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and Economic Research
UNIVERSITY of ALASKA ANCHORAGE

Alaska Judicial Council

Judicial Selection Survey

██████████ Superior Court

Technical Report

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Table of Contents

Executive Summary	1
Table 1: Mean Ratings of Applicants	2
Introduction	3
Methodology	3
Table 2: Respondent Characteristics	4
Instrumentation	5
Confidentiality and Data Safety	5
Assurance of Non-Duplicate Responding	6
Data Management	6
Results	6
<i>Summary Tables</i>	
Table 3: Level of Experience with Applicants	8
Table 4: Summary of Overall Ratings	9
Table 5: Distribution of Responses for Overall Rating	10
Table 6: Mean Overall Ratings by Type of Practice	11
Table 7: Mean Overall Ratings by Length of Alaska Practice	12
Table 8: Mean Overall Ratings by Type of Caseload Handled	13
Table 9: Mean Overall Ratings by Location of Practice	14
Table 10: Mean Overall Ratings by Gender	15
<i>Applicant Tables</i>	
Table 11: [REDACTED]: Demographic Description of Respondents	16
Table 12: [REDACTED]: Detailed Responses	17

Executive Summary

This report presents findings from a selection survey conducted among Alaska Bar Association members for 1 judicial vacancy on the [REDACTED] Superior Court created by [REDACTED]. By the application deadline, the Alaska Judicial Council received a total of [REDACTED] applications from the following individuals (presented in alphabetical order):

The Alaska Judicial Council asked bar members to evaluate applicants on six characteristics: *Professional Competence, Integrity, Fairness, Judicial Temperament, Suitability of this Applicant's Experience for this Vacancy*, and *Overall*. The rating scale ranged from *Poor* (1) to *Excellent* (5).

Table 1 shows the mean ratings for each applicant by respondents with direct professional experience on all six characteristics.

Table 1
Mean Ratings of Applicants

			Professional Competence	Integrity	Fairness	Judicial Temperament	Suitability of Experience	Overall Rating
		<i>n</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>
		11	3.5	3.6	3.4	3.3	3.4	3.3
		165	4.4	4.5	4.3	4.2	4.3	4.3

Note: Ratings from only those respondents with direct professional experience with the applicants.

Judicial Selection Survey: [REDACTED] Superior Court

Introduction

The State of Alaska Constitution and laws mandate that the Alaska Judicial Council (Council) evaluate all applicants for a judicial vacancy. The Council nominates the two or more most qualified applicants to the governor who must appoint from the Council's list. As part of the information used to fulfill its mandate, the Judicial Council distributed surveys to Alaska Bar Association members and asked them to rate applicants on six characteristics: *Professional Competence, Integrity, Fairness, Judicial Temperament, Suitability of this Applicant's Experience for this Vacancy, and Overall*. Each survey also contained demographic questions about the respondents, including type of practice, length of Alaska practice, types of cases handled, primary location of practice, and gender.

To maintain objectivity, the Council contracted with the Institute of Social and Economic Research (ISER), a research institute at the University of Alaska Anchorage. ISER was responsible for all aspects of distribution and data collection related to the online version of the survey. Parallel paper surveys were printed and mailed by the Council but returned directly to ISER for processing, data entry, and analysis. ISER prepared this report summarizing survey procedures and results.

A single selection survey was conducted for the following judicial vacancies: [REDACTED] Superior Court and [REDACTED] Superior Court. This report presents the findings of the survey for [REDACTED] Superior Court, created by [REDACTED]. By the application deadline, the Council had received a total of [REDACTED] applications from the following individuals (presented in alphabetical order):

Methodology

All active in-state members of the Alaska Bar Association were invited to participate in this selection survey. Inactive and retired members and active out-of-state members were also invited to participate in the survey if the Council had email addresses for them. Of the 3,434 individuals invited to participate, most individuals (3,420) received only an email invitation to complete the survey online. Three individuals received only a paper version of the survey and 11 individuals received both the paper and online versions of the survey.

Respondents initiated 1,124 online surveys. No surveys were excluded because the respondent answered "No" to the question certifying that they had complied with the ethical standards set out in Professional Rule 8.2; 21 surveys were excluded because the respondents did not progress far enough in the survey to reach the certification question; 19 surveys were excluded because the respondents did not answer any other questions but the certification question. One online survey was returned by an individual who also completed a paper survey. Therefore, 1,083 online surveys qualified for analysis.

Respondents also returned 11 paper surveys. Attorneys are required to sign the paper surveys to verify that they are the person completing the survey. One paper survey was excluded because it was unsigned. One paper survey was excluded because the respondents did not respond to the question certifying that he/she had complied with the ethical standards set out in Professional Rule 8.2. No paper surveys were returned by individuals who also completed the online survey. Therefore, 9 paper surveys qualified for analysis.

The final analysis included 1,083 online surveys and 9 paper surveys, for a total of 1,092 surveys and a survey return rate of 31.8%. Of the 1,092 returned surveys, 527 (48.3%) did not rate any of the [REDACTED] applicants ([REDACTED]).

██████ Superior Court applicants and ██████ Superior Court applicants); 565 (51.7%) respondents evaluated one or more applicants. Table 2 summarizes the demographic characteristics of the respondents.

Table 2
Respondent Characteristics

		All Respondents		Respondents who Rated ≥ 1 Applicant	
		<i>n</i>	%	<i>n</i>	%
All respondents		1,092	100	565	100
Type of Practice					
	No response	14	1.3	5	0.9
	Private, solo	214	19.6	122	21.6
	Private, 2-5 attorneys	157	14.4	88	15.6
	Private, 6+ attorneys	129	11.8	60	10.6
	Private, corporate employee	32	2.9	14	2.5
	Judge or judicial officer	63	5.8	48	8.5
	Government	285	26.1	144	25.5
	Public service agency or organization	47	4.3	22	3.9
	Retired	29	2.7	11	1.9
	Other	122	11.2	51	9.0
Length of Alaska Practice					
	No response	27	2.5	9	1.6
	5 years or fewer	151	13.8	57	10.1
	6 to 10 years	147	13.5	74	13.1
	11 to 15 years	129	11.8	66	11.7
	16 to 20 years	104	9.5	52	9.2
	More than 20 years	534	48.9	307	54.3
Cases Handled					
	No response	15	1.4	6	1.1
	Prosecution	75	6.9	40	7.1
	Criminal	83	7.6	48	8.5
	Mixed criminal & civil	218	20.0	149	26.4
	Civil	599	54.9	286	50.6
	Other	102	9.3	36	6.4
Location of Practice					
	No response	20	1.8	9	1.6
	First District	105	9.6	23	4.1
	Second District	25	2.3	18	3.2
	Third District	740	67.8	394	69.7
	Fourth District	139	12.7	104	18.4
	Outside Alaska	63	5.8	17	3.0
Gender					
	No response	23	2.1	7	1.2
	Male	630	57.7	332	58.8
	Female	439	40.2	226	40.0

Instrumentation

The survey contained the names of the applicants for the vacancy, questions about demographic information for each respondent, six evaluation items for each applicant, and space for respondents to provide additional comments regarding each applicant.

Both versions of the survey required a certification by the respondent that they had rated the applicants as required by the bar’s Professional Rule 8.2. Specific instructions regarding the certification were provided:

“Please refer to Professional Conduct Rule 8.2 concerning your obligation to provide truthful and candid opinions on the qualifications or integrity of these applicants.”

Respondents evaluated applicants in six areas of performance included in the survey using a five-point Likert scale that ranged from *Poor* (1) to *Excellent* (5). Detailed descriptions of the meaning of each point on the Likert scale were provided for each of the performance areas. The scale and instructions for respondents were:

“Please rate the applicant on each of the following qualities by selecting the number that best represents your evaluation. Applicants should be evaluated on each quality separately. Use the ends of the scales as well as the middle. The tendency to rate an applicant “excellent” or “poor” on every trait should be avoided since each person has strengths and weaknesses. If you cannot rate the applicant on any one quality, leave that one blank.”

	(1) <i>Poor</i>	(2) <i>Deficient</i>	(3) <i>Acceptable</i>	(4) <i>Good</i>	(5) <i>Excellent</i>
<i>Professional Competence</i>	Lacking in knowledge and/or effectiveness	Below-average performance occasionally	Possesses sufficient knowledge and required skills	Usually knowledgeable and effective	Meets the highest standards for knowledge and effectiveness
<i>Integrity</i>	Unconcerned with propriety and/or appearance, or acts in violation of codes of professional conduct	Appears lacking in knowledge of professional codes of conduct and/or unconcerned with propriety or appearance at times	Follows codes of professional conduct, respects propriety and appearance of propriety at all times	Above-average awareness of ethics, holds self to higher standard than most	Outstanding integrity and highest standards of conduct
<i>Fairness</i>	Often shows strong bias for or against some person or groups	Displays, verbally or otherwise, some bias for or against groups or persons	Free of substantial bias or prejudice against groups or persons	Above-average ability to treat all persons and groups impartially	Unusually fair and impartial to all groups
<i>Judicial Temperament</i>	Often lacks compassion, humility, or courtesy	Sometimes lacks compassion, humility, or courtesy	Possesses appropriate compassion, humility, and courtesy	Above-average compassion, humility, and courtesy	Outstanding compassion, humility, and courtesy
<i>Suitability of Experience</i>	Has little or no suitable experience	Has less than suitable experience	Has suitable experience	Has highly suitable experience	Has the most suitable experience for this position
<i>Overall Rating</i>	Has few qualifications for this position	Has insufficient qualifications for this position	Has suitable qualifications for this position	Has highly suitable qualifications for this position	Has exceptionally high qualifications for this position

Confidentiality and Data Safety

The survey introduction included a statement that reassured respondents of the confidentiality of their responses. Confidentiality is also a paramount concern at ISER and translated into specific procedures related to data security. Because data such as those collected through the judicial selection survey are of a sensitive nature, ISER has rigorous procedures to protect data. Specifically, paper surveys are kept in a lockable file cabinet located in a secure data storage room. Data are kept locked at all times except when being used for data entry or related purposes. Organizational policies and procedures highlight the requirement for confidentiality and ensure that only staff involved with the project have access to the data. Online data and data that have been entered from paper surveys are maintained on a secure server.

Assurance of Non-Duplicate Responding

To ensure that as few duplicates or invalid surveys as possible were received, clear instructions were provided to potential paper survey respondents regarding how to handle the survey booklets:

“A postage-paid business reply envelope is enclosed for the return of your completed evaluations. Place the completed survey inside the envelope marked “Confidential,” and seal the envelope. Then use the business reply envelope, being sure to sign in the space provided. The return envelope MUST BE SIGNED in order for your survey to be counted.”

Based on these instructions, ISER implemented procedures to ensure that only one survey was counted for each respondent. For the surveys returned without a name on the outside envelope, the envelope was opened to ascertain whether the individual signed the comment section. No paper surveys were returned without a name on the outside of the envelope. Signed names on the envelopes were compared to the mailing list, ensuring the individual was an eligible participant. Each individual's unique identifier was entered with the data, providing the ability to check for duplication with the completed online surveys. No surveys were signed by individuals who were not on the mailing list.

For the online data collection, each potential respondent was provided with a unique URL that could only be used once. After merging online and entered paper data, ISER analyzed frequencies of the unique identifier variable to identify any duplicate responses. No duplicate surveys were identified. Had any duplicates been identified, the most complete survey data would have been retained and the duplicate removed, ensuring that only one survey per respondent was used in the data analysis.

Data Management

With the goal of virtually error-free data handling, ISER implemented rigorous data entry procedures to ensure the accuracy of data entry. Paper data was entered using an electronic system similar to the online survey that prevents out-of-range responses. After the paper survey were entered, a second staff member verified all entries and corrected any mistakes, using paper data as verification. Online data were downloaded from the survey website and imported into SPSS for analysis. The paper survey responses were merged with the online responses in SPSS to create one data file of all responses.

Results

Two sets of results are presented in this section of the report. First, respondents' level of experience with each applicant rated is shown. Then, a summary table presents the ratings and comparisons of the applicants. Many of the cross tabulations yield results based on small numbers of respondents. Results based on small numbers of respondents should be regarded with caution and more weight given to the overall results.

Respondents' Level of Experience with Each Applicant

All respondents were asked to describe the basis of their evaluation for each applicant they rated, with options of direct professional experience, professional reputation, and other personal contacts.

Table 3 shows the type of experience of respondents for each applicant.

Ratings of Applicants

In the tables that follow, responses to the rating questions are shown in a variety of ways. Most tables show the number of respondents (*n*) and the average rating (*M*). Tables 4-10 present details on the *Overall* item. Table 4

compares all applicants to those with direct professional experience and includes the median rating (*Mdn*) and the standard deviation (*SD*) in addition to number of respondents and average. Tables 5-10 present data only from those respondents who indicated direct professional experience. Table 5 provides the distribution of responses. Table 6 provides applicants' mean ratings broken down by respondents' type of practice. Table 7 provides applicants' mean ratings broken down by respondents' length of Alaska practice. Table 8 provides applicants' mean ratings broken down by respondents' type of caseload handled. Table 9 provides applicants' mean ratings broken down by respondents' location of practice. Table 10 provides applicants' mean ratings broken down by respondents' gender.

For each individual applicant, Tables 11-22 provide a demographics summary of respondents and detailed information on ratings provided by respondent characteristic.

Table 3
Level of Experience with Applicants

		Percent of Respondents Basing Ratings on...			
	<i>n</i>	% of all respondents who rated applicant	Direct Professional Experience	Professional Reputation	Other Personal Contacts
██████████	166	15.2	69.3	25.3	5.4
██████████	227	20.8	72.7	18.5	8.8

Table 4
Summary of Overall Ratings

All Respondents					Respondents with Direct Professional Experience			
	<i>n</i>	<i>M</i>	<i>Mdn</i>	<i>SD</i>	<i>n</i>	<i>M</i>	<i>Mdn</i>	<i>SD</i>
██████████	164	3.4	3.0	1.2	113	3.3	3.0	1.2
██████████	222	4.4	5.0	0.9	164	4.3	5.0	1.0

Table 5
Distribution of Responses for Overall Rating

	Poor			Deficient		Acceptable		Good		Excellent	
	<i>n</i>	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
██████████	113	6	5.3	25	22.1	33	29.2	28	24.8	21	18.6
██████████	164	3	1.8	11	6.7	16	9.8	37	22.6	97	59.1

Note: Ratings from only those respondents with direct professional experience with the applicants.

Table 6
Mean Overall Ratings by Type of Practice

	Private, solo		Private, 2-5 attorneys		Private, 6+ attorneys		Private, corporate employee		Judge or judicial officer		Government		Public service agency/org		Retired		Other		Overall
	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>M</i>
██████████	49	3.3	23	3.4	8	3.0	1	1.0	13	3.8	9	2.9	2	3.5	2	3.5	6	3.0	3.3
██████████	40	4.3	26	4.7	13	4.5	3	4.0	23	4.7	39	3.8	4	4.3	3	3.3	12	4.8	4.3

Note: Ratings from only those respondents with direct professional experience with the applicants.

Table 7
Mean Overall Ratings by Length of Alaska Practice

	5 years or fewer		6 to 10 years		11 to 15 years		16 to 20 years		21 years or more		Overall
	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>M</i>
██████████	6	3.2	9	3.9	6	2.8	7	3.4	84	3.3	3.3
██████████	9	4.0	10	3.5	17	4.4	19	3.9	106	4.5	4.3

Note: Ratings from only those respondents with direct professional experience with the applicants.

Table 8
Mean Overall Ratings by Type of Caseload Handled

	Prosecution		Criminal		Mixed criminal/civil		Civil		Other		Overall <i>M</i>
	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	
██████████	-	-	3	3.0	36	3.3	68	3.3	6	3.3	3.3
██████████	3	3.3	13	4.6	54	4.2	82	4.5	11	3.8	4.3

Note: Ratings from only those respondents with direct professional experience with the applicants.

Table 9
Mean Overall Ratings by Location of Practice

	First District		Second District		Third District		Fourth District		Outside Alaska		Overall
	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	
██████████	2	4.5	1	5.0	103	3.2	4	3.0	1	4.0	3.3
██████████	7	4.7	3	4.3	136	4.3	9	4.3	6	4.7	4.3

Note: Ratings from only those respondents with direct professional experience with the applicants.

Table 10
Mean Overall Ratings by Gender

	Male		Female		Overall
	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>M</i>
████████████████████	69	3.4	44	3.0	3.3
████████████████████	92	4.4	70	4.3	4.3

Note: Ratings from only those respondents with direct professional experience with the applicants.

Table 11

Demographic Description of Respondents

	<i>n</i>	%
All respondents	166	100
Experience with Applicant		
Direct professional experience	115	69.3
Professional reputation	42	25.3
Other personal contacts	9	5.4
Detailed Experience*		
Recent experience (within last 5 years)	91	79.1
Substantial amount of experience	27	23.5
Moderate amount of experience	49	42.6
Limited amount of experience	39	33.9
Type of Practice		
No response	1	0.6
Private, solo	66	39.8
Private, 2-5 attorneys	32	19.3
Private, 6+ attorneys	13	7.8
Private, corporate employee	4	2.4
Judge or judicial officer	16	9.6
Government	14	8.4
Public service agency or organization	6	3.6
Retired	2	1.2
Other	12	7.2
Length of Alaska Practice		
No response	2	1.2
5 years or fewer	6	3.6
6 to 10 years	12	7.2
11 to 15 years	8	4.8
16 to 20 years	13	7.8
More than 20 years	125	75.3
Cases Handled		
No response	1	0.6
Prosecution	1	0.6
Criminal	7	4.2
Mixed criminal & civil	48	28.9
Civil	98	59.0
Other	11	6.6
Location of Practice		
No response	3	1.8
First District	2	1.2
Second District	1	0.6
Third District	150	90.4
Fourth District	9	5.4
Outside Alaska	1	0.6
Gender		
No response	1	0.6
Male	102	61.4
Female	63	38.0

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

Table 12

Detailed Responses

		Professional Competence	Integrity	Fairness	Judicial Temperament	Suitability of Experience	Overall
	<i>n</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>
All respondents	166	3.6	3.7	3.6	3.4	3.5	3.4
Basis for Evaluation							
Direct professional experience	115	3.5	3.6	3.4	3.3	3.4	3.3
Experience within last 5 years	91	3.5	3.6	3.5	3.2	3.4	3.3
Experience not within last 5 years	24	3.5	3.7	3.4	3.5	3.5	3.4
Substantial amount of experience	27	3.4	3.5	3.2	3.1	3.2	3.2
Moderate amount of experience	49	3.5	3.6	3.5	3.3	3.5	3.3
Limited amount of experience	39	3.7	3.6	3.5	3.4	3.4	3.4
Professional reputation	42	3.7	3.8	3.8	3.5	3.6	3.4
Other personal contacts	9	4.1	4.4	4.0	3.8	4.0	4.1
Type of Practice*							
Private, solo	50	3.6	3.6	3.4	3.3	3.4	3.3
Private, 2-5 attorneys	24	3.6	3.7	3.5	3.4	3.5	3.4
Private, 6+ attorneys	8	3.3	3.4	3.1	2.9	3.1	3.0
Private, corporate employee	1	1.0	3.0	3.0	1.0	1.0	1.0
Judge or judicial officer	13	3.9	4.0	3.8	3.5	3.7	3.8
Government	9	3.4	3.1	3.3	2.8	3.3	2.9
Public service agency or organization	2	3.5	3.5	3.5	3.5	3.5	3.5
Retired	2	3.5	3.5	3.5	3.0	3.0	3.5
Other	6	3.0	3.5	3.3	3.8	3.2	3.0
Length of Alaska Practice*							
5 years or fewer	6	3.7	3.5	3.5	2.7	3.5	3.2
6 to 10 years	9	4.1	4.0	4.0	3.9	3.9	3.9
11 to 15 years	7	3.6	3.4	3.8	3.0	3.6	2.8
16 to 20 years	7	3.4	3.6	3.7	3.7	3.6	3.4
More than 20 years	85	3.5	3.6	3.3	3.2	3.3	3.3
Cases Handled*							
Prosecution	-	-	-	-	-	-	-
Criminal	3	3.3	3.3	3.0	3.0	3.0	3.0
Mixed criminal & civil	38	3.4	3.6	3.3	3.3	3.3	3.3
Civil	68	3.6	3.6	3.5	3.3	3.4	3.3
Other	6	3.5	3.3	3.3	3.2	3.5	3.3
Location of Practice*							
First District	2	4.5	4.5	4.5	4.5	4.5	4.5
Second District	1	5.0	5.0	5.0	5.0	4.0	5.0
Third District	105	3.5	3.5	3.4	3.2	3.3	3.2
Fourth District	4	3.5	3.0	3.3	3.0	3.0	3.0
Outside Alaska	1	4.0	4.0	-	3.0	4.0	4.0
Gender*							
Male	71	3.6	3.8	3.5	3.4	3.5	3.4
Female	44	3.4	3.3	3.4	3.0	3.2	3.0

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