. The monitor's drivers,

after some tweaking, worked with Imara. However, it was impossible to run Lan Manager's administrative utility on the monitor.

B. Controls

Imaging software should have adequate controls to easily view various types of documents. First, paging controls should allow turning to the next or previous page, the first or last page, or anywhere else in the document. Second, sizing or zoom controls should allow the user to zoom in or out, and allow the image to be automatically sized to the window width or length. Once the user has properly sized a page for review, the next page should appear with the same sizing. Several systems allow the user to outline a particular area of the document with the mouse and automatically zoom in on this area.

Third, there should be an easy means to slide a page around on the screen so that the user can review the whole page even if the resolution is such that it will not fit on the screen at once. Imara uses the right mouse button to do this and alternately uses a shaded area on a thumbnail view of the document.

Fourth, there should be an ability to rotate and flip images. Documents will inevitably be scanned in upside down. Keyfile and other software has an ability to either temporarily or permanently turn the file right side up. One system even allows pages to be mirrored right to left or up and down, although we can think of no use for such an ability.

These controls must not only be present, they should be designed so they are easy to access and use. Some type of a button bar helps when using the controls with a mouse. Further, at least paging and sizing controls should be controllable from the keyboard. However, systems such as Data Flow which rely solely on the keyboard can be awkward to use in viewing documents.

C. Features

There are several additional viewing related features available with some of the imaging software. The first is an ability to overlay memos or notes on the document and is quite useful. A few systems such as DocuPact, Imara and Keyfile also allow the

user to attach a voice (recorded) note to a document. DocuPact includes a feature which allows the user to, in effect, highlight text in a document with various colors.

Imara has a page preview feature which can be useful in finding a particular page in a document. A thumbnail view of the page can be activated to appear beside a box listing the pages. While text cannot be read in this view, the general outline of a page can be determined. Since the thumbnail image comes up immediately (as opposed to the full view which takes several seconds), this feature sometimes can help quickly locate a page if the user knows its layout.

Imara requires an extra step to view a document. Selecting the document opens a box listing the pages in the document. A particular page has to be selected for viewing. Most systems allow the user to open the first page of a document by selecting the document. Further paging can be done from there.

Several systems such as Imara and Image Fast allow the user to view several pages at once. While this ability is limited by the size of the monitor, it is nonetheless very important.

D. Speed

How long a system takes to display a document on the screen after it is selected is something that vendors often emphasize. However, it is a factor which is exceedingly difficult for the purchaser to evaluate until a system is installed and running for several months. Further, depending on the volume of documents to be displayed, the speed at which documents are displayed may be of very little importance.

The display speed is difficult to evaluate because it depends on so many factors. The imaging software is only one of these factors. Two things, however, can give clues to the software's speed. First, it can use a caching system like Optika to anticipate which document will be viewed next. Second, it can use an imaging adapter card to assist the computer in imaging manipulation. Note, however, that some software like Imara uses an imaging adapter card solely as a scanner and printer interface and does not use its imaging ability.

Other factors which will significantly affect display speed include the power of the computer, the use of an accelerated display adapter, network selection and traffic,

how many documents and users are on the system, and whether the documents are stored on hard disks, single optical disks, or optical disk jukeboxes. Also, the first page displayed in a large document may take a significant amount of time, while viewing the next page may be virtually instantaneous.

The Council concluded, especially given the difficulties of evaluating display speed, that display speed was not of critical importance to us. We do not plan to view a large volume of documents every day. Because of this, we probably did not purchase one of the speedier systems available. For example, displaying the first page of a 300-page document stored on an optical drive over the network, even on a 486/50 Mhz computer and assuming the correct disk is in the drive, takes almost 20 seconds. However, even this is much faster than trying to find a paper file. Further, subsequent pages in the electronic document can be displayed in about three seconds.

VII. Document Output

A. Printing

Despite the association of imaging technology with the term "the paperless office," paper documents are, and will continue to be necessary in a multitude of circumstances. All the imaging software the Council reviewed provided for printing documents. The common problem that the software faces is the large size of image pages which, even with compression, are at least ten times the size of text pages.

Nevertheless, the software we observed seemed to allow relatively fast printing (our on-site tests did not involve printing). Printing speed will depend of course on the printer and printer interface adapter discussed infra. Generally, a product using an adapter that includes a video cable interface with the printer will print faster. We found, however, much to our surprise that the industry standard adapter we purchased did not work with network print jobs.

Printer controls are relatively consistent for the different imaging products. Some products do allow the option of printing overlaid notes. It also would be useful to be able to print the hierarchical organization that the user has implemented, as well as lists of index field values and keywords. We did not find these features in any software.

B. Faxing Out

Many imaging applications allow a document to be faxed directly from the imaging application. The imaging software relies on a third party fax board, but the actual operation is seamless.

Several of the packages we reviewed included a "smart" cover sheet which the user could customize and which would automatically display the date and user's name. Several of the products such as Keyfile and Imara also included the ability to add a directory of frequently used numbers.

C. Electronic Mail

Several of the imaging software products also integrated at least a primitive E-mail system by which documents could be routed to other users of the system with short notes. DocuPact, Imara and Keyfile included a voice memo option as well. An E-mail system should include at least an easily selectable list of users, as well as the ability to group those users for standard messaging.

D. Exporting

Most of the systems which allow the user to import image (or text) files also allow files to be exported. The Council has not needed this feature, at least in the first weeks of operation of its system.

Laser Fiche and Keyfile include special export features which appear to be aimed at allowing a user to use the image files on a laptop. The Council did not evaluate these features, but they appear potentially useful.

VIII. Other Features

A. Workflow

Workflow was discussed briefly above. It permits an organization to rethink and then automate its repetitive work processes. For organizations with significant repetitive work processes, this feature can overshadow all other aspects of imaging in terms of

potential benefit. The most frequently cited example is the insurance claims process, but the processing of legal documents by courts could fit into this category as well.

Large and expensive imaging systems have focused on workflow for years. The small-scale PC systems the Council reviewed are just beginning to implement such systems. The Council did not focus on this feature in its initial evaluation; however we hope to implement it in the future when Imara adds this feature.

Keyfile is an example of a PC-based system with a workflow capability. While we did not extensively test the feature, Keyfile's system did seem completely capable of automating the Council's selection and retention processes. Another system, Navigator 2000, recently added a workflow component as well. However, we were only able to briefly review this feature at the 1992 imaging trade show.

B. Database

Imaging software in many ways is simply database software with an image viewing capability thrown in. The software keeps track of document names, location and attributes in a database, either proprietary or open.

This section, however, focuses on the ability of an imaging application to keep track of information found in documents (discussed above as the "database" component of imaging). The Council is interested in this feature to keep information about judicial applicants such as bar survey scores, education and experience.

Imara allows the user to design a database form on the folder level to contain this information. Imara acts as a simple database front end for Microsoft SQL Server or Oracle. The emphasis here is on "simple." Imara's front end lacks many database features found on even low-end databases. We hope to use a Windows front end such as Approach to gain greater access to the data.

Frequent Filer is a product which focuses on database applications and contains many more database type features than are in Imara. Its focus, however, is on the document level. See discussion, *supra*, at page 3.

The alternative to trying to use an imaging product as a database is to use a real database which was designed for the job. The Council could, for example, simply use

Approach to design and implement a judicial applicant database application. The advantage, however, of our current approach is that the information will be seamlessly available in Imara. We will be able to go to the same place for information, whether that information is in a document or the database.

C. Security

The majority of the imaging software we reviewed included a capability to at least limit access to the system, and in many cases to limit access to specific documents. While this is not a feature which was important to us, it may be critical for many users.

IX. Price, Product and Company

A. The Price

The price of PC-based imaging software varies tremendously. Quite capable software is available for a five-station network for under \$2,000, for 10 to 20 times that amount (and more), and for anywhere in between. Further, the price of the software in many cases has very little to do with its quality, probably because the PC-based imaging field is so new and volatile.

Price comparisons must be done very carefully. Pricing depends on whether a company charges a flat fee for a network installation (File Magic and Paperless Filer), a fee for every workstation connected to the server and a server software fee (Keyfile), or a fee for the maximum number of workstations which can use the imaging server at one time (Imara). Such variations mean that comparative prices depend on the number of users and the level of use.

Further, the same company may offer two types of servers. For example, Keyfile has a Windows server for \$1,995 and an OS-2 server for \$4,595 (the OS-2 server is for use with Windows workstations). Certain charges can be hidden. For example, Imara charges \$6,000 extra for more efficient scanning software. (The Council decided to rent this Scan Flow software for six months to scan our document backlog.)

The pricing of imaging software is made even more complex because different products may require extra hardware to be purchased. Some systems require imaging cards (with varying amounts of memory). A fax capability requires a fax card. An OCR

capability generally requires that the user buy separate OCR software. Imagic is the exception.

Finally, be sure to include the costs of installation and technical support. Imaging is a new and complex technology. Users will have problems installing anything more than a standalone system (and probably some even then). Even sophisticated users will want assistance. The difficulties lie in the linkages among the many different packages and pieces of hardware needed, as well as in the relative youth of imaging applications.

B. The Product

As emphasized above, imaging is a relatively new field and it is certainly a complex one. Imaging software must seamlessly integrate the many complex functions discussed above and it must be able to work with many types of hardware. It should be no surprise that new imaging products will have numerous bugs to work out. Even more established products, and that only means ones with about one to two years on the market, also will still have problems to resolve.

The bottom line here is not to be a guinea pig for a new product. At least wait for the second release, even if the new product appears to be superior. On the other hand, do not be overly conservative. The problems inherent in the relatively new PC-based imaging systems can be overcome and the payoff can be substantial.

C. The Company

Users should be concerned about the company that produces the product they purchase, because many of the companies in the market today will be out of business two years from now. There currently are far more imaging software products than can survive over the long term, and new ones appear on the market regularly. The PC-based imaging market is likely to expand greatly over the next few years. Large software companies such as Borland or Microsoft could enter the field which is now dominated by small ventures.

The only possible advice is to be wary. Look for a company that has a track record, one that has a good and improving product, and one that has established relationships with other companies in the imaging field. Remember also that owning a product whose producer has gone out of business is not the end of the world. The

product may still do what you purchased it for. Further, there is already a portion of the imaging industry focusing on helping users switch systems without losing their electronic files.

Users should also evaluate the company that produces their imaging software, and the company that sold them the software, for an ability and willingness to provide technical support. Imaging software is very different from a spreadsheet or a word processor. Its newness and complexity means you will spend many hours on the phone with technical support.

X. Product List

Canofile 250

Canon USA, Inc.
One Canon Plaza
Lake Success, NY 11042
(516) 488-6700
(800) 352-8333 ext. 280

Data Flow

Data Flow Systems, Inc.
1950 Stemmons Freeway, Suite 5001
Dallas, TX 75207
(214) 746-4882
Fax (214) 746-4327

Desktop Document Manager

Alacrity Systems, Inc.
43 Newburg Rd.
Hackettstown, NJ 07840
(908) 813-2400
Fax (908) 813-2490

Docu Pact

Inter Tech Imaging Corp.
5920 Plantation Dr.
Roswell, GA 30075

Fileflo

Newport Canyon Associates
2082 Business Center Drive
Suite 245
Irvine, CA 92715
(714) 833-0333

File Power

Optika Imaging Systems, Inc.
980 Enchanted Way, Suite 101
Simi Valley, CA 93065
(805) 520-9060
Fax (905) 520-9895

Frequent Filer

TEAMWorks Technologies, Inc.
33 Boston Post Road West, Suite 250
Marlboro, MA 01752

FYI

IdentiTech, Inc.
1333 Gateway Drive, Suite 1000
Melbourne, FL 32901
(407) 951-9503
Fax (407) 951-9505

Image Fast

Benson Computer Research Corp.
7926 Jones Branch Dr., Suite 260
McLean, VA 22102
(703) 442-4545

File Magic (formerly Imagic)

Westbrook Technologies, Inc.
22 Pequot Park Rd.
P.O. Box 910
Westbrook, CT 06498-0910
(800) 562-1511
(203) 399-7111
Fax (203) 399-7137

Imara

Imara Research Corporation
111 Peter Street, Suite 804
Toronto, Ontario
Canada M5V 2H1
(416) 581-1740
Fax (416) 581-1605

Keyfile

Keyfile
22 Cotton Road
Nashua, NH 03063
(603) 883-3800
Fax (603) 889-9259

Laser Fiche

Compulink Management Center, Inc.
370 S. Crenshaw Blvd., Suite E-106
Torrance, CA 90503
(310) 212-5465
Fax (310) 212-5064

Navigator 2000 DSM

i Levy Associates, Inc.
1633 Des Peres Road, Suite 205
St. Louis, MO 63131
(314) 822-0810
Fax (314) 822-0309

Paper Clip

Paper Clip Software
One University Place
Hackensack, NJ 07601
(201) 487-3503
Fax (201) 487-5184

Paper Gate (formerly Marvin)

Image Tech
29444 Northwestern Hwy,
Suite L-500
Southfield, MI 48034
(313) 353-7900
Fax (313) 353-8444

Paper Less Filer

Paper Less Corp.
1750 N. Collins Road, Suite 104
Richardson, TX 75080-3551
(800) 658-6486
(214) 235-4008
Fax (214) 480-5408

Paper Tamer

Flagstaff Engineering
830 South Main Street
Cottonwood, AZ 86326
(602) 634-5100
Fax (602) 634-0100

Quick View

Seabreeze Engineering
442 S. North Lake Blvd., Suite 1000
Altamonte Springs, FL 32701
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Appendix M

Alaska Sentencing Commission

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Executive Summary

Throughout 1992, Alaska's prisons operated at their maximum capacity. The Department of Corrections spent thousands of dollars flying inmates from prison to prison to keep each prison within its emergency capacity. Hundreds of misdemeanor offenders could not be sent to jail until nine months after they were sentenced because space simply was not available. Rehabilitation programs and prison discipline were disrupted by the overcrowding.

Alaska has barely enough prison space to house the offenders it sentences. Even if Alaska had the huge amount of money it takes to build and operate new prisons, other states have found it difficult to build their way out of prison overcrowding. Alaska must look seriously at ways to keep sentencing practices and prison capacity in balance.

The Alaska Sentencing Commission recommends a fundamental change in the way people think about sentencing. Prison terms are not the only way to protect the public, reform the offender, and provide punishment. The commission recommends that the state make widespread and systematic use of alternative punishments such as halfway houses, drug and alcohol treatment programs, community work service, fines and forfeitures, and restitution. For many offenders, alternative punishments can be less expensive and more effective than prison in punishing the criminal, protecting the public, and rehabilitating the offender. The Department of Corrections should make greater use of these alternatives to reintegrate inmates back into the community after serving long sentences. The legislature should consider alternatives that would punish first offender drunk drivers more cheaply, quickly and effectively than jail sentences. The commission recommends increasing the use of discretionary parole as an additional, relatively safe response to prison overcrowding.

Alaska Natives make up one-third of the prison population and an even higher percentage of certain crime categories. While there is a clear connection between alcohol abuse and crime all across Alaska, the alcohol connection is particularly strong in rural areas and among Alaska Natives. The commission endorses good substance abuse treatment programs as one of the best correctional investments the state can make. The commission recommends that state agencies work more closely with local village councils and tribal courts, and develop alternative punishments that will work in rural areas.

Crime and punishment are important, complex, and costly public issues. Yet until recently, little attention was given to collecting the information needed to make sensible sentencing policy. State agencies are just beginning to collect the information needed to evaluate the effectiveness of treatment programs, forecast prison and probation populations, determine the risk of new offenses, and predict the costs of proposed legislation. The commission has urged all agencies to improve their data collection procedures.

If there are serious budget cuts over the next few years, the commission recommends the use of alternative punishments and discretionary parole for even more offenders. The state should look for long-term ways to reduce the prison population to a financially sustainable level, rather than reduce it through emergency releases, cuts in prison programming, or non-prosecution of offenses. There are no easy answers to crime problems, and careful planning for the future is required.

The commission will be meeting with the Governor and the Legislature in February 1993 to discuss its proposals.

Summary of Commission Recommendations

Summarized below are the commission's recommendations for action by the executive, legislative, and judicial branches. The full recommendations and reasoning behind them are found on the pages indicated.

- ★ All branches of state government should encourage the responsible use of alternative punishments for more felons and misdemeanants. Non-prison programs such as halfway houses, drug and alcohol treatment programs, community work service, fines and forfeitures, and restitution can be used effectively to protect the public, rehabilitate the offender, and provide appropriate punishment. (page 8)
- ★ Probation officers should regularly inform judges, prosecutors and defense attorneys about the availability of Department of Corrections and private programs and their suitability for particular offenders. (page 8)
- ★ Probation officers and judges should use alternative punishments as a response to many probation violations. The supreme court should provide for expedited probation revocation proceedings so that offenders can be quickly controlled if they are not complying with their conditions of release. (page 9)
- ★ The Department of Corrections should increase the use of alternative punishments at the end of most sentences, to provide for better supervision of the offender and reintegration into the community. Gradual reintegration should not be restricted to low-risk offenders, since supervision and aftercare are even more important for serious offenders reaching the end of long prison terms. (page 10)
- ★ The legislature should provide an adequate level of funding for alternative punishments, including new programs, expanded capacity, and enough new probation officer positions for adequate enforcement. (page 9)
- ★ All criminal justice agencies should undertake a program of internal education to promote and improve the use of alternative punishments. They should ask for community input to improve local services and resolve safety concerns. (page 10)
- ★ The Department of Corrections should collect data for long-term evaluation of program effectiveness and availability. (page 9)
- ★ The Department of Corrections should use alternative punishments as part of some presumptive sentences. High supervision programs such as community residential centers, inpatient treatment programs, intensive supervised probation, and day reporting centers can control risk to the public, provide rehabilitative opportunities,

and fulfill the goals of presumptive sentencing at lower cost than spending the entire presumptive term in prison. If necessary, the legislature should revise statutes to make this possible. (page 45)

- ★ The legislature should amend the law providing that DWI first offenders must be sentenced to jail for three days. Instead, the legislature should investigate other creative alternatives to punish drunk drivers more quickly, cheaply, and effectively. In the meantime, the Department of Corrections should figure out a way to clear up the backlog of DWI offenders waiting to serve their jail terms. (page 44)
- ★ The Department of Corrections should revise its classification system for determining which offenders are eligible for programming and community custody. Quicker and more uniform classification will increase opportunities for rehabilitation. The legislature should provide adequate funding for these changes. (page 27)
- ★ The state should invest more money in quality substance abuse treatment programs for all offenders who need them. Failure to provide treatment is a false economy for the state, resulting in greater risk of reoffense following release and higher cost to the state and society in the long run. The Department of Corrections should pay particular attention to the needs of Alaska Native offenders with substance abuse problems. (page 18)
- ★ Alternative punishments should be developed for use in rural areas as well as urban settings. State criminal justice agencies should work more closely with local organizations such as tribal courts, village courts, and village councils to address local criminal matters. (page 19)
- ★ All state agencies should maintain accurate data with respect to minorities in sentencing and re-examine it periodically for evidence of bias. They should pursue vigorous policies of minority recruitment and hire, particularly at policy-making levels. (page 21)
- ★ Eligibility for discretionary parole should be expanded to include some Class A presumptively-sentenced first offenders, except manslaughter and sex offenders, on two conditions: successful completion of all court required treatment or release into an appropriate program, and service of one-half of the presumptive term. (page 24)
- ★ Even if serious budget reductions become necessary in the future, presumptive sentencing should be retained. However, it may become necessary to increase

further the use of alternative punishments for the majority of non-presumptively sentenced, non-violent offenders. This will reserve costly prison space for the most violent and repetitive offenders, and will allow less serious offenders to be punished through cheaper and possibly more effective means. If budgets are to be reduced drastically, alternative punishments designed to address substance abuse problems and to intervene in cycles of violence may be used in combination with reduced periods of incarceration for more violent offenders. Further expansion of eligibility for discretionary parole also should be considered under these circumstances. (page 45)

- ★ In the event of severe budget constraints in the future, the legislature may find it necessary to consider a permanent reduction in statutory sentence lengths, to reduce the prison population to a financially sustainable level. While this is not ideal, it is preferable to a series of emergency releases, cuts in prison programming, or non-prosecution of offenses. (page 47)
- ★ Statewide coordination and monitoring of the criminal justice system will continue to be necessary after the end of the Sentencing Commission. The governor should convene an ongoing group of criminal justice agencies, with the participation of the court system, to provide for internal policy coordination between the branches of government. (page 50)
- ★ The legislature should take advantage of the commission's work to produce a guide to criminal sentencing geared to the general public. The guide would be designed to help legislators, reporters, victims, and defendants understand how the sentencing system works. (page 51)
- ★ Criminal justice agencies should improve interagency communication and exchange of data. This should be done at both the policy and technical levels. The legislature should provide funding to maintain the comprehensive database of criminal justice information created by the Sentencing Commission. (pages 32-34, 51)