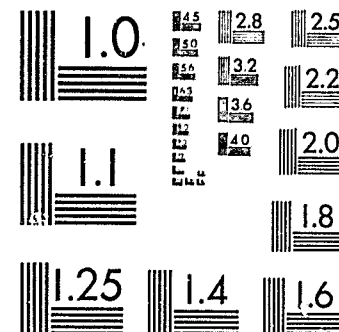


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Eleventh Report of the
Alaska Judicial Council
to the
Supreme Court and Legislature
1981 - 1982



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ACQUISITION

INTRODUCTION

The Alaska Judicial Council, created by Article IV, Section 8 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 ex-officio the Chief Justice of the Supreme Court of Alaska who serves as Chairman. 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 membership changed significantly in 1981 and 1982. James Bradley, a Juneau attorney, was appointed to replace Walter Carpeneti who had resigned to apply for a Juneau superior court judgeship in 1981. Barbara Schuhmann of Fairbanks was appointed by the Bar Association to fill the seat vacated when Marcus R. Clapp's term on the Council expired in 1982. Mary Jane Fate of Fairbanks was appointed by then-Governor Hammond to succeed Kenneth L. Brady, who resigned in 1981 after two terms as one of the Council's three non-attorney members. Joe Young of Anchorage continued to serve his term as the third attorney member, and Robert Moss of Homer and John Longworth of Petersburg served as the other two non-attorney members. Finally, Chief Justice Jay Rabinowitz completed his three-year term in October 1981. Edmond Burke was elected to the position of Chief Justice, and thus serves ex-officio as chairman of the Judicial Council.

Delegates to Alaska's Constitutional Convention established the Judicial Council for two purposes: The nomination of candidates for judgeships and research into issues related to improvement of the administration of justice. In addition, the legislature expanded the scope of Council activity to include nomination of candidates for state public defender as well as evaluation of judicial performance of all judges and justices for retention election purposes.

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 in 1981 and 1982.

PART I: JUDICIAL SELECTION AND RETENTION

A. Judicial Vacancies Filled

Eight judicial vacancies were filled in 1981 and 1982 through the Judicial Council's selection process. Five judges resigned or retired. Judge Allen Compton was appointed to the supreme court in 1980, leaving one Juneau superior court seat vacant. Judge Thomas Stewart retired early in 1981, vacating the other Juneau superior court seat. Rodger W. Pegues was appointed by Governor Hammond in April 1981 to fill the first vacancy, and Walter Carpeneti was appointed by him in October of that year to fill the second.

The third superior court vacancy occurred when Judge James Hanson resigned from the Kenai judgeship. Charles Cranston was appointed in October 1981 to take his place, with Judge Hanson continuing to act as judge pro-tem for six months each year.

Two district court judges left the bench. Judge Monroe Clayton of Fairbanks retired in 1980; Jane Kauvar was appointed in February 1981 to replace him. Judge Richard Avery resigned from the Anchorage bench early in 1981, with Elaine Andrews succeeding him.

The legislature created three new judgeships in 1982, one each in Wrangell, Palmer, and Barrow. The Wrangell position upgraded the existing district court judgeship to a superior court judge, automatically requiring a new selection process. Judicial needs of the North Slope and the Matanuska Valley were met by authorizing superior courts in each

location. At its meeting on September 30, 1982, the Judicial Council nominated candidates for each of these areas. The Governor appointed Judge Beverly Cutler to the Palmer position, making her Alaska's first woman on the superior court bench. He also appointed Judge Henry Keene to the Wrangell judgeship, and Michael Jeffery to the Barrow court.

Finally, the Council also met in March 1981 to interview candidates for the Public Defender position, left open when Brian Shortell was appointed to the Anchorage Superior Court. By law, the Council reviews and nominates applicants for this position in essentially the same manner used for judgeships. Of those nominated to the Governor, Ms. Dana Fabe was appointed to the position.

B. Judicial Selection Process

The Council's review of the judicial selection process, undertaken in 1981, led to adoption of a series of new procedures. Council staff researched the judicial selection methods of other states, as well as personnel selection techniques used for top management positions in business and government. The changes approved by the Council included the following:

1. Verify all legal employment, all other non-legal positions and all post-graduate and legal degrees listed by the applicant.
2. Conduct a standard credit check on each applicant.
3. Obtain a report on any disciplinary actions taken by the Bar Association against the applicant.

4. Check Public Safety records for information recorded there about any applicant.

Members agreed that the additional investigation described should be done by the Council's Executive Director or senior staff rather than by private contractors.

Some, but not all, revised selection procedures had been implemented by the end of 1982, primarily due to statutory constraints on the amount of time available to submit nominations. AS 22.05.080, 22.10.100 and 22.15.170 require that the Council nominate candidates to the Governor within forty-five days after the date of: an actual vacancy; (if the Council has sufficient notice of an impending vacancy, it may meet any time up to ninety days preceding the effective date of the vacancy to make nominations), certification of rejection following an election, or failure of a judge or justice to file a declaration of candidacy for retention.

Since existing judicial selection procedures (without the added procedures) already require a full three months (two weeks of preparation to advertise the vacancy; a four-week period during which applications are solicited; six weeks for the administration of the Bar survey, compilation of references, and review of applicants' files by the Council members), the Council is often hard-pressed to comply with the statutory time frame and frequently needs to request the supreme court's permission to extend the time limit.

Although full implementation of the revised selection procedures would extend the minimum screening period to four months, the extension is clearly justified by the need to

identify the best qualified applicants. Indeed, four to five months is comparable to the amount of time needed by private business and government bodies to select appointees for positions which have at least as much responsibility as that assumed by judges and justices.

Certain procedures have, however, been implemented without the need to extend the current time frame. A 1982 supreme court order (#489) gives the Council and its staff authority to review Bar Association files on each judicial applicant. The application form now includes questions requesting more detailed financial information and statement of potential conflicts of interest.

The procedures decided upon by the Council in 1981 focused on internal steps providing more verifiable information about applicants. The Council members also considered suggestions by legislators and others that the selection process be expanded to include more direct participation by various groups in the nomination of judicial candidates. Suggestions made at those meetings are being considered by the Council for future use.

C. 1982 Judicial Retention Election

Alaska's constitution requires that periodically every judge must stand for retention in the general elections. Judges file notice of their candidacy at least ninety days before the date of the election. Their names appear on the ballot unopposed.

The legislature in 1976 authorized the Judicial Council to evaluate each judge standing for retention and provide "information about the judge" to the public. The statute also allowed the Council to provide a recommendation regarding the judge's retention or rejection. An amendment in 1980 changed the procedure for release of this information, requiring that it be made public sixty days prior to the election, as well as being included in the voters' information pamphlet.

In 1976, 1978, and 1980, the Council experimented with a variety of procedures for evaluation and notification of the public. In each year, the results were the same: all judges were retained whether the Council found that they were "qualified" or "not qualified" to continue serving on the bench. However, analysis of voting patterns showed that judges evaluated as "not qualified" were retained by noticeably smaller margins than their "qualified" colleagues. For this reason, the Council decided to focus its retention evaluation efforts in 1982 on public information and participation rather than on further development of the evaluation procedures.

The Council scheduled a two-part public participation effort during the evaluation process. Public hearings were held in areas where judges were standing for retention: Anchorage, Homer, and Fairbanks. The press was informed of the evaluations being conducted, and Council staff appeared on several television and radio programs to discuss retention

elections. In addition, the Council met with the Retention Election Consultant Committee of the Alaska Bar Association to discuss future possibilities for evaluations.

The evaluations themselves followed the patterns established in earlier years. Surveys of Alaska Bar Association members and of peace officers were conducted by the Institute for Social Research at the University of Michigan. The Institute analyzed the surveys and reported its results to the Council. In addition, ten to fifteen attorneys with substantial recent experience before each judge were interviewed by Council staff regarding their perceptions of the judges' overall performance. Each group of interviewees included prosecutors, defense attorneys, civil defendants' and plaintiffs' attorneys, sole practitioners and representatives of large firms, to assure a broadly representative sample.

The Council members met on July 15, 1982 to consider the survey results, the comments from the public hearings, and the data accumulated in the interviews. Two judges attended the meeting to speak with the Council regarding its evaluations. The final vote found Judges Brewer and Vochoska (both in the Anchorage district court) "not qualified" and all other judges "qualified". These evaluations were then disseminated through press releases and submission to the Election Office as required by statute. Neither Judge Brewer nor Judge Vochoska was retained by the electorate in the November elections.

One other aspect of the 1982 retention election was noteworthy. On October 29, 1982, the Supreme Court ordered that Judge Karl Johnstone's name should appear on the ballot on November 2 and that "ballots cast in regard to his approval or rejection shall be counted." Judge Johnstone had been appointed to the Anchorage superior court by Governor Jay Hammond on October 8, 1979. He had not assumed his office until December 13, 1979. The Supreme Court, in deciding which was the effective date of appointment for purposes of retention election candidacy, stated that "[A]ppointment," as that term is used in Article IV, section 6 of the Alaska Constitution, means designation by the Governor of the State of Alaska."

The Court's opinion was issued in response to a complaint for declaratory judgment and injunctive relief filed by the Alaska Court System and Alaska Judicial Council, who contended that "appointment" should mean the date on which the "judge or justice takes the oath of office required by Article XII, section 5" of the state's constitution. The superior court had upheld this position, and the Division of Elections had appealed from the Superior Court. Compliance with election filing dates and evaluation by the Judicial Council were waived by the Supreme Court, and Judge Johnstone was retained by a narrow margin on November 2.

PART II: RESEARCH

A. 1980 Felony Sentences

The Judicial Council has been reviewing sentencing patterns since 1973. The studies are undertaken by the Judicial Council because of its constitutional mandate to perform studies and make recommendations for the improvement of the administration of justice. The specific reasons underlying each data collection project have varied. One of the earliest reports was funded by the legislature to provide information useful for design of a new sentencing structure which would be adopted as part of the revision of Alaska's criminal code. At the same time (1975-1978) the Council provided research assistance to the legislature about sentencing provisions in use throughout the country, and recommended the adoption of presumptive sentencing rather than "flat-time" or mandatory minimum proposals. The legislature approved presumptive sentencing as part of the new criminal code which became effective on January 1, 1980.

Other sentencing studies published by the Council during the years of 1978-1980 focused first on the effects of the Attorney General's ban on plea bargaining, then on the disparities (racial disparity being the primary concern) brought to light in the plea bargaining study.

The study of 1980 felony sentences brought together the concerns of all of the earlier studies. It was the first analysis of sentences imposed under the new criminal code. For

this reason, the study year was defined slightly differently than it had been for preceding research. Cases filed as of January 1, 1980 through December 31, 1980 for which there was a conviction and sentencing formed the data base, rather than cases sentenced as of a certain date. The 1980 study was also directed towards the monitoring of sentences to see whether any racial or other disparities had persisted.

The report published in December 1982 showed some remarkable changes occurring in the criminal justice system between the years of 1974 and 1980.

- * Racial disparities had entirely disappeared from 1980 sentencing patterns. They had been present in every other year studied since 1973.
- * Disparities in sentencing based on the type of attorney representing the defendant had also disappeared. The study of 1976-79 sentences had indicated that clients of court-appointed attorneys received longer sentences than those of either Assistant Public Defenders or private attorneys. A new court program providing experienced criminal defense attorneys for court appointments was apparently effective in eliminating the problem.
- * Sentence lengths had dropped from their high point in the late 1970's, in some instances falling back to nearly the low levels of 1974, prior to the ban on plea bargaining.

Other trends in sentencing patterns stayed about the same or became more pronounced:

- * Defendants incarcerated prior to disposition of their cases received longer sentences and were less likely to be given a sentence of probation. The analysis took into account all of the other factors affecting sentence length such as prior criminal history and seriousness of the offense, and found that the effect of not being able to post bail contributed independently to significantly longer sentences.
- * Defendants convicted following a jury trial received longer sentences than those who entered a plea of guilty or no contest to their charge(s).
- * Defendants in rural areas continued to receive shorter sentences and have a greater chance of a "probation-only" sentence than urban defendants.
- * Defendants in rural areas were far more likely than those in Anchorage, Fairbanks, and Juneau to have had the original felony charge reduced to a misdemeanor before disposition of the case. This difference was noted in the 1976-79 study, and had become much more significant in 1980.
- * Alcohol use was associated with the majority of violent and property offenses, especially in rural areas.

Finally, the report looked at sentences imposed under the new sentencing scheme. It found that sentences imposed under the presumptive provisions (for most repeat offenders and some first offenders convicted of particularly serious crimes) were significantly longer than non-presumptive sentences. Analysis showed that many of the presumptive sentences were "aggravated". That is, facts about the offense, offender, or both, allowed the judge to impose a higher sentence than the presumptive sentence specified in the criminal code. While the defendant's prior record accounted for part of the increase in sentence length, the presence of aggravating factors was apparently very influential in raising these sentences above those imposed non-presumptively.

B. Prison Population Impact Analysis

Data collected for the study of 1980 felony sentences was combined with data from the Division of Corrections and findings from the Council's earlier studies to examine the rapid growth in prison populations since 1978. Because the data base included only defendants sentenced on felony charges, other factors affecting changes in the prison population (such as mandatory minimum sentences for drunk drivers) and the number of people unable to make bail while awaiting trial, could not be considered.

The report was funded by the Department of Health and Social Services, and the Governor's Commission on Criminal Justice. Their interest stemmed from the increasingly

overcrowded situations in Alaskan jails, which were operating at about 120% of their capacity in 1982.

One suggested reason for prison population change, passage of the presumptive sentencing law, was discounted by the report. Analysis demonstrated that if the rate of 1980 convictions and average lengths of 1980 sentences continued until 1986, no jail population increases would occur. The report hypothesized that it was more likely that unusually long sentences imposed during 1977 and 1978 were responsible for the present crowded conditions.

A separate section of the report analyzed the possible effects of both new drug laws and of a proposed bill providing presumptive sentencing for all first offenders. Projections showed that sentencing all first felony offenders to a presumptive term would mean a minimum increase of 106 prisoners over the five years analyzed. Models for the new drug laws passed in 1982 showed a minimum increase of at least 27 additional prison beds needed by 1986.

C. Fish and Game Violations

A 1982 study of fish and game violations in 1980 and 1981 was the largest study undertaken by the Judicial Council during the previous two years. Management of the state's natural resources depends in part on effective sanctions for offenses committed by commercial and recreational users. Since 1980, concern had been growing that sentences imposed for violations of the applicable codes were disparate. The

Department of Law, the Division of Fish and Wildlife Protection (Public Safety) and various Boards and Commissions urged the legislature to provide funds for study of the situation. Based on preliminary findings from a Judicial Council study of 1977-79 offenses showing large sentencing disparities, the legislature requested that the Council undertake a thorough analysis.

The report presented to the legislature in 1983 confirms the Council's earlier findings. It suggests that part of the problem may lie in confusing administrative codes and statutes, which result in varying ways of stating the same offense depending on the prosecutor or enforcement officer. These variations may also account for the fact that even after all statistically significant factors were considered, sentences showed wide fluctuations.

Specific findings included:

- (a) The judge imposing the sentence is a more influential factor than the seriousness of the offense or the offender's prior record of fish and game convictions.
- (b) If the offender goes through a jury trial and is convicted, the sentence imposed is significantly longer than if he had pled guilty or nolo contendere (no contest).

(c) If the offender is not a resident of Alaska, his sentence for a commercial fishing conviction is likely to be significantly harsher than those imposed on Alaska residents. Non-residents charged with a commercial fishing violation are also more likely to be required to post bail, and the bail amount will probably be larger than for an Alaskan resident.

(d) Conviction of a game violation led to a jail sentence far more often than did conviction on a commercial fishing violation.

(e) If equipment is seized at the time of the fish or game violation, it is much less likely to be forfeited as part of the sentence than is fish or game seized from the offender. This is especially true in commercial fishing violations.

Findings of the study were reviewed by the Council at its February, 1983 meeting. Members agreed that revision of codes and statutes would be necessary in the long run. Further recommendations, based on the report, will be presented to the legislature's Judiciary Committees in April.

Appendix A

A Summary of Programs and Recommendations of the Judicial Council since Statehood: 1959-1983

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 (1975-1981).
6. Magistrate's Advisory Committee (1977).
7. Consultant to Sentencing Guidelines Committee (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 (1979-1981).
10. Retention Election Consultant Committee (1982 to 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 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 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 the 1978 general elections.
16. 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 on 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. Analyzes 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. (Nov., 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 the 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.
21. Alaska Felony Sentences: 1980. (1980). 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.

22. 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.
23. 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.
24. 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.
25. Statistical Analysis of Major Fish and Game Offense Sentencing Outcomes. (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.

END