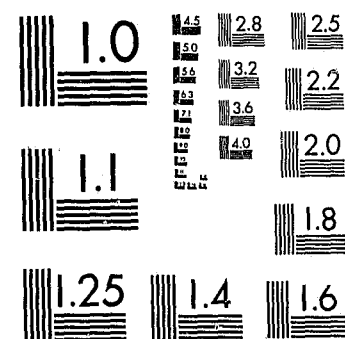


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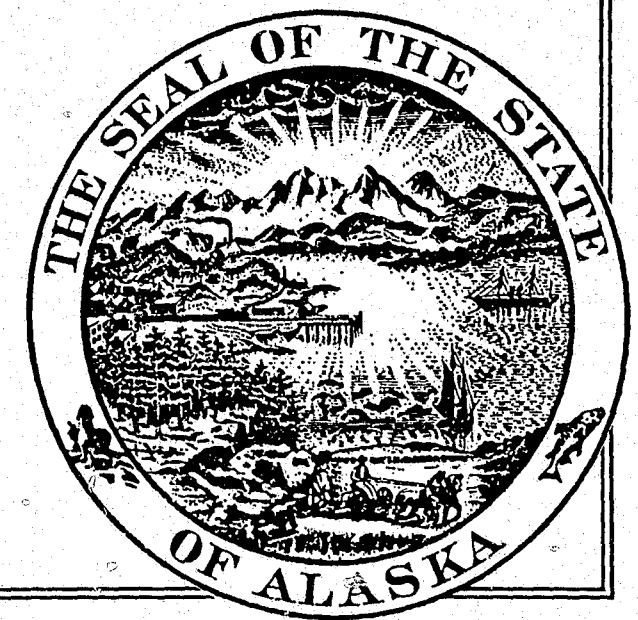
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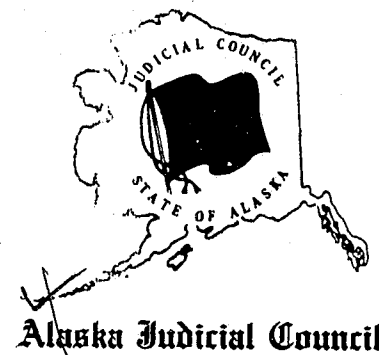
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**Tenth Report of the  
Alaska Judicial Council  
to the  
Supreme Court and Legislature  
1978-1980**





## Alaska Judicial Council

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SUPREME COURT

### TENTH REPORT

### TO SUPREME COURT AND LEGISLATURE

1978 to 1980

Office of the Executive Director  
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ACQUISITIONS

### Acknowledgments

My thanks to the present Judicial Council staff who have assisted me in the preparation of this report: Nick Maroules, Research Director, Martha Bender, Administrative Assistant, and Sheila Vonesh, Secretary, as well as to Michael Rubinstein, past Executive Director under whose direction much of the work described was completed, and Holli Ploog, former Staff Attorney who assisted in drafting several sections. Thanks are also due to the Council members and to its Chairman, Chief Justice Rabinowitz for their support and contributions to Judicial Council projects.

Teresa J. White  
Executive Director

February, 1981

## INTRODUCTION

The Alaska Judicial Council, created by Article IV, Section 9 of the Alaska Constitution, is composed of 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 as Chairman ex officio. The non-attorney appointments are subject to confirmation by a majority of both houses of the legislature, while the attorney members are appointed by the Board of Governors of the Alaska Bar Association after an election by members of the Alaska Bar. All members are appointed for staggered six year terms.

The Council's non-attorney members are Kenneth L. Brady, an Anchorage businessman, Robert Moss, a Homer commercial fisherman, and John Longworth, a retired Petersburg commercial fisherman. Attorney members are Walter Carpeneti of Juneau, Marcus R. Clapp of Fairbanks, and Joe Young of Anchorage. Justice Jay A. Rabinowitz followed Justice Robert Boochever in the position of Chief Justice, serving from 1978 through 1981.

The Legislature provided funds for staffing the Judicial Council in 1973. The Council had depended upon Court System staff or consultants prior to 1973. At present, the Council's staff includes an Executive Director, a Staff Counsel, Research Director, Administrative Assistant and Secretary. Temporary employees, legal interns, and consultants supplement the permanent staff for research and evaluation projects. Michael L. Rubinstein, an attorney, served as Executive Director between 1975 and 1980; Teresa J. White was appointed Executive Director in November of 1980.

Delegates to Alaska's Constitutional Convention established the Judicial Council for two purposes. The nomination of candidates for judgeships constitutes about half of the Council's work. The framers of the Constitution also believed that the Judicial Council would be ideally placed and structured to perform studies and make recommendations for the improvement of the administration of justice to the Supreme Court and the Legislature. The Council's work in each of these areas is described in the rest of this report. Part I covers changes and growth in the judicial selection and retention processes, while Part II summarizes the major research projects and recommendations which the Council has undertaken from 1978 through 1980.

## PART I: JUDICIAL SELECTION AND RETENTION

### A. Judicial Selection Process

The Council was established at Alaska's constitutional convention as a non-partisan method to assure both public participation in judicial selection as well as the selection of only qualified judges. Since statehood, the Council has continually reviewed its procedures for judicial nomination in order to assure the highest quality of justice for citizens of the state.

The last two years have seen added refinements of the procedures for application, review of qualifications, and interviews of candidates. One major new step has been taken. In 1979, the Council voted to assume responsibility for the administration and analysis of the Bar Association survey performed for each judgeship. Previously carried out by the Bar Association itself, this survey asked attorneys to rate each judicial applicant as "well-qualified", "qualified", or "not qualified" to be a judge. The survey is used by the Council as guidance in making its decisions, with the awareness that a low ranking on the Bar survey should not, of itself, disqualify a candidate from further consideration.

The Council's goal, in taking over the management of the survey, was to provide a more detailed analysis of the abilities of each candidate. For this purpose, the Council with the cooperation of the Bar Association, designed a new survey form using a series of questions similar to those

developed for retention election evaluations of judges. In order to obtain an objective survey, and because of time and cost considerations, the Council contracted with Policy Analysts of Anchorage to conduct the survey and make the analysis.

Seven surveys have been performed for judgeships since the institution of this new procedure (Anchorage superior court--4 vacancies, Nome and Kotzebue superior courts, the 3-judge appellate court, Fairbanks district court--2 vacancies, and a supreme court vacancy). The response rate from attorneys has risen steadily with each survey, indicating that the Bar Association is taking a more active role in the analysis of the merits of candidates.

One of the purposes of a Council system for nomination of judicial candidates, stated by the framers of the state's constitution, is to encourage attorneys to honestly evaluate the abilities of their fellow lawyers who may become judges. The constitutional convention delegates believed that members of the profession could more adequately analyse the technical qualifications of an attorney, while the presence of lay members (appointed by the governor subject to confirmation by a majority of the legislature meeting in joint session) would encourage the consideration of other factors. Thus, the new system of surveying the Bar Association takes a significant step in furthering the intent of the constitution.

A second project, periodically undertaken by the Council, is a review of judicial selection, including the applications, interviews, investigation of applicants, and public participation. In 1981, the Council plans to prepare a procedural manual for the process. Increased public participation will also be considered.

#### B. Judicial Vacancies Filled

One judge was appointed in 1978 (after the date of the Council's last report), and two in 1979. Glen C. Anderson was appointed by the Governor in March of 1978 to fill a vacancy in the Anchorage District Court. In 1979, C. Richard Avery was appointed after nomination by the Judicial Council to fill another vacancy on the Anchorage District Court left by the retirement of Judge Laurel Peterson. The third appointment during these two years, to the Anchorage Superior Court, was for the vacancy created by the death of Judge Peter Kalamarides in a plane crash. Governor Hammond appointed Karl Johnstone to this seat.

Creation of new judgeships, retirement of several judges, and establishment of an Intermediate Court of Appeals in 1980 opened up ten judgeships, the largest number in five years. Judge Sanders (Nome superior court), and Fairbanks district court judges Mary Alice Miller and Monroe Clayton retired from their positions. Justice Robert Boochever was appointed to the Ninth Federal Circuit Court of Appeals. The legislature had created a superior court judgeship in Kotzebue in 1979, and two

new Anchorage superior court positions in 1980. Finally, the legislature passed a bill establishing an Intermediate Court of Appeals with three judges to decide criminal appeals.

Paul Jones, formerly a district court judge in Anchorage, was appointed by the Governor to fill the Kotzebue superior court seat. Hershel E. Crutchfield, a non-attorney, was appointed to the Fairbanks district court vacancy left by the retirement of Judge Miller. His appointment was made possible by an amendment to the requirements for district court judgeships made in 1980 by the legislature which allowed an acting district court judges with sufficient experience to be appointed as full district court judges.

Appointments to the Intermediate Court of Appeals were made in July of 1980 by the Governor. Judge James Singleton (Anchorage superior court), Robert Coates (former Assistant Public Defender and Assistant Attorney General), and Alexander Bryner (formerly an Anchorage district court judge and U.S. Attorney) were named to the three positions. Judge Singleton's appointment left a third vacancy on the Anchorage superior court. Nominations for these three positions, for the Nome superior court, and for the Supreme Court, were made to the Governor on November 1, 1980 by the Judicial Council. Brian Shortell, Douglas Serdahely, and Daniel Moore were appointed to the Anchorage seats, and Charles Tunley was named to the Nome Superior Court. Nominees for the remaining Fairbanks district court position will be selected in January, 1981.

#### C. 1978 and 1980 Judicial Retention Elections

Legislation passed in 1976 authorized the Judicial Council to evaluate each judge or justice standing for retention in the general elections and to inform voters of its findings through the Lieutenant Governor's voters' pamphlet and other means. For the 1976 election, judges were evaluated by means of three surveys: of peace officers, Bar Association members, and jurors. The surveys were administered and analysed by the Institute for Social Research of the University of Michigan to assure impartiality. This same procedure was used in 1978 and in 1980, although jurors were not polled in 1980.

A pilot court-watchers' program was sponsored by the Council in 1977 and 1978 (see A Look Inside, Appendix A). The program determined that while court-watching provided useful information about the courts, it was not an appropriate tool for use in evaluation of judges. A follow-up study of voters in the 1978 retention elections (see "Northrim Survey", Appendix A) found that voters who read the Lt. Governor's Official Election Pamphlet generally followed the Council's recommendations. However, most voters asked for even more information. A direct mail campaign was considered for the 1980 election, but a stringent state budget prohibited its use.

The Council added one procedure in 1978 and 1980, a series of interviews with attorneys who were shown through analysis of court case files to have had substantial experience (either trial or other lengthy or frequent hearings) before the judges being evaluated. Ten to fifteen attorneys were interviewed for each judge. The selection of attorneys was made with an



emphasis on variety of experience: prosecutorial, criminal defense, plaintiff or defendant's civil attorneys, and other government attorneys. In both years the Council found that the interviews confirmed the ratings given to judges in the survey of Bar Association members. Police officer ratings also tended to correspond closely to Bar ratings of judges.

The Judicial Council evaluated two judges in 1978 and two in 1980 as "unqualified". All four of these judges were retained by the voters. With one exception, however, they were retained by smaller margins than most other judges, indicating that the Council's evaluations and provision of information to the public are partially effective. The Council is presently reviewing other methods of evaluation which could increase its effectiveness in future retention elections.

## PART II: STUDIES, COMMITTEES, AND RECOMMENDATIONS

### A. Preliminary Hearings

In 1975 the Judicial Council recommended a change in the rules of criminal procedure providing the right to a preliminary hearing in all felony cases. Its position was based on findings that the preliminary hearing provided superior screening of cases and that the grand jury no longer served its intended function. The change to a preliminary hearing system (without affecting the constitutional right to grand jury) could improve the quality of justice without loss of efficiency.

The Anchorage District Attorney's office, in April of 1979, agreed to use preliminary hearings in most felony cases on an experimental basis before action was taken on a rule change. The Judicial Council aided the Department of Law and the Public Defender Agency to obtain a LEAA grant which funded a special part-time judge for preliminary hearings. The project included increased staffing for the District Attorney and the Public Defender during the grant period.

A report prepared by the Court System's Planner was presented to the Supreme Court in June, 1979, substantially supporting the Judicial Council's original recommendations. The evaluation indicated that preliminary hearings were both briefer and more effective at screening cases than were grand juries. (Preliminary hearings showed a dismissal rate of 22% as compared with a grand jury rate that was characterized as "negligible.")

A second evaluation requested by the Supreme Court resulted in a revised version of the rule which took into account special circumstances where a preliminary hearing might not be in the best interests of justice (e.g., a witness subjected to the likelihood of substantial danger; unnecessary trauma or embarrassment to a complaining witness in a case involving sexual assault).

The proposed rule change was published and written comments were requested by the Supreme Court. After consideration of the suggested rule change, the Supreme Court voted on Oct. 10, 1980 not to adopt the revision.

#### B. Presumptive Sentencing

The new sentencing code adopted in 1978 (effective January 1, 1980, AS 12.55.055--12.55.185, ch. 166 SLA 1978) reclassified and redefined most offenses, and incorporated an entirely new sentencing scheme. The presumptive sentencing concept adopted by the legislature was introduced by the Judicial Council in 1975, and has the effect of guiding and significantly limiting the sentencing judge's discretion.

The purpose of the legislation is: "the elimination of unjustified disparity in sentencing and the attainment of reasonable uniformity...through a sentencing framework fixed by statute" (AS 12.55.005). Whenever a judge imposes a sentence of more than 180 days he must make a sentencing report including "findings on material issues of fact and on factual questions required to be determined as a prerequisite to the

selection of the sentence imposed..." (AS 12.55.025(a)(2)).

Emphasis throughout is on narrowing the range of possible judicial action and on establishing clear and close connections between specific facts about the defendant's present conduct, past record, and the sentencing options open to the judge.

The new legislation is particularly structured and specific for those defendants who previously have been convicted of one or more felonies. Defendants convicted of a Class A felony (except manslaughter) in which they possessed a firearm or caused serious physical injury are also subject to presumptive sentencing, even if this is their first felony offense. The new law sets the presumptive prison sentence range depending on the number and nature of prior felony convictions or nature of the offense. A sentence imposed under these provisions may not be suspended, reduced, or increased without the consideration of aggravating and mitigating factors specified in the code.

The new code requires judges to consider the sentences imposed in other cases before fashioning the sentence for the case before them. To assist judges in this task, the Judicial Council will continue to monitor felony sentences and will provide new data on misdemeanors. The Sentencing Guidelines Committee also provides guidance to judges who are imposing sentences on offenders not covered by the presumptive sentencing scheme.

C. Evaluation of the Ban on Plea Bargaining

The Judicial Council completed its study of the effects of the Attorney General's 1975 prohibition of plea bargaining in May of 1979. Funded by the National Institute of Law Enforcement and Criminal Justice, the report included an analysis of felony data, a study of misdemeanors, and the results of extensive interviews of criminal justice practitioners. The two questions addressed in the research: "Had the policy against plea bargaining been implemented?" and "What were the effects of the policy?" provided a wide range of unexpected answers.

Among the Council's findings were:

- \* Plea bargaining both for charges and sentence recommendations was substantially reduced, according to prosecutors, defense attorneys, and judges.

- \* The widely-held belief that disposition times for felony cases would increase was disproven by the finding that disposition times declined significantly. The reductions were due to actions taken independently by the court system, but were not impeded by the prohibition of plea bargaining.

- \* Trials did increase, as hypothesized, though not to the extent suggested. Most convictions continued to occur as a result of guilty pleas.

- \* Sentence length increased significantly for most offenses, and the chances of receiving a probationary sentence declined significantly.

The study received nationwide attention, and has been distributed to other states both by the Judicial Council and the Law Enforcement Assistance Administration. Two articles in national legal journals (Judicature and Law and Society Review)

and a chapter in a recent book on plea bargaining (Plea Bargaining, McDonald and Cramer, published by D.C. Heath and Co.) have emphasized the importance of the study for other states and jurisdictions considering revisions in plea bargaining policies.

Within the state, secondary findings of the study had more immediate ramifications. In its analysis of sentences imposed for felonies between August of 1974 and August of 1976, the Judicial Council found that significant disparities were evident among racial groups. The finding resulted in action by the Supreme Court and legislature, described in Section D.

The Council's follow-up study of felony sentences, performed for the purpose of monitoring possible racial disparities, coincidentally made findings which shed further light on the plea bargaining ban. The trends towards increased sentence lengths and more trials continued into 1977, then stabilized. Convictions after trials now account for about 22% of all convictions, rather than the low of 9% preceding the prohibition of plea bargaining. Sentence lengths for most types of offenses more than doubled before settling into a more consistent pattern.

Finally, the distinctive differences among judges which had been present in earlier years (allowing them to be characterized as "strict", "lenient", and "other") disappeared for the most part. The marked differences between these sentencing patterns and those found during the days of negotiated pleas strongly suggest that the ban on plea bargaining did play an



important role in altering the characteristics of case dispositions in Alaska. Further changes in sentencing patterns as a result of presumptive sentencing provisions in the new criminal code, a statewide diversion program for first offenders (administered by the Department of Law), and sentencing guidelines will be measured by the Judicial Council during the next year.

#### D. Reduction of Racial Disparities

The finding of apparent racial disparities in sentencing made during the Council's evaluation of the ban on plea bargaining resulted in a variety of responses by the legislature and criminal justice system. The Council was requested to perform a more detailed analysis (Interim Report on Racial Disparity, Appendix A). Based on these findings, and an independent analysis of the data by the court system, the Supreme Court asked that racial sensitivity training for all judges to be conducted at the June, 1979 Judicial Conference in Sitka.

The legislature established an Advisory Committee on Minority Judicial Sentencing Practices with the Judicial Council designated as the Committee's consultants on data analysis. A special appropriation to the Council enabled it to conduct a follow-up study on felony sentences imposed since August of 1976. The Criminal Justice Planning Agency funded a second committee to report on possible disparities in actions taken by other criminal justice agencies.

As a result of the various follow-up studies, the Judicial Council reported to the legislature in March of 1980 that these disparities had been significantly reduced in the years between August, 1976 and July, 1979. The only remaining disparity in sentences was isolated to black defendants convicted of drug possession or sale charges which involved heroin. The Judicial Council has undertaken additional analysis of these defendants and their sentences to determine what factors might account for the stubborn persistence of disparity in these offenses.

#### E. Presentence Report Revision Committee

The Judicial Council's findings of racial disparities in some types of sentences led to further analysis of the various steps in case disposition. The presentence report appeared to be a possible point at which disparities could enter the sentencing process. In discussions among the court system, Division of Corrections, and Judicial Council, it was also noted that the requirements of the new criminal code suggested major revisions in the presentence report structure and content. The three agencies agreed to establish an Advisory Committee under the aegis of the Supreme Court, with the Judicial Council funded by the Criminal Justice Planning Agency to act as consultant to the Committee.

The Committee of judges, probation officers, representatives from the Department of Law and Public Defender agency, and representatives of minority groups and the Parole Board began meeting in February of 1980. A revised format for

presentence reports developed by the group included information on aggravating and mitigating factors in the offense, and more detailed information about the offender's financial and employment status to assist judges in imposing sentences that included alternatives to incarceration.

Probation officers were trained in a variety of skills as part of the project. In addition to considering provisions of the new criminal code, the training included writing skills, interviewing and communications, criminal law, and criminal procedures. Followup meetings allowed the probation officers opportunities to discuss the use of the new presentence report form, and to suggest possible revisions.

The Division of Corrections has taken the final step in the project by drafting a manual of instructions for probation officers to use in preparation of presentence reports. Because revisions are still being made in the form and content of the report, the Judicial Council has not scheduled its last evaluation of the effectiveness of the changes. It is apparent, however, that the training provided and the discussions surrounding preparation of the reports have reduced potential disparities to some extent.

#### F. Sentencing Guidelines Commission

The Sentencing Guidelines Commission was established by then-Chief Justice Robert Boochever in July of 1978, shortly before the Council released its data from the plea bargaining felony statistical study. The purpose of the Guidelines Commission was to alleviate disparities occurring in sentencing for any reason (the Council's 1977 study had found, for example, that the identity of the sentencing judge was the single most important factor in determining the sentence imposed, outweighing harm to the victim, prior record, and all other factors about the crime and defendant).

The Commission's first project was to establish guidelines for the imposition of sentences in drug sales felonies, since the drug laws had not been revised simultaneously with the rest of the criminal code. Experimental guidelines have been in use for about a year, but since few drug felony convictions have occurred, there is not enough data for an evaluation of their effectiveness. The Commission has also adopted guidelines for drug possession felonies, and for first offenders not covered by the presumptive sentencing provisions of the new criminal code.

The Judicial Council with its experience in sentencing data analysis, was requested by the Supreme Court to act as consultant to the Guidelines Commission. The Council provides the Commission with detailed analyses of data about offenses and offenders, as well as assisting in the administration of

the Commission's work. Guidelines set by the Commission tend to reflect the sentencing patterns of judges in previous years, with adjustments to enable sentencing judges to consider other factors.

G. Sentence Monitoring by the Judicial Council

The Council has been reporting on sentencing patterns since 1975, when it published its first analysis of 1973 felony sentencing and bail. Subsequent reports have included two separate analyses of 1974-76 data (Alaska Felony Sentencing Patterns, A Multivariate Statistical Analysis, and the Plea Bargaining Evaluation), a report on misdemeanor sentences (cite title), the Interim Report on Racial Disparities in Sentencing and the most recent study, Alaska Felony Sentences, 1976-79 (also see Appendix A for a complete listing of Council studies). As a result of these studies, and because of continuing changes in the criminal justice system, the Supreme Court and legislature have requested the Council to monitor both felony and misdemeanor sentences annually.

The findings on racial disparity and its subsequent disappearance have been detailed in Section D. The Council's most recent study of 1976-79 sentences made additional findings of interest. One of the most important was that rural sentencing patterns differ strikingly from those found in the urban courts. Sentences are considerably shorter, chances for probation are higher, and different factors affect the sentences imposed. Another of the study's findings, that defendants represented by court-appointed attorneys (rather than

by the Public Defender agency or private attorneys) received significantly longer sentences for some types of offenses, may have changed in 1980 as the result of new court procedures for appointment of attorneys.

These findings point up the need for continued monitoring of sentencing patterns. In 1981, the Judicial Council will compile and analyse data on sentences imposed during 1980 under the new criminal code. Despite some differences in definitions of offenses which will make the data not entirely compatible, a comparison of 1980 sentences with the earlier years will allow the legislature and courts to make some determination of the results of the presumptive sentencing scheme.

For the first time since its study of plea bargaining, the Council will also collect data on deferred prosecutions and diversion efforts. These actions by prosecutors have begun to account for a significant proportion of felony case dispositions. That, combined with the continuing decline in the number of felony filings (a trend which has persisted since 1973) reduces the number of felony convictions per year to a number which is difficult to analyse statistically. Inclusion of deferred prosecutions will present a more accurate picture of felony case processing during the next few years.

A second major project, the study of 1981 misdemeanors, will provide more adequate data on district court dispositions. The Council's earlier misdemeanor study included a random sample of cases filed in Anchorage and Fairbanks district courts. The new study will cover several smaller

courts. District court judges will cooperate in the study by asking for additional information about the defendant's background at the time of sentencing. The study of misdemeanors will include analysis of sentences imposed in Fish and Game criminal prosecutions.

The Council's role as analyst of sentencing patterns allows it to be of assistance to a wide variety of special interest groups. Legislative committees frequently call upon the Council staff to testify on the effects of proposed legislation. The Presentence Report Revision Committee, and the Sentencing Guidelines Commission are two committees established by the Supreme Court which have depended heavily upon the Judicial Council for staff assistance.

Other state agencies and non-profit organizations, as well as judges and members of the Bar frequently request information on specific topics. Thus, the Judicial Council's mandate to provide recommendations on the improvement of the administration of justice to the Supreme Court and legislature is resulting in widely-disseminated reports used by all segments of the community and government.

#### Appendix A

##### A Summary of Programs and Recommendations of the Judicial Council since Statehood: 1959-1980

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.
2. Establishment of the Judicial Qualifications Commission.
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. 110, SLA 1967).
11. Appellate review of sentences (Ch. 117, SLA 1969).
12. Coroner-Public Administrator office (Ch. 216, SLA 1970).
13. Constitutional amendment rotating the office of Chief Justice (approved by electorate in 1970).

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

1. Compilation of the records of the constitutional convention.
2. Adoption of Rule 40(e) of the uniform rules of the legislature (requiring 2/3 vote of the legislature to change rules of court).
3. Establishment of Public Defender Agency (Ch. 109, SLA 1969).
4. Parole Board autonomy (granted in 1972).
5. Modernization of the state recording system (1966).
6. Various recommendations regarding probation and parole services, including administration of probation by courts.
7. Recommendations regarding juvenile services.
8. Extensive analysis of Bush Justice needs, and recommendations.
9. Monthly statistical reporting system on sentences (established by courts and corrections in 1962).
10. Recommendation for presentence reports in all felony convictions (enacted by court rule in 1974).
11. Reclassification of minor traffic offenses as non-criminal.
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 (revisions in process, 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).

The Judicial Council was requested to consider all of the above matters by the courts, the legislature, or the public. Most of its recommendations have been adopted, although some have taken several years before enabling legislation or rules changes were enacted.

C. Conferences and Consultancies.

1. Sponsorship of first sentencing conference in Sitka (1968).
2. Consultant to Legislative Council (1959-1961).
3. Sponsorship of first Bush Justice Conference (Alyeska, 1970).
4. Consultant to Courts Standards and Goals Task Force (1975-1976).
5. Consultants to Criminal Code Revision Commission (1975-1978).
6. Magistrate's Advisory Committee (1977).
7. Consultant to Sentencing Guidelines Commission (1978 to present).
8. Consultant to Advisory Committee on Minority Judicial Sentencing Practices (created by legislature, 1979-1980).
9. Consultant to Pre-sentence Report Revision Committee (1979-present).

D. Major Studies and 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. Sentencing in Alaska. (March, 1975). Statistical analysis of felony sentences imposed in 1973.
6. The Grand Jury in Alaska. (Feb., 1975). Resulted in preliminary hearing pilot project in Anchorage and experimental rule change by supreme court.

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 Commission.
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 Citizens 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. Has 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. 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 Nov., 1978 general elections.

16. The Effect of the Official Prohibition of Plea Bargaining on the Disposition of Felony Cases in the 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.

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. Analyses the findings of a survey of registered voters asked to comment on the 1978 retention election results.

18. Statistical Analysis of Misdemeanor Sentences in Anchorage and Fairbanks. (November, 1979). Requested by legislature as follow-up report on racial disparities in misdemeanor sentences; shows significant disparities for several categories of offense.

19. 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 elections.

20. Alaska Felony Sentences, 1976-1979. (Nov., 1980). Follow-up study requested by legislature on felony disparities; shows virtual disappearance of racial disparities. Additional analysis and findings on sentences in rural areas, effects of attorney type, and possible continuing trends from the plea bargaining ban.



**END**