



alaska judicial council

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Press Release

July 24, 1998

Retention Election Evaluation of Judges by Judicial Council

The Alaska Judicial Council has found all thirteen judges standing for retention in the 1998 general election qualified, and recommends that voters retain each judge. Alaska law requires the Judicial Council to evaluate every judge standing for retention and to make the evaluations public. The Council gathers more information on judges to make this evaluation than anywhere else in the country. Alaska is the only state to survey all police officers, and one of the very few to survey jurors and court employees. Many other states use Alaska's evaluation program as a model. Based on its comprehensive evaluation, the Council unanimously voted on July 7, 1998 to recommend the retention of each judge. Between now and the November election, state law requires the Council to give voters information about judicial performance, and about its recommendations. Voters can use the Council's findings to make informed choices about voting for judges.

The Council asked nearly 7,800 Alaskans about their experience with the judges. All police and probation officers and lawyers throughout the state, about 3,000 jurors, and all court employees received written surveys on the judges. The Council also surveyed social workers, guardians ad litem, and CASA volunteers this year for the first time. Summary survey results are attached. The Council also held public hearings around the state in May, looked at judges' financial statements, reviewed peremptory challenges to the judges, and looked at the judges' appellate records. The Council also reviews the judge evaluations completed by the CourtWatch program organized by Victims for Justice.

The Council evaluates judges in several performance areas, including integrity, impartiality, legal ability, judicial temperament, and administrative skills. Using the surveys, the Council assesses qualities of courtesy, freedom from arrogance, ability to control the courtroom, talent for cases involving children and families, knowledge of the law, and equal treatment of all parties. A five-point rating scale distinguishes among excellent, good, acceptable, deficient, and below acceptable performances. The survey results create a clear picture of each judge's strengths and weaknesses.

Evaluating the judges' performances using other data, such as appellate affirmances and peremptory challenges, requires a different set of criteria. The Council evaluates these data in the context of the judges' caseloads, location of work, and reasons for the appeals or challenges. For example, attorneys file peremptory challenges against judges handling criminal cases more frequently than against those handling civil cases. Defendants in criminal cases appeal their cases more often, but the appellate courts affirm the judges' decisions in criminal cases more frequently than in civil cases. The Council must consider each of these factors in its evaluations.

The Council emphasizes the need to evaluate the judges' performances over their entire terms. It works to balance the objectives of having judges who are independent enough to uphold the state's constitution and laws, with the need to have judges who also are accountable to the public. Occasionally judges handle cases that draw substantial public attention, and even criticism. In the context of the thousands of cases that each judge hears during a term in office, a single case or several cases typically should not serve as the basis for evaluating the judge's entire performance. Judges deciding criminal cases in particular, operate within limits set by the legislature for sentencing and funding for correctional institutions, as well as limits set by plea negotiations between the prosecutors and defendants.

Judges stand for retention periodically in nonpartisan, unopposed elections. Because each judge runs on his or her own record, the information provided by the Judicial Council gives voters an objective view of the record. The Council publishes its evaluations and recommendations in the Lieutenant Governor's Official Elections Pamphlet that goes to every household with a registered voter about three weeks before the November election. Council staff and members meet with community councils and other local organizations to discuss the evaluations and answer questions. Copies of the surveys and other information compiled by the Council are available by writing or calling the Council. Detailed information also is available at the Council's Internet home page at www.ajc.state.ak.us.

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Attachment: Summary