

Bethany Harbison - Profile

Judge Harbison was appointed to the Alaska Court of Appeals in November of 2018. Judge Harbison is one of four judges on the Alaska Court of Appeals, an appellate court for criminal appeals. This is her first retention evaluation as a Court of Appeals judge.

Performance Summary

After conducting its performance review, the Judicial Council determined that Judge Harbison met or exceeded [performance standards](#) on all criteria, including legal ability, integrity, impartiality/fairness, temperament, diligence, and administrative skills.

The Council also determined that Judge Harbison met or exceeded educational requirements set by the Alaska Supreme Court, complied with judicial ethics requirements, and made significant contributions to her community and to the administration of justice.

Because Judge Harbison met or exceeded all performance and professional development standards, the Alaska Judicial Council **recommends a “yes” vote** on retention in office.

Performance Findings

The Council conducts a [thorough performance review](#) of each judge standing for retention. Key findings for Judge Harbison include:

- **Ratings by justice system professionals:** Attorneys who appeared before Judge Harbison gave her excellent reviews, as did court employees. The chart shows the survey ratings received by Judge Harbison.
- **Professional activities:** The Council’s review of Judge Harbison’s professional activities showed significant contributions to the administration of justice and her community. During her term, Judge Harbison served as a member of the Criminal Rules Committee, the Statewide Court Security and Emergency Preparedness Committee, the Fairness, Diversity, and Equality Committee, the Anti-Sexual Harassment Working Group, and the Magistrate Judge Conference Planning Committee. She represented the Court of Appeals at judicial installations and swearing-in ceremonies, and made a presentation on surviving Alaska hazards for new law clerks. She sponsored her law clerks’ participation in the Literacy Council Spelling Bee, participated in a National Association of Women Judges reception in honor of the Court of Appeals, gave a radio interview about the Court of Appeals, and appeared as a guest speaker in a fourth grade class via Zoom to answer questions about the judicial system.
- **Other performance indicators:** The Council reviewed other performance indicators, including Judge Harbison’s financial disclosure and conflict of interest statements, and background checks. Judge Harbison performed well in these areas.
- **Timeliness:** Alaska law requires judges’ pay be withheld if a decision is pending longer than six months. The Council verified that Judge Harbison was paid on schedule, and she certified that she had no untimely decisions.
- **Ethics:** There were no public disciplinary proceedings against Judge Harbison, and the Council’s review found no ethical concerns.



Print Questionnaire

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Alaska Judicial Council

alaska judicial council

510 L Street, Suite 450, Anchorage, Alaska 99501
http://www.ajc.state.ak.us

(907) 279-2526

FAX (907) 276-5046
E-mail: postmaster@ajc.state.ak.us

Alaska Judicial Council Appellate Judge Questionnaire

2022 Candidates for Judicial Retention

November 2021

Bethany S. Harbison
Name

Court of Appeals
Court

1. Please estimate your workload during your present term.
 - a) % civil cases
 - 99 % criminal cases
 - 1 % court administrative work
 - 100 % Total
 - b) # of trials/year (as trial judge, if any)

2. Please describe your participation on court/bar committees or other administrative activities during your current term of office.

-- Alaska Supreme Court Criminal Rules Committee (member, April 2019 to present) .
 -- Statewide Security and Emergency Preparedness Committee (member, 2018 to present).
 -- Alaska Supreme Court Fairness, Diversity and Equality Committee (member, 2012-2019).
 -- Anti-Sexual Harassment Working Group (member, 2018).
 -- Magistrate Judge Conference Planning Committee (chairperson, 2019-2020).
 -- Represented the Court of Appeals at judicial installations and at a swearing-in ceremony for new bar members.
 -- Presented a session on "Surviving Alaska's Hazards" with Justice Borghesan (annual appellate law clerk training, September 2021).

3. Please describe any judicial or legal education you have undertaken or provided during your current term in office.

Judicial Education Undertaken:

-- Alaska Court System Judicial Conference, October 2018, 2019 and 2020.

Judicial/Legal Education Provided:

-- Presentation to the superior court law clerks (Ethics for Trial Court Law Clerks), September 2020 and September 2021

-- Presentation to the appellate law clerks (Ethics for Appellate Law Clerks), September 2019, 2020, and 2021

-- Court of Appeals Off-the-Record (bench-bar CLE presented by the Court of Appeals judges), April 2019

-- Presentation to the Appellate Section of the Alaska Bar Association (From the Superior Court to the Court of Appeals: A Conversation with Judge Bethany Harbison), August 2020

-- Presentation at the Judicial Conference (Court of Appeals Roundtable), October 2019

-- Presentation at the Magistrate Judges Conference regarding the court system's anti-discrimination and sexual harassment policy, October 2018

4. Please describe any public outreach activities.

-- Sponsored the law clerks' participation in the Literacy Council Spelling Bee (Fairbanks, February 2019)

-- Participated in a National Association of Women Judges reception in honor of the Court of Appeals (Anchorage, August 2019)

-- Participated in an interview of the Court of Appeals judges on KSUA's "Hometown Alaska" (over the radio, December 12, 2019)

-- Guest speaker for a 4th grade class, answering questions about the judicial branch of government (by zoom, October 9, 2020).

5. Please assess, in one or two paragraphs, your judicial performance during your present term. Appropriate areas of comment could include: satisfaction with your judicial role, specific contributions to the judiciary or the field of law, increases in legal knowledge and judicial skills, or other measures of judicial abilities that you believe to be important.

I was appointed to the Court of Appeals in November 2018, and I began serving in January 2019. Because I had previously served as a trial court judge, I was already familiar with the policies and procedures of the court system. I nevertheless found that the learning curve was steep and that I had much to learn about working on an appellate court. I feel that I have made a successful transition to my new position by working hard and being fully committed to maintaining the analytical rigor that has been the hallmark of this court for decades.

The Court of Appeals is burdened by a busy caseload, including a substantial backlog of cases. As a result, one challenge in my work is to balance the need to issue a decision promptly, in order to reduce the number of cases awaiting decision, with the need to issue clear opinions that are based on a thorough review of the record and the relevant legal principles. Another challenge is learning to work both efficiently and collaboratively. It is difficult to find time to prepare and circulate my own draft opinions and also to provide prompt feedback to the other judges on their circulating drafts.

As I have grown more comfortable in my role as an appellate judge, I truly enjoy the work. I particularly enjoy the exchange of views with my colleagues and the opportunities I have to learn from them and from the lawyers who appear before us. But even the days I spend alone reading and writing go by quickly because our cases are very interesting and demand my full attention.

I believe that my experience working as a trial court judge brings an important perspective to a court where the other judges do not have a similarly extensive background conducting trials. And because I spent several years serving as a presiding judge, I have administrative skills that have been useful to the court.

I work hard every day to improve my performance, and I am committed to continuing to better myself as an appellate judge. I am honored to have been given this opportunity and hope to continue to serve the people of Alaska in this position.

6. During your most recent term as a judge, have you:
- a) had a tax lien filed or other collection procedure instituted against you by federal, state, or local authorities? Yes No
 - b) been involved in a non-judicial capacity in any legal proceeding whether as a party or otherwise? Yes No
 - c) engaged in the practice of law (other than as a judge)? Yes No
 - d) held office in any political party? Yes No
 - e) held any other local, state or federal office? Yes No
 - f) had any complaints, charges or grievances filed against you with the Alaska Commission on Judicial Conduct, the Alaska Bar Association, the Alaska Court System, or any other agency that resulted in public proceedings or sanctions? Yes No

7. If your answer to any of the questions above is "yes," please give full details, including dates, facts, case numbers, and outcomes.

Bethany Harbison v. Frederick Harbison, 3AN-09-10004 CI, divorce and child custody, closed.

8. Please provide any other information which you believe would assist the Council in conducting its evaluations and in preparing its recommendations for the 2022 retention elections.

[Empty box for providing additional information]

For questions 9 and 10, please do not list any cases that have pending issues in your court.

- 9. Please list your six most recent opinions from your current term in office including case names and numbers. Please list the names and current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these appeals. (Attach additional pages if necessary.)

Case Number 1

Case Name: State of Alaska Case Number: A-13492
v. Aaron Matthew Johnson

Attorneys Involved:

Name: Timothy W. Terrell Name: Emily Jura
Address: 303 K Street Address: 900 West 5th Avenue, Suite 200
City, State, Zip: Anchorage, AK 99501 City, State, Zip: Anchorage, AK 99501

Case Number 2

Case Name: Jason Rak Case Number: A-13254
v. State of Alaska

Attorneys Involved:

Name: Fleur L. Roberts Name: Ann B. Black
Address: P.O. Box 82490 Address: 1031 W. 4th Avenue, Suite 200
City, State, Zip: Fairbanks, AK 99708 City, State, Zip: Anchorage, AK 99501

Case Number 3

Case Name: Shyheim Stefan Chavis Case Number: A-13158
v. State of Alaska

Attorneys Involved:

Name: Emily L. Jura Name: Patricia L. Haines, briefs
Address: 900 West 5th Avenue, Suite 200 Address: 101 Lacey Street
City, State, Zip: Anchorage, AK 99501 City, State, Zip: Fairbanks, AK 99701

Case Number 4

Case Name: Bradley A. Amos

Case Number: A-13362

v. State of Alaska

Attorneys Involved:

Name: Michael L. Barber

Name: Terisia K. Chleborad

Address: 900 West 5th Avenue, Suite 200

Address: 1031 W. 4th Avenue, Suite 200

City, State, Zip: Anchorage, AK 99501

City, State, Zip: Anchorage, AK 99501

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Case Number 5

Case Name: Kane Huff

Case Number: A-13202

v. State of Alaska

Attorneys Involved:

Name: Rex Lamont Butler

Name: RuthAnne Beach

Address: 745 W. 4th Avenue, Suite 300

Address: 1031 W. 4th Avenue, Suite 200

City, State, Zip: Anchorage, AK 99501

City, State, Zip: Anchorage, AK 99501

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Case Number 6

Case Name: Laron Carlton Graham

Case Number: A-13052

v. State of Alaska

Attorneys Involved:

Name: Jane B. Martinez

Name: Patricia L. Haines

Address: P.O. Box 113201

Address: 101 Lacey Street

City, State, Zip: Anchorage, AK 99511

City, State, Zip: Fairbanks, AK 99701

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

- 10. *Optional:* If you deem it helpful to the Council, please list up to three other cases during your current term in which you believe your work was particularly noteworthy. Please list the names and current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these appeals. (Attach additional pages if necessary.)

Case Number 1

Case Name: State of Alaska **Case Number:** A-13146
 v. Francis Paul Azzarella

Attorneys Involved:

Name: <u>Timothy W. Terrell</u>	Name: <u>Kelly R. Taylor</u>
Address: <u>303 K Street</u>	Address: <u>900 West 5th Avenue, Suite 200</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: State of Alaska **Case Number:** A-13067
 v. Kai Meyers

Attorneys Involved:

Name: <u>John J. Novak, opening & reply briefs and oral argument</u>	Name: <u>Brent R. Cole</u>
Address: <u>310 K Street, Suite 403</u>	Address: <u>821 N Street, Suite 208</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: <u>Donald Soderstrom, supplemental brief</u>	Name: _____
Address: <u>1031 W. 4th Avenue, Suite 200</u>	Address: _____
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: _____

Case Number 3

Case Name: Con Lysle Compton **Case Number:** A-12918
 v. State of Alaska

Attorneys Involved:

Name: <u>David T. McGee</u>	Name: <u>David Buettner</u>
Address: <u>900 West 5th Avenue, Suite 200</u>	Address: <u>510 2nd Avenue, Suite 200</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Fairbanks, AK 99701</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Table 11
Judge Bethany Harbison
Demographic Description of Respondents - Attorneys

	<i>n</i>	<i>%</i>
All respondents	175	100
Experience with Judge		
Direct professional experience	115	65.7
Professional reputation	47	26.9
Other personal contacts	13	7.4
Detailed Experience*		
Recent experience (within last 5 years)	101	87.8
Substantial amount of experience	41	35.7
Moderate amount of experience	32	27.8
Limited amount of experience	42	36.5
Type of Practice		
No response	2	1.1
Private, solo	24	13.7
Private, 2-5 attorneys	15	8.6
Private, 6+ attorneys	11	6.3
Private, corporate employee	-	-
Judge or judicial officer	45	25.7
Government	44	25.1
Public service agency or organization	6	3.4
Retired	25	14.3
Other	3	1.7
Length of Alaska Practice		
No response	19	10.9
5 years or fewer	14	8.0
6 to 10 years	16	9.1
11 to 15 years	14	8.0
16 to 20 years	22	12.6
More than 20 years	90	51.4
Cases Handled		
No response	3	1.7
Prosecution	21	12.0
Criminal	24	13.7
Mixed criminal & civil	69	39.4
Civil	48	27.4
Other	10	5.7
Location of Practice		
No response	2	1.1
First District	13	7.4
Second District	2	1.1
Third District	99	56.6
Fourth District	58	33.1
Outside Alaska	1	0.6
Gender		
No response	3	1.7
Male	90	51.4
Female	81	46.3
Another identity	+	+

*Only among those respondents reporting direct professional experience with the judge.

+Too few respondents to report

Table 12
Judge Bethany Harbison
Detailed Responses - Attorneys

	<i>n</i>	Legal Ability <i>M</i>	Impartiality/ Fairness <i>M</i>	Integrity <i>M</i>	Judicial Temperament <i>M</i>	Diligence <i>M</i>	Overall <i>M</i>
All respondents	175	4.5	4.5	4.7	4.6	4.5	4.5
Basis for Evaluation							
Direct professional experience	115	4.5	4.5	4.7	4.6	4.5	4.5
Experience within last 5 years	101	4.6	4.5	4.7	4.6	4.6	4.6
Experience not within last 5 years	14	4.1	4.1	4.5	4.2	4.5	4.3
Substantial amount of experience	41	4.6	4.5	4.6	4.5	4.5	4.5
Moderate amount of experience	32	4.5	4.5	4.7	4.6	4.5	4.4
Limited amount of experience	42	4.5	4.5	4.6	4.6	4.6	4.6
Professional reputation	47	4.5	4.5	4.6	4.5	4.5	4.5
Other personal contacts	13	4.7	4.8	4.9	4.9	4.7	4.8
Type of Practice*							
Private, solo	16	4.2	4.1	4.5	4.2	4.4	4.2
Private, 2-5 attorneys	7	4.1	4.0	4.3	4.0	4.1	3.9
Private, 6+ attorneys	2	4.5	4.5	4.5	4.5	4.5	4.5
Private, corporate employee	-	-	-	-	-	-	-
Judge or judicial officer	38	4.9	4.8	4.9	4.9	4.8	4.8
Government	27	4.3	4.2	4.4	4.3	4.3	4.3
Public service agency or organization	2	4.0	3.5	4.0	3.0	4.0	3.5
Retired	18	4.7	4.7	4.8	4.8	4.5	4.8
Other	3	5.0	4.7	5.0	5.0	5.0	5.0
Length of Alaska Practice*							
5 years or fewer	6	4.5	4.3	4.3	4.3	4.5	4.5
6 to 10 years	10	4.0	3.7	4.4	4.2	4.0	3.9
11 to 15 years	10	4.9	4.8	4.9	4.7	4.8	4.8
16 to 20 years	13	4.6	4.6	4.8	4.7	4.7	4.7
More than 20 years	63	4.5	4.6	4.6	4.5	4.5	4.5
Cases Handled*							
Prosecution	13	4.0	3.8	4.2	4.2	4.1	4.1
Criminal	21	4.7	4.6	4.8	4.7	4.7	4.7
Mixed criminal & civil	55	4.7	4.6	4.7	4.7	4.7	4.7
Civil	19	4.2	4.2	4.5	4.1	4.2	4.3
Other	4	4.5	4.8	5.0	4.8	5.0	4.5
Location of Practice*							
First District	7	3.9	4.0	4.4	4.3	4.1	4.1
Second District	2	4.5	4.5	5.0	5.0	5.0	4.5
Third District	63	4.5	4.5	4.6	4.5	4.5	4.5
Fourth District	40	4.7	4.6	4.8	4.6	4.7	4.6
Outside Alaska	1	5.0	4.0	4.0	4.0	4.0	4.0
Gender*							
Male	61	4.5	4.5	4.6	4.6	4.5	4.5
Female	50	4.5	4.4	4.7	4.5	4.6	4.5
Another identity	+	+	+	+	+	+	+

*Ratings from only those respondents reporting direct professional experience with the judge.

+Too few respondents to report.

Table 5
Judge Bethany Harbison
Description of Respondents' Experience - Court Employees

	<i>n</i>	<i>%</i>
All respondents	38	100
Experience with Judge		
Direct professional experience	29	76.3
Professional reputation	8	21.1
Other personal contacts	1	2.6
Detailed Experience*		
Recent experience (within last 5 years)	28	96.6
Substantial amount of experience	7	25.0
Moderate amount of experience	10	35.7
Limited amount of experience	11	39.3

*Only among those respondents reporting direct professional experience with the judge.

Table 6
Judge Bethany Harbison
Detailed Responses - Court Employees

	<i>n</i>	Impartiality/ Fairness <i>M</i>	Integrity <i>M</i>	Judicial Temperament <i>M</i>	Diligence <i>M</i>	Overall <i>M</i>
All respondents	38	4.8	4.8	4.8	4.7	4.8
Basis for Evaluation						
Direct professional experience	29	4.9	4.9	4.9	4.8	4.9
Experience within last 5 years	28	4.9	4.9	4.9	4.8	4.9
Experience not within last 5 years	-	-	-	-	-	-
Substantial amount of experience	7	4.9	5.0	4.7	4.7	4.7
Moderate amount of experience	10	5.0	5.0	5.0	5.0	5.0
Limited amount of experience	11	4.8	4.8	4.9	4.7	4.8
Professional reputation	8	4.4	4.3	4.4	4.1	4.4
Other personal contacts	1	5.0	5.0	5.0	5.0	5.0