

**Twenty-Second Report: 2003-2004  
to the  
Legislature and Supreme Court**

March 2005

# **The Alaska Judicial Council (2003-2004)**

## **Members and Terms**

### **Chairperson**

Chief Justice Alexander O. Bryner *(2003-2006)*

Chief Justice Dana Fabe *(2000-2003)*

### **Attorney Members**

Douglas Baily *(2004-2010)*

Geoffrey G. Currall *(1998-2004)*

Robert B. Groseclose *(2000-2006)*

Susan Orlansky *(2002-2008)*

### **Non-Attorney Members**

Eleanor Andrews *(2000-2007)*

Bill Gordon *(2003-2009)*

Katie Hurley *(1999-2003)*

Gigi Pilcher *(2000-2005)*

### **Council Staff**

*2003-2004*

Larry Cohn, Executive Director

Teresa W. Carns, Senior Staff Associate

Susie Mason Dosik, Staff Attorney

Ana M. Wood, Fiscal Officer

Susan McKelvie, Research Analyst

Emily R. Marrs, Executive Secretary

Kathy Grabowski, Administrative Assistant

Pat A. Scott, Administrative Assistant

Jenny Miller, Project Attorney

Peggy J. Skeers Kerr, Website Manager *(2003)*

Josefa M. Zywna, Fiscal Officer *(2003)*



**Judicial Council Membership 2004**

Members and staff, left to right (standing)

Bill Gordon, Eleanor Andrews, Douglas Baily,

Chief Justice Alexander O. Bryner, Gigi Pilcher, Susan Orlansky, Robert B. Groseclose,

(seated)

Teresa W. Carns (Senior Staff Associate),

Larry Cohn (Executive Director),

Susie Mason Dosik (Staff Attorney)

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**Part I**  
**Introduction**

## Part I Introduction

Alaska's Constitution established the Alaska Judicial Council and required it to "make reports and recommendations to the supreme court and to the legislature at intervals of not more than two years" (Article IV, Section 9). This twenty-second report to the legislature and the supreme court summarizes the Council's activities in 2003 and 2004 in judicial selection and evaluation, and in research. Appendices to the report describe the Council's membership (Appendix B), bylaws (Appendix C), judicial selection procedures (Appendix D), judicial nominations and appointments since statehood (Appendix E), retention election evaluation procedures and a 2004 retention vote analysis (Appendix F), and a retention election log (Appendix G). Appendices J, K, and L include excerpts from the Council's reports during 2003-2004.

### A. Judicial Council Duties

The Judicial Council has constitutional and statutory duties in three general areas. First, the Council screens applicants for judicial vacancies and nominates the most qualified applicants to the governor for appointment. The legislature also has assigned to the Council the responsibility of screening applicants for the head of the Public Defender Agency.

Second, the Council by law must evaluate the performance of judges who are to appear on the ballot, and must make performance information and recommendations available to voters. The Supreme Court has asked the Council to conduct similar evaluations of retired judges sitting *pro tem*, and of masters and magistrates.

Third, the Alaska Constitution directs the Judicial Council to conduct studies and make recommendations to improve the administration of justice in Alaska. The legislature has assigned the Council specific projects from time to time such as the collection of civil case data and the evaluation of the Anchorage and Bethel felony DUI courts. The Alaska Supreme Court and/or the Alaska Court System have requested the Council to conduct other projects, such as the Council's evaluation of disparities in Alaska's felony process and its evaluation of changes in the processing of domestic violence cases. Appendix A gives constitutional and statutory references to all mandated Judicial Council functions.



## **B. Council Membership**

Article IV, Section 8, of Alaska's Constitution establishes the membership of the Council as 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, *ex officio*, as Chair. The Constitution provides that all appointments shall be made "with due consideration to area representation and without regard to political affiliation." A majority of both houses of the legislature must confirm the non-attorney appointments, while the Board of Governors of the Alaska Bar Association appoints the attorney members after conducting advisory elections among Bar members within local judicial districts. Members serve six-year staggered terms.

Since the last report, two new members have joined the Council. Governor Murkowski appointed Bill Gordon of Fairbanks to replace Katie Hurley as a non-attorney member. The Alaska Bar Association Board of Governors named Douglas Baily of Juneau to replace attorney Jeff Currall.

## **C. Organization and Administration of the Council**

The Judicial Council is governed by bylaws adopted in concurrence with the constitutional provision that the Council shall act ". . . according to rules which it adopts" (Article IV, Section 8). The Council is currently reviewing its by-laws, after substantial revisions in 1973 and 1983. Appendix C includes the bylaws as they existed when this report was printed. The Council's most current by-laws may be viewed at the Council's website at [www.ajc.state.ak.us](http://www.ajc.state.ak.us).

The legislature funds most Council activities from the general fund. The Council received funds in 2003 and 2004 from the Alaska Court System and the Alaska Department of Health and Social Services to carry out some of its projects. The Council also received National Institute of Justice funding for a collaborative project with the University of Alaska, Anchorage.

The Judicial Council's staff currently includes the executive director, senior staff associate, staff attorney, fiscal officer, research analyst, administrative assistant, and secretary. Additional temporary staff work as needed.

**Part II**  
**Judicial Selection and Evaluation**

## **Part II**

# **Judicial Selection and Evaluation**

### **2003-2004**

#### **A. Judicial Selection**

##### **1. Nominations**

The Council nominated applicants for four superior court vacancies in 2003 and 2004. Judge Mary Greene retired from the Fairbanks Superior Court. On April 28, 2003, Governor Frank Murkowski appointed Randy Olsen to replace her. Judge Donald Hopwood retired from the Kodiak Superior Court, and Governor Murkowski appointed Valdez District Court Judge Joel Bolger to the position on September 2, 2003. Kenai Superior Court Judge Jonathan Link passed away in early 2003. On September 2, 2003, the governor appointed Charles Huguelet to replace him. Judge John Reese retired from the Anchorage Superior Court, and Governor Murkowski appointed Craig Stowers to the position on September 21, 2004.

The Council reviewed applicants for eight district court vacancies in 2003 and 2004. A vacancy created in Fairbanks by the elevation of Judge Mark Wood to the Fairbanks Superior Court was filled on April 28, 2003, when Governor Murkowski appointed Winston Burbank. Palmer District Court Judge Suzanne Lombardi retired, and the governor appointed William Estelle to the position on June 11, 2003. The legislature created three new district court positions. Gregory Heath and John Wolfe were appointed by the governor to new district court positions in Palmer on October 11, 2003 and November 1, 2004 respectively. On November 1, 2004, Governor Murkowski appointed David Landry to a new district court position in Kenai.

The vacancy created on the Valdez District Court by the elevation of Judge Joel Bolger to the Kodiak Superior Court was filled by the appointment of Daniel Schally in January 2005. The retirements of Judge James Wanamaker (Anchorage District Court) and Judge Peter Froehlich (Juneau District Court) created two more vacancies. Governor Murkowski appointed Pat Hanley (Anchorage) and Keith Levy (Juneau) to these seats in January 2005.

In recent years, judicial vacancies have occurred at a much more rapid pace than the

historical rate, because of judicial retirements and creation of new positions by the legislature. The number of applicants per vacancy has also risen from an average of eight per vacancy to an average of nine and one half. The trend is likely to continue. About one-half of the current judges have served more than the historical average of 10.3 years on the bench, so the state can expect more retirements. Because the state's economy is projected to be healthy, and the population is expected to grow, the legislature may need to create more judicial positions.

## **2. Selection Procedures**

The Council uses the selection procedures that it has refined over the past three decades. For each vacancy, it surveys all active and in-state inactive members of the Alaska Bar Association. In 2004, the Council began using an electronic survey to supplement its paper survey. The new process has improved the survey response rate and increased information about applicants. Over time, it will also reduce survey costs. The survey asks attorneys to rate applicants on their professional competence, integrity, fairness, judicial temperament, suitability of experience, and overall qualifications. Respondents may also submit comments.

In addition to surveying attorneys about applicants, the Council asks for detailed reference letters and performance assessments by professionals with direct, recent professional experience with the applicant, obtains feedback from the applicant's former employers, solicits comments from the public through its website and in public hearings conducted in the location of the vacancy, reviews information about professional discipline and credit and criminal histories, evaluates writing samples, and investigates issues that arise in any of the information. The Council interviews each applicant for each position. Appendix D contains a detailed description of selection procedures.

The Council periodically reviews and updates these selection procedures. At the time this report went to print, the Council had begun a major review of its procedures. In addition to internal assessment of the effectiveness of the process, the Council solicited comments from all branches of government and the public about the process.

## **B. Evaluation of Judges**

### **1. Retention Election Evaluations**

Alaska's constitution and statutes require each judge periodically to stand for retention at the general election. Term lengths vary with the judicial position, with all judges serving a shorter initial term, and longer terms after the first retention. Statutes passed in 1975 require the Judicial Council to evaluate each judge standing for retention, and to make the results of the evaluations known to the public. The Council also recommends a "yes" or "no" vote on each judge to the voters.

Ten judges stood for retention in 2004 including eight superior court and two district court judges. The Council found each judge qualified and recommended a “yes” vote for retention. Voters retained all of the judges, with “yes” vote percentages ranging from 66.1% to 75.1%.

The Council based its evaluations on input from 1,495 peace and probation officers in the state (38% responded), 2,927 attorneys who were active members of the Alaska Bar (33% responded), jurors who sat on cases before these ten trial court judges during the preceding two years (750 responded), and 584 court employees (37% responded). The Council also surveyed 345 social workers and citizens who helped Alaska’s children by serving as guardians ad litem and court-appointed special advocates (25% responded).

The Council also reviewed responses to questionnaires from attorneys who had appeared before the judges on recent cases, analyzed appellate affirmance and reversal rates, compiled records on peremptory challenges filed against the judges, reviewed discipline, credit and criminal histories, held public hearings statewide, and encouraged public comment.

The Council made its retention evaluation information widely available to the public. The Official Election Pamphlet sent to each Alaska voter included a page summarizing the Council’s performance evaluation materials on each judge. The Council published comprehensive materials, and posted most non-confidential information on its Internet home page ([www.ajc.state.ak.us](http://www.ajc.state.ak.us)). In 2004, the Council placed a series of ads in most of the state’s newspapers in the two to three weeks before the November election.

Appendices F and G contain detailed information about Alaska’s judicial performance evaluation process. They include examples of the forms used and a log showing when each judge must stand, or has stood, for retention. Appendix F also analyzes retention election votes, and summarizes information about performance evaluations for each judge and justice who stood for retention between 1976 and 2004.

## **2. Performance Evaluation of *Pro Tem* Judges and Other Judicial Officers**

The Council’s role in evaluation expanded in 1986, when the supreme court adopted Administrative Rule 23, requiring the Council to evaluate retired judges who wish to serve *pro tem*. The rule requires the Council to survey Bar members, evaluate the judges’ abilities to serve *pro tem*, and provide the evaluations to the Chief Justice. The Council evaluated five retired judicial officers in 2004 using a somewhat briefer survey than that designed for sitting judges.

In 1997, the Alaska Supreme Court asked the Council to conduct an experimental survey on the performance of standing masters. Standing masters handle substantial numbers of child and

family cases, domestic violence matters, and criminal arraignments and bail review hearings. The presiding judge of each judicial district appoints, supervises and disciplines these judicial officers.

In 1997-98, the Council sent a brief-format survey to active members of the Alaska Bar Association, Alaska peace and probation officers, and Anchorage-area social workers and guardians ad litem. In 1999 and in 2001, the Council surveyed attorneys and peace and probation officers about magistrates' and masters' performance. Survey results were shared with the magistrates and masters, with the presiding judge who supervised the magistrates, and with the Alaska Supreme Court. The Council expects to conduct another evaluation in the next two years.

**Part III**  
**Reports and Recommendations**

## **Part III**

# **Reports and Recommendations**

### **A. Introduction**

Alaska's constitution requires the Judicial Council to "conduct studies for the improvement of the administration of justice, and make reports and recommendations to the supreme court and to the legislature." This section of the Twenty-Second Report summarizes the reports and recommendations completed in 2003 and 2004. Appendices J, K, and L include summaries from the reports of their findings and recommendations. All reports for these years and prior years are available on the Council's web site at [www.ajc.state.ak.us](http://www.ajc.state.ak.us). Appendix I lists all Council reports, and H lists all major Council recommendations since statehood.

#### **1. Court Coordinated Resources Project Evaluation Report (January 2003)**

The Council evaluated the Court Coordinated Resources Project, better known as the Mental Health Court, at the request of the Alaska Court System and the Mental Health Trust Authority. The Project offers therapeutic court services to Anchorage misdemeanor defendants whom staff identify as having mental health issues. The evaluation found that participants had fewer arrests and hospital days than they had before the program, and fewer arrests and hospital days than people who did not participate in the program. The evaluation also identified substantial cost savings for the state. A brief description of the report and summary of findings are found at Appendix J of this report.

#### **2. Recommendations of the Alaska Criminal Justice Council (January 2003)**

The Council staff served as staff from 2000 to 2003 to the Criminal Justice Council. Members of the group included the Commissioners of Health and Social Services, Corrections, and Public Safety, the Attorney General, the heads of OPA and the Public Defender Agency, the Administrative Director of the Courts, and the Judicial Council. The Criminal Justice Council published an interim report in 2002 and a final report with recommendations in 2003 (see Appendix K). As had its predecessor, the Criminal Justice Assessment Commission, the Criminal Justice Council focused on alcohol issues, and on means of understanding and reducing minority disparities in the justice system.



### **3. Alaska Felony Process: 1999 (February 2004)**

The Council undertook a review of Alaska's felony process at the recommendation of the Supreme Court's Advisory Committee on Fairness and Access (report published in 1997). To assess the handling of felony cases, the Council sampled about two-thirds of the felony cases filed in 1999, and collected data about type of attorney, demographic characteristics of the defendants, case processing, and final dispositions. Using a variety of statistical techniques, the Council found disparities in predisposition incarceration, charge reductions, postdisposition incarceration and total time served. The disparities showed that type of attorney, ethnicity, rural location, gender and other variables were associated (for some but not all offenses) with more severe release conditions, less favorable charge reductions, and longer times to serve.

The Council recommended that the court should encourage other agencies to work together to eliminate unwarranted disparities in the criminal justice process (see Criminal Justice Working Group, Part IV). It recommended that the inter-branch working group also should meet with representatives of ethnic groups, community groups, local law enforcement, and others to help resolve the problems. The Council also recommended that appropriate agencies consider other options for predisposition incarceration practices, and that the state should consider: increased resources for public defense and other criminal justice agencies, a review of charging practices, and better monitoring for defendants convicted of misdemeanors (many of whom were originally charged with felonies). Last, the Council recommended that the state improve data collection regarding ethnicity and routinely review that data to identify any disparities.

To respond to the report, the Alaska Court System offered training for all judges in 2004, and cooperated with other agencies to form a Criminal Justice Working Group to address the disparities (see Part IV, below, for current related activities). The executive summary of the report is included in this report as Appendix L. The full report is downloadable from the Council's website [www.ajc.state.ak.us](http://www.ajc.state.ak.us).

### **4. "Alaska's Merit Selection for Judges," *Alaska Law Review* (December 2004)**

In reply to an earlier note about the merit selection process for judges in the *Alaska Law Review*, Council staff wrote an article describing the merit selection system in Alaska and the Judicial Council's role in it. The article includes discussions of the governor's role, the legislature's role, and the public's role in the process. The article concludes that most of the reforms recommended by the author of the earlier note were already in place, and the legislature's mandate of periodic performance evaluations for all judges provided more accountability and public information than in other systems. The article is available at the website for the *Alaska Law Review*, [www.law.duke.edu/journals/alr/](http://www.law.duke.edu/journals/alr/). The article will be available to download on the Council's website after December 2005.

**Part IV**  
**Current Judicial Council Work**

## Part IV

### Current Judicial Council Projects

#### A. Criminal Justice Research

During 2003, the Judicial Council completed its analysis of the data collected for its report, *Alaska Felony Process: 1999* (see Part III of this report, and Appendix L). After publishing the report in February 2004, the Council began working to inform the public of its findings, and to help implement the report recommendations. Included in its responses have been:

- Legislative testimony in March 2004 on the findings and recommendations;
- Presentations on the data to judges, national groups and others ;
- Development of a proposal for use of the data in Alaska’s first general recidivism study;
- Further analysis of data to assist the court (including the Supreme Court’s Implementation Committee on Fairness and Access), legislature and others in understanding the criminal justice system; and
- An article in the “Alaska Justice Forum” and information for other articles about the report;

The Council expects to continue working with this database for the next two years, to provide baseline data for other projects (e.g., the evaluation of the therapeutic courts), and to educate the justice system and the public about criminal justice issues.

#### B. Criminal Justice Working Group

The Criminal Justice Working Group formed in summer 2004 to respond to the recommendations made by the Council in *Alaska Felony Process: 1999*. Members include the Attorney General’s designee, who co-chairs the Group with the Administrative Director of the Courts, the Commissioners of Public Safety and Corrections, the heads of the Public Defender Agency and the Office of Public Advocacy, the Office of Victims’ Rights and the Judicial Council. The Council staff and Court staff assist the Criminal Justice Working Group with coordination and data. In addition to considering the recommendations from the felony report, the CJWG will look at other system-wide issues, include the state’s response to the U.S. Supreme Court decision (*Blakely*

v. *Washington*) that affects sentencing laws, budget questions, prison population and other needs.

## **C. Therapeutic Justice Evaluations**

In 2003, the Council published its evaluation of the CRP (Mental Health Court; see Part III, above). The Council also took on two other therapeutic court evaluation projects in 2003 and continues to work on them. First, the National Institute of Justice funded a long-term evaluation of the Anchorage Wellness Court, a misdemeanor court that focuses on defendants with alcohol problems. The Council will participate, along with the University of Alaska, Anchorage, Justice Center, and The Urban Institute in Washington, D.C. in the four-year assessment of the benefits of the court. The Council is focusing its efforts on assessing the transferability of the court to other courts within and outside the state.

Second, the state Department of Health and Social Services funded the Council to evaluate the Anchorage Felony Drug Court, the Anchorage Felony DUI Court, and the Bethel Therapeutic Court. The Council expects to publish its report in 2005. Staff have compiled data about 250 participants, graduates and comparison defendants; the Institute for Social and Economic Research at the University of Alaska, Anchorage, is carrying out the analysis. The evaluation focuses on reductions in recidivism and incarceration time for the participants, and for other benefits, such as drug-free babies for the state.

## **D. Domestic Violence Project Evaluation**

In 2004, the Alaska Court System asked the Council to evaluate the effectiveness of two pilot projects funded by the U.S. Department of Justice. One project assists domestic violence victims with advocacy services; the other helps parents involved in domestic violence cases to develop parenting plans. The Council also will use different methods to evaluate a third part of the project, a new computer module for data entry about domestic violence cases.

The Council has collected data about 500 cases that the court handled before the projects began, and 500 cases after the start of the projects. The analysis of the data will focus on changes in the numbers and types of motions filed and other actions taken after the projects were in place. The Justice Center at the University of Alaska, Anchorage, will assist with the analysis. The Council also will interview participants in domestic violence cases, including judges, attorneys and others, to see how the project was implemented and whether participants perceived that it achieved its goals.

## **E. Internet Bar Survey**

In June 2004, the Council tested an internet survey of applicant abilities for use by the Bar in judicial selection. In the surveys during the first six months of the test, the Council found about half of its responses coming from the electronic survey, and about half from attorneys using the paper forms. Web access to the surveys appeared to improve the overall response rate from attorneys, and to result in more and more detailed comments from them. Independent contractors continue to handle and analyze the surveys to insure complete confidentiality and objectivity in the process.

## **F. Council Web Site**

Over the past several years, the Council has improved and expanded its web site to better serve the public and practitioners. The “Publications” section includes every report that the Council has prepared since statehood, all downloadable. In addition to its research and policy reports, the site has guidebooks (several in Spanish) and other published materials. The Council provides links to all of the state agencies and legislature, to news media, and to national organizations that do related work.

Much of the information on the web site is related to the Council’s role in judicial selection and judicial performance evaluation for retention elections. A complete log of judicial applicants for all current and past vacancies, and a log of sitting judges, along with substantial material about current nominees and judges allows the public to review detailed information. The web site describes the process of application and selection for judicial vacancies, and of performance evaluation of sitting judges. Minutes from Alaska’s constitutional convention are included to give the historical context for understanding the Council’s role, and the Council’s bylaws and legal requirements describe its current responsibilities. The public can use the web site to ask for more information, and can send comments about judges and judicial applicants directly to the Council offices.

The web site also serves attorneys and the public in other ways. Self-represented parties to civil cases and attorneys can complete and return the legislatively-required civil case data forms from the web site (see below). Judicial applicants can download application forms for judicial vacancies, and respondents to the counsel questionnaires can complete and send them to the Council via the web.

## **G. Collection of Civil Case Data**

The 1997 legislature required the Council to collect detailed data about the resolution of most civil cases (not including domestic relations, probate, and a few other types of cases). Attorneys and parties must provide information about whether the case was dismissed, settled or had a final court

judgment, and about fees, costs, settlement amounts and other aspects of the case processing and disposition. The Council has collected these data since April 1997, and has issued two reports (see “Publications” on the web site). The Council continues to compile the information sent to it.

## **H. Commissions, Boards, and Committee Service**

### **1. Supreme Court Fairness and Access Implementation Committee**

The supreme court’s committee of justices and judges includes a Council staff person and the court’s administrative director. Members have worked since 1998 to carry out the recommendations of the 1997 report for improvements to access to the state courts, and increased fairness. The committee has recommended changes to court rules and practices that improve jury selection and service, respond to the need for interpreters and translators, increase access to the courts for various groups, increase court services in rural areas, and address the needs for fairness. Much of the committee’s work in the past year has considered the findings made by the Council in *Alaska Felony Process: 1999* (see above), a report initially recommended by the Fairness and Access Committee.

### **2. Judicial Education Committees**

The Council serves on each of the court’s judicial education committees that plan for semi-annual conferences, create and carry out mentoring programs, and set guidelines for overall judicial education. The Council’s participation gives these committees the benefit of the information about judicial needs gained from the selection and evaluation processes.

### **3. Criminal Justice Information Advisory Board**

The statute creating this board requires the Council to meet periodically with other state criminal justice agencies to coordinate information systems and needs. The Council’s focus in this process is on the data needed for the state to make policy decisions about the criminal justice system.

### **4. Supreme Court Public Outreach Commission**

The chief justice created this commission in 2001 to encourage public participation in the courts. The Council’s executive director serves on the commission, and staff participate in outreach activities such as Law Day. The Judicial Outreach Commission conducts public education throughout the state.

### **5. Alaska Bar Association Judicial Independence Committee**

Council staff serve on the Alaska Bar Association's Judicial Independence Committee which provides information to the public about merit selection of judges, and about the need for judges to remain independent and accountable to the public.

## **I. Council Public Outreach and Information**

The Council carries out its own public outreach activities, independent of its work on the court's commission and Bar Association committees. In 2003 and 2004, the Council focused on judicial selection and retention issues and on its findings from the report on felonies. During the next two years, the Council expects to expand its work on judicial selection and evaluation by providing information and statistics about the processes to the public. It also will continue sharing the findings and recommendations from the felony report and its upcoming evaluations of therapeutic justice and domestic violence with state agencies, the legislature, the courts and the public.

**Appendix A**

**Catalogue of Current Law  
Relating to the Alaska Judicial Council**



## **Appendix A:**

### **Catalogue of Current Law Relating to the Alaska Judicial Council**

#### **Alaska Constitution:**

ARTICLE IV, SECTION 4	Qualifications of justices and judges.
ARTICLE IV, SECTION 5	Duty to nominate supreme court justices and superior court judges.
ARTICLE IV, SECTION 6	Retention.
ARTICLE IV, SECTION 7	Judicial vacancy.
ARTICLE IV, SECTION 8	Composition of Judicial Council and manner of appointment of members; necessity of four votes.
ARTICLE IV, SECTION 9	Duty to conduct studies to improve the administration of justice; biennial report.
ARTICLE IV, SECTION 13	Compensation of Judicial Council members to be prescribed by law.
ARTICLE XV, SECTION 16	First Judicial Council.

#### **Alaska Statutes:**

01.10.055	Residency requirements for judicial applicants.
09.68.130	Judicial Council to collect and evaluate information relating to compromise or other resolution of all civil litigation.
12.62.100	Representative of Judicial Council to serve on Criminal Justice Information Advisory Board (CJIAB advises criminal justice agencies on criminal justice information systems and central repository).
15.13.010	Judges to file retention reports with APOC. (See AS 15.13 generally for detailed APOC requirements).

## Alaska Statutes: (Continued)

15.13.040	Requirement to report election advertising and other expenditures made for or against any candidate.
15.15.030(10)	Election ballot for judicial retention.
15.15.450	Certification of retention vote.
15.35.030	Approval/rejection of supreme court justice.
15.35.040	Retention filing deadline for supreme court.
15.35.053	Approval/rejection of court of appeals judge.
15.35.055	Retention filing deadline for court of appeals.
15.35.060	Approval/rejection of superior court judge.
15.35.070	Retention filing deadline for superior court.
15.35.080	Determination of judicial district in which superior court judge to seek approval.
15.35.100	Approval/rejection of district court judge.
15.35.110	Retention filing deadline for district court.
15.58.020(2)	Election pamphlet must contain retention election information from Judicial Council.
15.58.030(g)	August 7 deadline for judges to file photograph and statement for election pamphlet.
15.58.050	August 7 deadline for Judicial Council to file informational statements regarding justices and judges for election pamphlet. Statements must reflect evaluations and must describe each public reprimand, public censure or suspension received during the evaluation period by a justice or judge standing for retention. Six hundred word limit.
15.58.060(c)	Judicial Council does not have to pay for space in election pamphlet.

**Alaska Statutes: (Continued)**

- 18.85.030 and .050                      Duty of Judicial Council to nominate public defender candidates. Candidates to be nominated as soon as possible if vacancy occurs mid-term.
- 21.06.087                                  Division of Insurance may consult with Judicial Council in determining the information insurers must report regarding the effect of “tort reform” laws on the availability and cost of insurance in Alaska.
- 22.05.020                                  Composition of supreme court.
- 22.05.070                                  Qualifications of supreme court justices.
- 22.05.080                                  Judicial Council to nominate supreme court justice candidates; vacancy occurs 90 days after election at which rejected or for which judge failed to file for retention.
- 22.05.100                                  Judicial Council to evaluate supreme court justices eligible for retention, and provide information and any recommendation to public.
- 22.05.130                                  Restrictions on supreme court justices.
- 22.07.010                                  Composition of court of appeals.
- 22.07.040                                  Qualifications of court of appeals judges.
- 22.07.060                                  Judicial Council to evaluate court of appeals judges eligible for retention, and provide information and any recommendation to public.
- 22.07.070                                  Duty to nominate court of appeals judge candidates; vacancy occurs 90 days after election at which rejected or for which judge failed to file for retention.
- 22.07.080                                  Restrictions on court of appeals judges.
- 22.10.010                                  Judicial districts established.
- 22.10.090                                  Qualifications of superior court judges.
- 22.10.100                                  Duty to nominate superior court candidates; vacancy occurs 90 days after election at which rejected or for which judge failed to file for retention.

## Alaska Statutes: (Continued)

- 22.10.120 Composition of superior court; Judicial Council to designate judicial district in which appointee to reside and serve.
- 22.10.150 Judicial Council to evaluate superior court judges eligible for retention, and provide information and any recommendation to public.
- 22.10.180 Restrictions on superior court judges.
- 22.15.020 Composition of district court.
- 22.15.160 Qualifications of district court judges.
- 22.15.170 Duty to nominate district court judge candidates; vacancy occurs 90 days after election at which rejected or for which judge failed to file for retention. Presiding judge may appoint acting district court judges.
- 22.15.195 Judicial Council to evaluate district court judges eligible for retention, and provide information and any recommendation to public.
- 22.15.210 Restrictions on district court judges.
- 22.20.037 Judicial Council employees subject to state laws regarding leave, retirement, travel; annual salary survey.
- 22.20.200 Judicial Council to periodically review and distribute information about legal use of DNA profiles to selected agencies.
- 22.25.010(b) Copy of declaration of judicial retirement for incapacity to be filed with Judicial Council.
- 22.30.010 Judicial Council members may not serve simultaneously on Commission on Judicial Conduct.
- 22.30.011 Commission on Judicial Conduct to report to Judicial Council all public sanctions imposed on justices and judges standing for retention.

**Alaska Statutes: (Continued)**

22.30.070(c)	Copy of notice of judicial retirement for disability to be filed with Judicial Council.
24.55.100 and .330	Judicial Council subject to jurisdiction of Ombudsman.
39.05.035	Commission of office.
39.05.045	Oath of office.
39.05.070	Uniformity of appointment process.
39.05.080	Appointment procedure.
39.05.100	Qualifications for appointment to Judicial Council.
39.20.170-.185	Travel and per diem reimbursement for Judicial Council members; no per diem for business in home community.
39.25.110(2) and (10)	Justices, judges, Judicial Council members and staff exempt from coverage of State Personnel Act.
39.50.010-.090, .135, .200	Council members to file reports of financial and business interests with APOC. Procedures and consequences detailed.
40.25.110-120; 39.90.010	Inspection and copying of public records; compliance not to be penalized.
44.62.175	Council meetings to be noticed on Alaska Online Public Notice System.
44.62.310	Council meetings open to the public; notice required; teleconference and executive session procedures.
44.62.312	State policy regarding meetings.
44.99.200-.240	Production of publications; disclosure statement required.

## Rules of Court:

Civil R. 41(a)	Parties to voluntarily dismissed actions to report information to Judicial Council; certification required.
App. R. 511(c) and (e)	Parties to dismissed civil appeals required to report information to Judicial Council; certification required.
Alaska Bar R. 21(c)(5)	Judicial Council access to confidential information maintained by Bar Counsel regarding applicants for judicial vacancies.
Judicial Conduct Canon 5	Political activities allowed and prohibited for judges and for candidates for judicial office.
Adm. R. 23(c)	<i>Pro tem</i> judge performance evaluation by Council.

## Administrative Code:

2 AAC 37.010	Judicial retirement for incapacity.
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## State Admin. Regulations:

AAM 60.010-60.400 (State Administrative Manual)	Travel and moving.
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## Alaska Attorney General Opinions:

#663-87-0258 (12/12/1986)	Executive Ethics Act (AS 39.52) does not apply to Judicial Council.
#366-308-85 (1/16/1985)	Sitting state legislator may apply for an existing judicial position, but would be ineligible for appointment if the legislature were to increase the benefits of the judicial office before the date of the appointment.
#366-625-84 (supp) (10/9/1984)	Judicial Council is a public agency subject to general state law, including the public meetings statute (AS 44.62.310).  Judicial Council may discuss judicial applicants' qualifications in executive session, with the discussions and deliberations kept confidential.

#366-625-84 (10/3/1984)

Judicial Council is subject to state public records statutes; Council may adopt rules and regulations regarding the confidentiality of its records, consistent with those statutes.

Judicial Council must consider constitutional right to privacy and deliberation process in deciding if particular records are confidential.

Judicial Council does not have subpoena power to compel testimony or the production of records.

Submission to the governor of confidential contents of Council records or files, including confidential reference letters, is within the discretion of the Council. Confidential letters transferred to the governor remain confidential. (See also, #366-350-84 (1/5/1984), regarding governor's release to a Council member of portions of reference letter referring to that Council member).

#366-624-84 (7/19/1984)

Residence and practice of law requirements for district court judge candidates.

#366-357-83 (12/3/1982)

Five year statutory residency requirement for justices and judges is constitutionally sound.

#366-781-82 (10/25/1982),  
#A66-423-82 (4/1/1982)and  
#J66-532-81 (3/9/1981)

AS 39.20.185, disallowing per diem “when the meeting or other business takes place in the community of which the member is a resident,” applies only to a Council member who is otherwise employed by, or is an officer of, the state (i.e., the Chief Justice).

#J66-463-81 (1/12/1981)

Governor may appoint an acting public defender to fill vacancy, pending a permanent appointment.

Judicial Council and governor to fill public defender vacancy as soon as possible.

#J66-417-80 (1/28/1980)

Judicial Council may contract with state agency to evaluate agency program relating to the administration of justice.

The scope of the studies and reports that may be undertaken by the Judicial Council is limited in practicality solely by the sound discretion of the Council.

#xxx-680-xx (11/8/1968)

Judicial Council may submit more than two names to governor for each judicial vacancy to be filled.

Governor is bound to fill judicial vacancy from list of nominees submitted by Judicial Council.

**Past Statutes, Temporary and Special Acts, and Resolutions:**

Ch. 108, Sec. 1 (1996)  
(repealed effective 7-1-05)

Duty of Council to evaluate and nominate administrative law judge candidates; duty of Council to evaluate administrative law judge who seeks reappointment; duty to recommend to governor whether administrative law judge should be reappointed.

Ch. 73 (1990)

Authorizing the Alaska Sentencing Commission to place staff under the executive director of the Judicial Council.

H. Conc. Res. 5am S (1979)

Request for Council to expand statistical sentencing research to address inequities in sentencing ethnic minority offenders.

S. Res. 5am (8/16/1985)

Council to study grand jury.

Ch. 163 (1990)

Requiring the Judicial Council to establish and evaluate a pilot child visitation mediation project.

Ch. 026, Sec. 54 (1997)

Requiring the Judicial Council to report to the legislature regarding establishment of a program for alternative dispute resolution in the Alaska Court System.

Ch. 64, Sec.1(k)(2001)

Requiring the Judicial Council to develop a uniform data collection form for use by the therapeutic courts and to evaluate and report on the effectiveness of the pilot therapeutic court programs.



## **Appendix B**

### **Judicial Council Membership**

## Members of the Alaska Judicial Council

Council Members	Appointment Effective	Expiration Date
<p><b>Chief Justice Alexander O. Bryner</b> Alaska Supreme Court 303 K Street Anchorage, Alaska 99501-2084 (Off) 264-0632 (Fax) 264-0554 E-mail: abryner@appellate.courts.state.ak.us</p>	7/1/00	6/30/06
<p><b>Douglas Baily</b> (<i>Attorney Member</i>) 617 W. Willoughby #123 Juneau, AK 99701-4470 (Off) 586-2266 (Fax) 586-2266 E-Mail: bailylaw@gci.net</p>	4/27/04	2/23/10
<p><b>Robert B. Groseclose</b> (<i>Attorney Member</i>) Cook Schuhmann &amp; Groseclose, Inc. 714 4<sup>th</sup> Avenue, Suite 200 Fairbanks, AK 99701-4470 (Off) 452-1855 (Fax) 452-8154 E-Mail: bob@alaskalaw.com</p>	4/5/00	2/23/06
<p><b>Susan Orlansky</b> (<i>Attorney Member</i>) Feldman &amp; Orlansky 500 L Street, Suite 400 Anchorage, AK 99501-5911 (Off) 272-3538 (Fax) 274-0819 E-mail: orlansky@frozenlaw.com</p>	3/14/02	2/23/08
<p><b>Eleanor Andrews</b> (<i>Non-Attorney Member</i>) 2627 C Street Anchorage, AK 99503 (Off) 276-1454 (Fax) 279-2757 E-mail: eandrews@tagglobal.com</p>	11/15/00	3/1/07
<p><b>Bill Gordon</b> (<i>Non-Attorney Member</i>) 3205 Riverview Rd. Fairbanks, AK 99709 (Res) 474-0303 (Fax) 474-4559 E-Mail: billgordonak@msn.com</p>	5/18/03	3/1/09
<p><b>Gigi Pilcher</b> (<i>Non-Attorney Member</i>) 243 Wood Road Ketchikan, AK 99901 (Res) 225-6734 E-Mail: warriorwoman@kpunet.net</p>	3/21/00	5/18/05

Judicial Council attorney and non-attorney members serve terms of six years. The Chief Justice serves a three-year term.

Historical Roster of Alaska Judicial Council Members			
Position	Residence	Appointment Effective	Expiration of Term
<b>Chairperson<sup>1</sup></b>			
Chief Justice Buell A. Nesbett		11/29/59	06/18/70
Chief Justice George F. Boney		06/18/70	11/16/72
Chief Justice Jay A. Rabinowitz		11/16/72	11/16/75
Chief Justice Robert Boochever		11/16/75	11/16/78
Chief Justice Jay A. Rabinowitz		11/16/78	11/16/81
Chief Justice Edmond W. Burke		11/16/81	09/30/84
Chief Justice Jay A. Rabinowitz		10/01/84	09/30/87
Chief Justice Warren W. Matthews		10/01/87	09/30/90
Chief Justice Jay A. Rabinowitz <sup>3</sup>		10/01/90	09/30/92
Chief Justice Daniel A. Moore, Jr.		10/01/92	09/30/95
Chief Justice Allen T. Compton <sup>3</sup>		10/01/95	07/01/97
Chief Justice Warren W. Matthews		07/02/97	06/30/00
Chief Justice Dana Fabe		07/01/00	06/30/03
<b>Chief Justice Alexander O. Bryner</b>		<b>07/01/03</b>	<b>06/30/06</b>
<b>Attorney Members</b>			
E.E. Bailey <sup>2</sup>	Ketchikan	02/24/59	02/24/62
E.E. Bailey	Ketchikan	02/24/62	02/24/68
Frank M. Doogan <sup>3</sup>	Juneau	10/15/68	04/73
Michael L. Holmes <sup>4</sup>	Juneau	05/73	02/24/74
Michael L. Holmes	Juneau	02/24/74	02/24/80
Walter L. Carpeneti <sup>5</sup>	Juneau	02/24/80	02/81
James B. Bradley <sup>4</sup>	Juneau	04/81	02/24/86
William T. Council	Juneau	02/24/86	02/24/92
Thomas G. Nave	Juneau	02/24/92	02/23/98
Geoffrey G. Currall	Ketchikan	02/24/98	02/23/04
<b>Douglas Baily</b>	<b>Juneau</b>	<b>04/27/04</b>	<b>02/23/10</b>
Robert A. Parrish <sup>2</sup>	Fairbanks	02/24/59	02/24/64
William V. Boggess <sup>5</sup>	Fairbanks	02/24/64	04/64
Michael Stepovich <sup>4</sup>	Fairbanks	05/64	02/24/70
Michael Stepovich	Fairbanks	02/24/70	02/24/76
Michael Stepovich <sup>3</sup>	Fairbanks	02/24/76	08/78
Marcus R. Clapp <sup>4</sup>	Fairbanks	08/78	02/24/82
Mary E. Greene <sup>3</sup>	Fairbanks	02/24/82	04/82
Barbara L. Schuhmann <sup>4</sup>	Fairbanks	07/82	02/24/88
Daniel L. Callahan	Fairbanks	02/24/88	02/24/94
Christopher E. Zimmerman <sup>5</sup>	Fairbanks	04/14/94	07/17/97
Paul J. Ewers	Fairbanks	07/18/97	02/23/00
<b>Robert B. Groseclose</b>	<b>Fairbanks</b>	<b>04/05/00</b>	<b>02/23/06</b>

Historical Roster of Alaska Judicial Council Members			
Position	Residence	Appointment Effective	Expiration of Term
<b>Attorney Members</b> <i>(Continued)</i>			
Raymond E. Plummer <sup>2,3</sup>	Anchorage	02/24/59	09/26/61
Harold Butcher <sup>4</sup>	Anchorage	11/61	02/24/66
George F. Boney <sup>5</sup>	Anchorage	02/24/66	09/68
Lester W. Miller, Jr. <sup>4</sup>	Anchorage	10/15/68	02/24/72
Eugene F. Wiles <sup>3</sup>	Anchorage	02/24/72	03/75
Joseph L. Young <sup>4</sup>	Anchorage	04/75	02/24/78
Joseph L. Young	Anchorage	02/24/78	02/24/84
James D. Gilmore	Anchorage	02/24/84	02/24/90
Mark E. Ashburn	Anchorage	03/23/90	02/23/96
Robert H. Wagstaff	Anchorage	03/22/96	02/23/02
<b>Susan Orlansky</b>	<b>Anchorage</b>	<b>3/14/02</b>	<b>02/23/08</b>
<b>Non-Attorney Members</b>			
Elmo LeRoy "Roy" J. Walker <sup>2</sup>	Fairbanks	05/18/59	05/18/61
John Cross	Kotzebue	05/18/61	05/18/67
Thomas K. Downes <sup>3</sup>	Fairbanks	05/18/67	Mid-1968
V. Paul Gavora <sup>4</sup>	Fairbanks	10/15/68	05/18/73
Thomas J. Miklautsch <sup>3</sup>	Fairbanks	05/28/73	12/10/74
Robert H. Moss <sup>4</sup>	Homer	12/10/74	05/18/79
Robert H. Moss	Homer	05/18/79	05/18/85
Dr. Hilbert J. Henrickson	Ketchikan	08/13/85	05/18/91
David A. Dapcevich	Sitka	05/19/91	05/18/97
Mary Matthews <sup>3</sup>	Fairbanks	05/19/97	08/23/98
Sandra Stringer <sup>4</sup>	Fairbanks	08/24/98	07/12/99
Katie Hurley	Wasilla	07/13/99	05/18/03
<b>Bill Gordon</b>	<b>Fairbanks</b>	<b>05/18/03</b>	<b>03/01/09</b>
Jack E. Werner <sup>2</sup>	Seward	05/18/59	05/18/63
Jack E. Werner	Seward	05/18/63	05/18/69
Ken Brady	Anchorage	06/28/69	05/18/75
Ken Brady	Anchorage	05/18/75	05/18/81
Mary Jane Fate	Fairbanks	05/18/81	05/18/87
Leona Okakok	Barrow	07/31/87	05/18/93
Janice Lienhart	Anchorage	05/19/93	05/18/99
<b>Gigi Pilcher</b>	<b>Ketchikan</b>	<b>03/21/00</b>	<b>05/18/05</b>

Historical Roster of Alaska Judicial Council Members			
Position	Residence	Appointment Effective	Expiration of Term
<b>Non-Attorney Members</b> <i>(continued)</i>			
Dr. William M. Whitehead <sup>2, 3</sup>	Juneau	05/18/59	12/06/62
Charles W. Kidd <sup>4, 3</sup>	Juneau	04/63	01/64
H. Douglas Gray <sup>4</sup>	Juneau	04/64	05/18/65
H.O. Smith <sup>6</sup>	Ketchikan	05/18/65	06/65
Pete Meland <sup>4</sup>	Sitka	01/66	05/18/71
Oral Freeman <sup>3</sup>	Ketchikan	11/22/71	01/73
Lew M. Williams, Jr. <sup>4</sup>	Ketchikan	04/73	05/18/77
John Longworth	Petersburg	05/18/77	05/18/83
Renee Murray	Anchorage	08/08/83	05/18/89
Janis Roller <sup>3</sup>	Anchorage	09/01/89	02/14/91
Dr. Paul Dittrich, M.D. <sup>4, 3</sup>	Anchorage	04/06/91	10/03/91
Jim A. Arnesen <sup>4</sup>	Anchorage	10/04/91	05/18/95
Vicki A. Otte <sup>3</sup>	Juneau	05/31/95	11/21/00
Eleanor Andrews <sup>4</sup>	Anchorage	11/15/00	05/18/01
<b>Eleanor Andrews</b>	<b>Anchorage</b>	<b>5/18/01</b>	<b>03/1/07</b>

<sup>1</sup> The Judicial Council initially submitted nominations for the position of Chief Justice; the Constitution did not limit the Chief Justice's term. Chief Justice Nesbett and Chief Justice Boney were nominated and appointed in this manner. Voters amended the Constitution on August 25, 1970 to provide for the election of the Chief Justice by the justices of the Supreme Court for a three-year term; the amendment further provided that a Chief Justice may not be re-elected to consecutive terms.

<sup>2</sup> Appointed to initial staggered term.

<sup>3</sup> Resigned during term.

<sup>4</sup> Appointed to complete unexpired term.

<sup>5</sup> Resigned during term to apply for judicial office.

<sup>6</sup> Denied legislative confirmation.

**Appendix C**

**Bylaws of the Alaska Judicial Council**

## Appendix C

### Bylaws of the Alaska Judicial Council<sup>1</sup>

#### ARTICLE I Policies

Section 1. Concerning Selection of Justices, Judges, and Public Defender.

The Judicial Council shall endeavor to nominate for judicial office and for public defender those judges and members of the bar whose character, temperament, legal ability and legal experience are demonstrated to be of the highest quality. The Council shall actively encourage qualified members of the bar to seek nomination to such offices, and shall endeavor to prevent political considerations from outweighing fitness in the judicial and public defender nomination processes.

Section 2. Concerning Retention of Judges.

Pursuant to the provisions of Alaska Statutes Title 15 and 22, the Council may recommend the retention in judicial office of incumbent justices and judges found to be qualified through such means of judicial performance assessment as deemed appropriate; and may recommend against retention of justices and judges found to be not qualified through such survey and assessment processes. The Council shall endeavor to prevent political considerations from outweighing fitness in the judicial retention process.

#### ARTICLE II Membership

Section 1. Appointment; Limitation of Term.

Members of the Council shall be appointed and shall serve their terms as provided by law; however, a member whose term has expired shall continue to serve until his/her successor has been appointed. Council members may be appointed to successive terms; however, no Council member should serve more than two full terms or one unexpired term and one full term.

Section 2. Effective Date of Appointment.

(A) Non-Attorney Members. The effective date of a non-attorney member's appointment to the Council shall be the day following the effective date of the vacancy in the seat to which appointed, if appointed prior to such date; or the date of or specified in the gubernatorial letter of appointment, if appointed after such date. Non-attorney members shall have full voting rights effective upon said appointment date, unless and until denied confirmation by the legislature.

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<sup>1</sup> At the time this report was printed, the Judicial Council was conducting a review of its bylaws. The Council's current bylaws may be reviewed on the Council's website at [www.ajc.state.ak.us](http://www.ajc.state.ak.us).

(B) Attorney Members. The effective date of an attorney member's appointment shall be the day following the effective date of the vacancy in the seat to which appointed, if appointed prior to such date; or the date of or specified in the letter of appointment from the Board of Governors of the Alaska Bar Association, if appointed after such date.

(C) Chief Justice. The effective date of the Chief Justice's appointment is the effective date of his or her election to the post of Chief Justice.

Section 3. Oath of Office.

The Chairperson of the Council shall administer the oath of office to each new member, following a determination by the Council that the person selected has met the qualifications for membership as set forth by law.

Section 4. Vacancies.

At least 90 days prior to the expiration of the term of any Council member, or as soon as practicable following the death, resignation, or announced intent to resign of any Council member, the Executive Director shall notify the appropriate appointing authority and request that the appointment process be initiated immediately to fill the existing or impending vacancy.

Section 5. Disqualification.

(A) Candidacy of Council Member. Any member of the Judicial Council who seeks appointment to a judicial office or the office of public defender must resign from the Council as of the date of the application and should not accept reappointment to the Council for a period of two years thereafter.

(B) Attendance at Regular Meetings. Council members shall attend all regular meetings of the Council unless excused by the Chairperson for good cause. If a member is absent without good cause for two consecutive meetings, the Chairperson shall formally request the resignation of such member.

Section 6. Expenses; Compensation.

Council members shall be reimbursed for travel and other expenses incurred while on Council business and may receive compensation as otherwise provided by law.

## ARTICLE III Officers

Section 1. Officers Specified.

(A) The officers of the Council shall be the Chairperson, Vice-Chairperson and Executive Director.

(B) Chairperson. The Chief Justice of the Alaska Supreme Court is the Chairperson of the Alaska Judicial Council.

(C) Vice-Chairperson. The Vice-Chairperson will be the member of the Judicial Council whose current term will first expire.



(D) Executive Director. The Council by concurrence of four or more of its members may designate an Executive Director to serve at the pleasure of the Council.

Section 2. Duties and Powers.

(A) Chairperson. The Chairperson shall preside at all meetings of the Council and perform such other duties as may be assigned by the Council. In the absence of an Executive Director or Acting Director, the Chairperson will serve as Acting Director.

(B) Vice-Chairperson. The Vice-Chairperson shall preside at meetings of the Council in the absence of the Chairperson. The Vice-Chairperson shall perform such other duties as usually pertain to the office of the Chairperson when the Chairperson is unavailable to perform such functions.

(C) Executive Director. The Executive Director shall keep a record of all meetings of the Council; shall serve as chief executive officer of the Council; shall be responsible to the Council for planning, supervising and coordinating all administrative, fiscal and programmatic activities of the Council; and shall perform such other duties as may be assigned. The Executive Director may receive compensation as prescribed by the Council and allowed by law.

(D) Acting Director. In the event of the incapacity, disability, termination or death of the Executive Director, the Council may appoint an Acting Director, and may impose such limits on the authority of said Acting Director as it deems advisable, until such time as a new Executive Director can be found, or until such time as the incapacity of the Executive Director can be cured. Should the Council choose not to appoint an Acting Director or otherwise fail to appoint, the Chairperson of the Council will, ex officio, serve as Acting Director until a replacement can be found.

## ARTICLE IV Meetings

Section 1. Public Sessions; Public Notice.

All meetings of the Judicial Council shall be open to the public, except as hereinafter specifically provided. At least three days prior to any such meeting to be held in Anchorage, Fairbanks, or Juneau, public notice of date, time, and place of the meeting and of general topics to be considered shall be given through paid advertisements in major newspapers of general circulation in all three cities; for meetings to be held elsewhere in the state, paid public notice shall be provided at least three days in advance in the newspaper or newspapers of general circulation in such other areas as well as in the newspapers of general circulation in Anchorage, Fairbanks, and Juneau. When the notice requirements of this section are determined by the Council to be unreasonable, the Council is authorized to meet after such other period and utilizing such other form of public notice as it deems reasonable under the circumstances.

Section 2. Participation by Telecommunications.

It shall be the policy of the Judicial Council to meet in person, where practicable. When, however, in the opinion of the Chairperson, circumstances exist warranting a telephone conference among members between meetings, or the personal attendance of one or more Council members at a regularly scheduled meeting has been excused for good cause, a member or members may participate in regular or special meetings by teleconference subject to the following requirements: that reasonable public notice under Article IV, Section 1, and adequate notice to members under Article IV, Section 8, have been given; that at least one member or staff person is present at the time

and location publicly announced for any such meeting; and that adequate teleconference or other electronic communication means are available. Teleconferencing may be used to establish quorums, receive public input and, if all voting individuals have a substantially equal opportunity to evaluate all testimony and evidence, to vote on actions.

Section 3. Regular Meetings.

The Council shall hold not fewer than two meetings per year, at times designated by the Council, to consider problems which may affect the Council and concern the administration of justice in the State of Alaska.

Section 4. Special Meetings.

When a vacancy in the office of justice, judge, or public defender actually occurs or is otherwise determined to be lawfully impending, the Chairperson shall call a special meeting of the Judicial Council within the time-frame required by law. The Chairperson shall also call a special meeting of the Council upon the request of four or more members to consider such business as may be specified in the request; at such meeting, the Council may also consider such other business as may come before the Council with the consent of four or more of the members present. The Chairperson shall fix the time and place of such meeting not more than 30 days from the date of receipt of such request.

Section 5. Public Hearings.

The Council may hold public hearings on all matters relating to the administration of justice as it deems appropriate and in such places as it determines advisable.

Section 6. Executive Sessions.

The Council may determine as permitted by law whether its proceedings will be conducted in executive session. This determination must be made in a session open to the public and the decision to hold an executive session must be supported by the concurrence of four or more members. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session, unless auxiliary to the main question. No action may be taken in executive session.

Section 7. Place of Meeting.

Insofar as may be practicable, meetings should be held in the area of the State most directly affected by the subject matter under consideration, or elsewhere as determined advisable.

Section 8. Notice of Meeting: Waiver.

Written notice of each meeting shall be mailed to all members of the Council as far in advance as practicable but in any event not less than five days before the date fixed for each meeting. Presence at a meeting of the Council without objection shall constitute waiver of notice.

## ARTICLE V Voting and Quorum

### Section 1. Voting.

All members of the Council present shall be entitled to vote on all matters coming before the Council, except that the Chairperson shall only vote when to do so would change the result. The Council shall act by concurrence of four or more members. All votes shall be taken in public session. Any member can vote in the affirmative or negative or abstain on any matter; however, a member who wishes to abstain shall indicate his or her intention to do so prior to the question being called and shall disclose the reasons for such proposed abstention.

### Section 2. Conflict of Interest; Disqualification.

No member may vote on any matter in which he or she has a substantial personal or pecuniary interest. In addition, any member of the Council who believes that his or her personal or business relationship to any applicant for a judicial or public defender vacancy or to any judge or justice being evaluated for retention purposes might prevent such member from fairly and objectively considering the qualifications of such person, or might otherwise involve a conflict of interest or create the appearance thereof, shall disclose the circumstances of such actual or apparent conflict to the Council and shall disqualify himself or herself from discussing or voting on the nomination or retention of said person.

### Section 3. Quorum.

Four members of the Council shall constitute a quorum for the transaction of business at any meeting.

### Section 4. Rules of Order.

Robert's Rules of Order Revised will govern the meetings of the Council insofar as they do not conflict with these bylaws.

## ARTICLE VI Committees

### Section 1. Standing Committees.

The Council may establish such standing committees from time to time as may be deemed appropriate for the efficient and effective conduct of Council business. Standing committee assignments shall be made annually by the Chairperson. The function of each committee shall be to monitor Council activities between meetings, to provide guidance and advice to staff, and to report to the Council at regularly scheduled meetings regarding the committees' areas of oversight. Each committee shall include at least one attorney and one non-attorney member. To the maximum extent possible, Council members should be permitted to serve on the committee or committees of their choice. The following standing committees may be established:

- (A) Finance, audit, and administration;
- (B) Programs and research;
- (C) Judicial and public defender selection and retention;

(D) Legislation.

Section 2. Ad Hoc Committees.

The Chairperson may direct the establishment of ad hoc committees from time to time as may be deemed appropriate. Ad hoc committees shall report to the Council on their activities and may make recommendations for Council action.

**ARTICLE VII  
Research and Investigation**

The Council shall initiate studies and investigations for the improvement of the administration of justice. These studies and investigations may be conducted by the entire Council, by any of its members or by its staff as directed by the Council. The Council may hire researchers and investigators and may contract for the performance of these functions. A topic for any study or investigation may be proposed at any meeting of the Council by any member without prior notice.

**ARTICLE VIII  
Procedure for Submitting Judicial and Public Defender  
Nominations to the Governor**

Section 1. Notice of Vacancy; Recruitment.

Whenever a vacancy to be filled by appointment exists, or is about to occur, in any supreme court, court of appeals, superior court, or district court of this state, or in the office of public defender, or the administrative tax law judge, the Council, by mail or by such other publication means as may be appropriate, shall notify all active members of the Alaska Bar Association of the vacancy, and shall invite applications from qualified judges or other members of the bar of this state for consideration by the Council for recommendation to the Governor. Council members may also encourage persons believed by such members to possess the requisite qualifications for judicial or public defender office to submit their applications for consideration and may cooperate with judicial selection committees of the state or local bar associations or of such other organizations as may be appropriate in the identification and recruitment of potential candidates.

Section 2. Application Procedure.

The Council shall establish and publish forms and procedures for the solicitation, evaluation, and nomination of candidates for vacancies in the offices of justice, judge, administrative tax law judge, and public defender. Each applicant for a judicial or chief public defender position shall obtain and complete an application for appointment provided by the Council and shall comply with all the requirements therein. Such application may request such information as deemed appropriate to a determination of qualification for office, including but not limited to the following: family and marital history; bar and/or judicial discipline history; criminal record; involvement as a party in litigation; credit history; physical and mental condition and history; academic and employment history; military record; and representative clientele.

Section 3. Evaluation and Investigation of Applicants' Qualifications.

(A) Judicial Qualifications Polls. The Judicial Council may conduct judicial qualifications polls in such form and manner as may be prescribed by the Council and cause the same to be

circulated among the members of the Alaska Bar Association. If the Alaska Bar Association conducts a qualifications poll satisfactory to the Council, the Council may recognize such poll. The Judicial Council may conduct such other surveys and evaluations of candidates' qualifications as may be deemed appropriate.

(B) Investigation. The Council and its staff shall investigate the background, experience, and other qualifications of an applicant under consideration for a judicial or a public defender vacancy, and may call witnesses before it for such purposes.

(C) Candidate Interviews; Expenses. The Council may, when and where it deems desirable, conduct a personal interview with one, some, or all applicants for any judicial or public defender vacancy. Candidates requested to appear before the Council for such interviews shall appear in person; when, however, a candidate for good cause shown is unable to personally attend such interview, the Council may arrange for an interview by telephone or other electronic communication means with such applicant, and such alternative interview as may be appropriate, including but not limited to interview of such candidate by a committee of the Council at such other time and place as may be convenient. A candidate interview will be held in executive session to protect the privacy of the candidate as permitted in AS 44.62.310(c)(2) for subjects that tend to prejudice the reputation and character of any person, provided that the candidate may request a public discussion. Prior to the hearing, the Council shall advise the candidate of his or her right to a public interview. The interview shall be held in a session open to the public upon request of the candidate.

A candidate's expenses for judicial or Public Defender office are that candidate's responsibility. The Council may reimburse candidates for travel expenses in the Council's discretion. The cost of a telephone interview requested by the Council shall be paid by the Council.

Section 4.      Nomination Procedure; Recommendation of Best Qualified Candidates.

The Council shall carefully consider whether or not each person under consideration possesses the qualities prescribed in Article I, Section 1, hereof, and shall determine whether each such person is so qualified. The Council shall then submit a panel of names in alphabetical order to the Governor of the candidates it considers most qualified, provided such panel includes two or more names; if fewer than two applicants are determined to be qualified, the Council shall decline to submit any names and shall re-advertise for the position.

Section 5.

The Council will not reconsider the names submitted to the Governor after the nominees are submitted unless the disability or death of one or more nominees leaves the Governor with less than two names for filling a judicial vacancy. If the Governor requests additional nominees in such a situation, the Council will submit additional names so that the Governor has at least two nominees for each vacancy. The Council may select additional names from the original applicants for the position or may readvertise for the position.

**ARTICLE IX**  
**Review of Judicial Performance**

Section 1.      Retention Election Evaluation.

Prior to each general election in which one or more justices or judges has expressed his or her intention to be a candidate for retention election, the Council shall conduct evaluations of the qualifications and performance of such justices and judges and shall make the results of such

evaluations public. Such evaluations may be based upon the results of a judicial performance survey conducted among all active members of the Alaska Bar Association. Such evaluations may also be based upon such other surveys, interviews, or research into judicial performance as may be deemed appropriate including, but not limited to, any process which encourages expanded public participation and comment regarding candidate qualifications.

Section 2.      Recommendation.

Based upon such evaluative data, the Council may recommend that any justice or judge either be retained or not be retained. The Council may actively support the candidacy of every incumbent judge recommended to be retained, and may actively oppose the candidacy of every incumbent judge whom it recommends not be retained.

Section 3.      Judicial Performance Evaluation.

The Council may conduct such additional evaluations of judges, other than at the time of retention elections, at such times and in such a manner as may be appropriate, and make the results of such additional evaluations public.

## **ARTICLE X Extra-Council Communications**

All written communications between a Council member and any other person or organization regarding the qualifications of any candidate or the performance of any judicial officer should be forwarded to all other members; all oral communications regarding such matters should be shared with other members without unreasonable delay.

Persons who wish to communicate with the Council should be advised of the Council's bylaws and policies regarding confidentiality and extra-Council communications. Council members should encourage persons who wish to communicate support for or concerns about particular candidates to the Council to do so in writing or at a public hearing.

All communications and deliberations among Council members regarding the qualifications of any candidate or the performance of any judicial officer shall be kept confidential in accordance with law and Council bylaws.

## **ARTICLE XI Access to Council Records**

Section 1.      Public Records.

All records of the Judicial Council, unless confidential or privileged, are public as provided in AS 09.25.110. The public shall have access to all public records in accordance with AS 09.25.120.

Public Records include:

1. Council bylaws and policy statements;
2. Minutes of Council meetings;
3. Final Council reports;
4. Financial accounts and transactions;
5. Library materials; and

6. All records other than those excepted in this bylaw.

Section 2. Right to Privacy.

Materials that, if made public, would violate an individual's right to privacy under Art. I, Section 22 of the Alaska Constitution shall be confidential. Confidential materials are not open for public inspection and include:

1. Solicited communications relating to the qualifications of judicial or public defender vacancy applicants, or judicial officers;
2. Unsolicited communications relating to the qualifications of a judicial or public defender applicant or judicial officer, where the source requests confidentiality;
3. Those portions of the "application for judicial appointment" and "judge questionnaire" that reveal sensitive personal information entitled to protection under law;
4. Investigative research materials and internal communications that reveal sensitive personal information entitled to protection under law; and
5. Contents of Council employees' and members' personnel records, except that dates of employment, position titles, classification and salaries of present and/or past state employment for all employees are public information. In addition, application forms, resumes and other documents submitted to the Judicial Council in support of applications for any position with the Council grade 16 or above are public information.

Section 3. Deliberative Process.

Materials that are part of the deliberative process of the Judicial Council, including those prepared by Council employees, are privileged and confidential if their disclosure would cause substantial and adverse effects to the Council that outweigh the need for access. These materials generally include drafts and computations prior to final document approval, internal memoranda conveying personal opinions, and other pre-decisional documents not incorporated into public records under this bylaw.

Section 4. Other Information.

Information required or authorized to be kept confidential by law is not a public record.

Section 5. Privileged Communications.

Communications that are legally privileged are not public information. These communications include but are not limited to communications between the Council and its attorney made for the purpose of facilitating the rendition of professional legal services to the Council.

Section 6. Release of Information.

If a record contains both disclosable and nondisclosable information, the nondisclosable information will be deleted and the disclosable information will be disclosed. Information that otherwise would not be disclosable may be released to the subject of that information or to the public if it is in a form that protects the privacy rights of individuals and does not inhibit candid debate during the decision-making process.

## **ARTICLE XII Office of Judicial Council**

The Council shall designate an office of the Council in such location as it deems appropriate. Records and files of the Council's business shall be maintained by the Executive Director at this location.

## **ARTICLE XIII Appropriations**

The Council will seek such appropriations of funds by the Alaska Legislature and other funding sources as it deems appropriate to carry out its constitutional and statutory functions.

## **ARTICLE XIV Amendments**

These bylaws may be altered or amended by the Judicial Council by concurrence of four or more members, provided reasonable notice of proposed amendments has been provided to all Council members.

These bylaws adopted by the Alaska Judicial Council, this 15th day of February 1966; amended November 10, 1966; June 18, 1970; March 30, 1972; February 15, 1973; May 26, 1983; December 10, 1986; March 19, 1987; January 14, 1989; November 2, 1993; June 26, 1996; December 9, 1996; September 23-24, 1997; July 6-7, 1998; July 15, 2002.



## **Appendix D**

### **Judicial Selection Procedures**

## Appendix D

*The following information is given to each applicant for a judicial position. The Council updates this description of procedures periodically, so the information below should not be relied upon as the most current.*

### Alaska Judicial Council Judicial Selection Procedures<sup>1</sup>

The Alaska Judicial Council is a constitutionally created state agency that screens applicants for judgeships and nominates the “most qualified” to the governor for appointment. This section summarizes the judicial selection process, the steps that an applicant must take in order to be considered for a judicial appointment and the steps that the Judicial Council takes to ensure that the most qualified applicants are nominated.

#### A. The Application Process

Applicants first complete the Judicial Council's "Application for Judicial Appointment," a questionnaire and a legal writing sample ten to twenty pages in length, prepared solely by the applicant within the past five years.

Applicants must submit **eleven unbound, unstapled** copies of the completed questionnaire and writing sample to the Judicial Council on or by the date set forth in the notice of vacancy.

Applicants also are encouraged to review the Code of Judicial Conduct (located in the Alaska Rules of Court) during the evaluation period. Pay particular attention to Canon 5 of the Code of Judicial Conduct which applies to applicants for judicial positions from the time the application is filed. To assist applicants, the Judicial Council, Commission on Judicial Conduct and the Alaska Bar Association have published “Alaska Judicial Applicant Guidelines.” This is available on-line at the Council’s website ([www.ajc.state.ak.us](http://www.ajc.state.ak.us)) or from the Judicial Council.

#### B. The Evaluation Process

The Judicial Council begins the evaluation process immediately after the deadline for submitting applications.

##### 1. The Bar Survey

The Judicial Council surveys all active and in-state inactive members of the Alaska Bar Association. Bar members may respond using a paper form or the on-line survey. The Bar Survey asks Bar members to rate each candidate on a five point scale [1 (Poor) to 5 (Excellent)] on six

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<sup>1</sup> At the time this report was printed, the Judicial Council was conducting a review of its bylaws. The Council’s current bylaws may be reviewed on the Council’s website at [www.ajc.state.ak.us](http://www.ajc.state.ak.us).

criteria: professional competence, integrity, judicial temperament, fairness, relevant experience, and overall professional performance. Survey respondents indicate whether they base their numerical ratings on direct professional experience, other personal contacts, or professional reputation, or whether they are not evaluating a particular candidate due to insufficient knowledge.

Attorneys mail paper surveys directly to Behavioral Health Research & Services, (BHRS), an independent workgroup at the University of Alaska Anchorage. Craciun Research Group, Inc., an independent research organization, hosts the on-line surveys. BHRS prepares a statistical analysis of all survey responses, including average ratings of each quality for each candidate. The report shows detailed information about ratings by different demographic groups, using only the ratings based on direct professional experience with each applicant.

Attorneys completing the Bar Survey may write comments as well as rate the applicants, and have the choice of signing comments or remaining anonymous. The Council does not share the written comments with applicants, but summarizes them for the applicant, noting that Council members may ask about these issues during the interview. Staff also may investigate substantive comments.

After all applicants have been notified of the survey results, the Council releases the survey report to the public. Each applicant interviewed has the opportunity to discuss the survey results with the Council during the interview. [See below, (5)].

## **2. Letters of Reference**

The Council asks each applicant to name two general character references, three people who can evaluate the applicant's professional competence, and attorneys and judges involved in six of the applicant's recent cases. The Council invites a letter from each person identified by the candidate, and asks for references from past employers. The Council treats all reference letters as confidential and does not share them with the applicant. **The Council does not forward solicited letters of reference to the Governor, unless the reference has asked the Council to forward the letter.** The Council forwards to the Governor non-confidential letters of reference that the Council did not solicit.

## **3. Investigation of Applicants**

The Council may verify applicants' educational and employment history and investigate criminal, civil, credit and professional discipline history. Supreme Court Order 489, effective January 4, 1982, authorizes the Council to review bar applications and bar discipline records. The Council also may seek information about candidate qualifications from other public or private groups or individuals as it believes appropriate. The Council uses all information only to evaluate fitness for judicial appointment.

## **4. Public Hearing**

The Council generally schedules a public hearing shortly before the Council meets to interview the candidates in the community where the judge will sit.[see below, (5)].

## 5. Interviews

Following its review of applications, survey data and other information, the Council schedules candidate interviews. The Council usually interviews all candidates, but may decline to interview any candidate whom it finds to be unqualified. The Council also may decide not to interview candidates who it recently interviewed for other vacancies, if the Council believes it has enough information to make its evaluations. The Council reviews and votes on the qualifications of all applicants, whether or not interviewed. Applicants invited to interview are asked about their qualifications and experience and have time to respond to or explain any important information gathered during the investigation.

The Council sends the Governor two or more of the candidates it finds most qualified. A decision by the Council not to nominate an applicant does not mean that the candidate is not qualified. The applicants are notified and the Council's nominations are made public. The Governor then has 45 days to appoint a nominee from the list to fill the judicial vacancy.

## C. Timing of Judicial Selection Procedures

From the time the Council receives notice of a vacancy to the final applicant interviews and the Council decision, the judicial selection process described below usually takes about four months.

1. The Council receives notice of the vacancy.
2. The Council announces the position to all members of the Alaska Bar.
3. Applicants send completed forms, and attachments, to the Council by the deadline (usually about three weeks after the announcement).
4. The Council publicizes applicant names and brief bios immediately after the filing deadline.
5. The Judicial Council investigates, asking for letters of reference, disciplinary histories for each applicant, and other appropriate records.
6. Soon after the application deadline, the Council sends an e-mail notice to members of the Alaska Bar who asked for on-line surveys. The Council mails paper surveys to all other Bar members. Returns are checked to verify that only one survey is used from each attorney.
7. Bar members have about three weeks to return the surveys. The independent contractor analyzes the data after the survey return deadline.

8. The Council advises candidates about their Bar Survey results, and releases the final report.
9. The Council notifies applicants of the time, date and place of their interviews, which are usually conducted in the location of the judicial vacancy.
10. The Council usually holds interviews within the next thirty days. Council members vote immediately following the interviews. The Council promptly notifies the applicants and governor of its decisions, and issues a press release.
11. The Council mails the governor a formal letter with the nominees' names, the vote tally, the Bar Survey, the applications, and solicited letters of reference for which the writer has asked that the governor see the letter. The Council also sends the governor letters it received that it did not solicit. The governor makes the appointment within forty-five days after receiving the list.

## Alaska Judicial Council Interview Procedures

*(Provided to applicants before their interviews)*

### Before the Interview

1. The Council schedules interviews as far in advance as possible. Applicants should let the Council know immediately if they need to re-schedule.
2. Interviews are almost always held in the location of the judicial vacancy.
3. Statutes and the Council's bylaws provide that applicants can ask for an interview open to the public. They also permit a private interview in executive session (AS44.62.310(c)(2)), so that the applicant can discuss relevant private information with the Council. Please contact the Council before the meeting if you would like your interview held in a public session.
4. Candidates should plan to arrive five or ten minutes before the scheduled interview time. Please give Council staff a telephone number at which you can be reached after the Council vote, so that the Council can notify you in person of its decision.

### The Interview

1. Interviews typically last about forty-five minutes.
2. Applicants can choose whether interviews are public or private (executive session). See above.
3. During the interview, Council members or the Council's executive director may ask questions about an applicant's reputation, background, experience and other relevant matters.

### After the Interview

1. Following completion of all interviews, the Council meets in executive session to evaluate all candidates.
2. The Council votes on its nominations in public session. Generally, the Council returns to public session to vote within two hours after the last interview.
3. The Council telephones the Governor's office to give notice of its nominees.
4. The Council telephones all applicants to advise them of its decisions.
5. The Council issues a press release about its nominations.
6. The Council sends formal notice of its action to each applicant and the Governor. A copy of each nominee's application, the vote tally, and the Bar Survey are included with the Council's letter to the Governor. Letters of reference solicited by the Council may also be included, if the author gives permission, and unsolicited, non-confidential letters are sent.

Please let the Council know if you have any questions.



# alaska judicial council

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http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

EXECUTIVE DIRECTOR  
Larry Cohn

NON-ATTORNEY MEMBERS  
Eleanor Andrews  
Bill Gordon  
Gigi Pilcher

ATTORNEY MEMBERS  
Douglas Baily  
Robert B. Groseclose  
Susan Orlansky

April 26, 2004

CHAIR, EX OFFICIO  
Alexander O. Bryner  
Chief Justice  
Supreme Court

Dear Member of the Alaska Bar Association:

Attached is the bar survey for applicants for the current vacancy on the Anchorage Superior Court, Third Judicial District. 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.

The Council encourages narrative comments. A page for comments is provided for each applicant. If these pages are not sufficient please attach separate pages as needed. Comments from the bar survey are not shared with the individual applicant. They are distributed only to Council members. When comments regarding substantial concerns are received, the substance of the comments ordinarily is brought to the candidate's attention, with the statement that the Council may wish to ask the candidate about the subject of the comment.

The Council gives attorneys the option of identifying their written comments to the Council by signing comment pages. While optional, providing your name does tend to give comments more credibility with the Council. Your name will not be provided to the applicant, and it will not be used by the Council to identify your ratings or your comments on other applicants. Note that you must write your name on each comment page for which you wish to identify yourself to the Council.

**We ask that you complete and return the survey form no later than May 19, 2004,** to Behavioral Health Research & Services (BHRS), P.O. Box 240207, Anchorage, Alaska 99524-9990. Alternatively, you may respond to the survey electronically over the Internet no later than May 19, 2004.

Very truly yours,

A handwritten signature in black ink, appearing to read "Larry Cohn".

Larry Cohn  
Executive Director

## Introduction

Validation of Responses. A self-addressed, postage-paid return envelope is enclosed for the return of your completed evaluation. Place the completed survey inside the envelope marked "Confidential" and seal the envelope. Then use the self-addressed stamped envelope, being sure to sign in the space provided. The return envelope **MUST BE SIGNED** in order for your survey to be counted. (In the last survey, nine unsigned surveys were excluded from tabulation.)

Confidentiality. All responses will be aggregated solely for statistical analysis. The identity of individual respondents will remain strictly confidential. Responses to the demographic questions also are confidential. Demographic data are critical to our analysis; strict guidelines are followed to protect the identities of all respondents.

Return Date. Please complete and return this survey no later than May 19, 2004 to:

Behavioral Health Research & Services (BHRS)  
P.O. Box 240207  
Anchorage, Alaska 99524-9990

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## Demographic Questions

1. Type of Practice. Which of the following best describes your practice? (*CIRCLE ONE*)
  1. Private, solo
  2. Private, office of 2-5 attorneys
  3. Private, office of 6 or more attorneys
  4. Private corporate employee
  5. Judge or judicial officer
  6. Government
  7. Public service agency or organization (not government)
  8. Other (specify) \_\_\_\_\_
2. Length of Alaska Practice. How many years have you practiced law in Alaska? \_\_\_\_\_ years
3. Gender. \_\_\_\_\_ Male \_\_\_\_\_ Female
4. Cases Handled. The majority of your practice consists of (*CIRCLE ONE*)
  1. Prosecution
  2. Mainly criminal
  3. Mixed criminal and civil
  4. Mainly civil
  5. Other (specify) \_\_\_\_\_
5. Location of Practice. In which judicial district is **most** of your work conducted? (*CIRCLE ONE*)

1. First District	4. Fourth District
2. Second District	5. Outside Alaska
3. Third District	

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Please consider each of the following candidates.

**If you do not have sufficient knowledge to evaluate a candidate, please go to the next candidate.**



**Craig F. Stowers**

**Anchorage Superior Court, Third Judicial District**

**Basis for Evaluation**

- A. Which of the following best describes the basis for your evaluation of this candidate? Direct professional experience is limited to direct contact with the applicant's professional work. This includes working with or against the attorney on a legal matter (i.e., a case, arbitration, negotiation. . .). (*check one*)
- Direct professional experience                       Professional reputation  
 Other personal contacts                                       Insufficient knowledge to evaluate this candidate (go to **next** candidate)
- B. If you checked direct professional experience, which of the following best describes the amount of that experience?
- Substantial and recent (within last 5 years)                       Moderate                       Limited
- C. Please rate the candidate on each of the following qualities by circling the number that best represents your evaluation. Candidates 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 candidate on any one quality, leave that one blank.

	1	2	3	4	5
1 PROFESSIONAL COMPETENCE	POOR Lacking in knowledge and/or effectiveness	DEFICIENT Below-average performance occasionally	ACCEPTABLE Possesses sufficient knowledge and required skills	GOOD Usually knowledgeable and effective	EXCELLENT Meets the highest standards for knowledge and effectiveness
2 INTEGRITY	POOR Unconcerned with propriety and/or appearance, or acts in violation of codes of professional conduct	DEFICIENT Appears lacking in knowledge of codes of professional conduct and/or unconcerned with propriety or appearance at times	ACCEPTABLE Follows codes of professional conduct, respects propriety and appearance of propriety at all times	GOOD Above-average awareness of ethics, holds self to higher standard than most	EXCELLENT Outstanding integrity and highest standards of conduct
3 FAIRNESS	POOR Often shows strong bias for or against some person or groups	DEFICIENT Displays, verbally or otherwise, some bias for or against groups or persons	ACCEPTABLE Free of substantial bias or prejudice towards groups or persons	GOOD Above-average ability to treat all persons and groups impartially	EXCELLENT Unusually fair and impartial to all groups
4 JUDICIAL TEMPERAMENT	POOR Often lacks compassion, humility, or courtesy	DEFICIENT Sometimes lacks compassion, humility, or courtesy	ACCEPTABLE Possesses appropriate compassion, humility, and courtesy	GOOD Above-average compassion, humility, and courtesy	EXCELLENT Outstanding compassion, humility, and courtesy
5 SUITABILITY OF THIS CANDIDATE'S EXPERIENCE FOR THIS VACANCY	POOR Has little or no suitable experience	DEFICIENT Has less than suitable experience	ACCEPTABLE Has suitable experience	GOOD Has highly suitable experience	EXCELLENT Has the most suitable experience possible for this position
6 OVERALL RATING FOR THIS POSITION	POOR Seldom meets standards of the profession	DEFICIENT Occasionally falls short of professional standards	ACCEPTABLE Consistently meets professional standards	GOOD Often exceeds professional standards	EXCELLENT Meets highest standards



**Appendix E**

**Judicial Appointment Log**

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Supreme Court 7/16-17/1959</b> <i>3 new positions</i>			
	William V. Boggess Robert Boochever J. Earl Cooper Edward V. Davis John H. Dimond John S. Hellenthal Walter Hodge Verne O. Martin M.E. Monagle Buell A. Nesbett Walter Sczudlo Thomas B. Stewart	William V. Boggess Robert Boochever John H. Dimond Walter Hodge M.E. Monagle Buell A. Nesbett	<b>John H. Dimond</b> <b>Walter Hodge</b> <b>Buell A. Nesbett</b> <i>1959 by Gov. William Egan</i>
<b>Ketchikan/Juneau Superior 10/12-13/1959</b> <i>2 new positions</i>			
	Floyd O. Davidson James M. Fitzgerald Verne O. Martin E.P. McCarron Thomas B. Stewart James von der Heydt Walter E. Walsh	E.P. McCarron Thomas B. Stewart James von der Heydt Walter E. Walsh	<b>James von der Heydt</b> <i>Juneau</i> <b>Walter E. Walsh</b> <i>Ketchikan</i> <i>1959 by Gov. William Egan</i>
<b>Nome Superior 10/12-13/1959</b> <i>new position</i>			
	James M. Fitzgerald Hubert A. Gilbert Verne O. Martin James von der Heydt	Hubert A. Gilbert Verne O. Martin	<b>Hubert A. Gilbert</b> <i>1959 by Gov. William Egan</i>
<b>Anchorage Superior 10/12-13/1959</b> <i>3 new positions</i>			
	Harold J. Butcher Henry Camarot J. Earl Cooper Ralph H. Cottis Roger Cremo Edward V. Davis James M. Fitzgerald Everett W. Hepp Peter J. Kalamarides Verne O. Martin Stanley McCutcheon Ralph E. Moody Raymond Plummer William W. Renfrew Thomas B. Stewart James von der Heydt	Harold J. Butcher J. Earl Cooper Ralph H. Cottis Edward V. Davis James M. Fitzgerald Stanley McCutcheon Ralph E. Moody	<b>Edward V. Davis</b> <b>J. Earl Cooper</b> <b>James M. Fitzgerald</b> <i>1959 by Gov. William Egan</i>
* The Judicial Council has attempted to compile an accurate listing of applicants, nominees and appointees to judgeships since statehood. Please notify the Council if you know of changes or additions that should be made to this list.			

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Fairbanks Superior 10/12-13/1959</b> <i>2 new positions</i>			
	H.O. Arend William V. Boggess James M. Fitzgerald Everett W. Hepp Verne O. Martin Warren A. Taylor Warren Wm. Taylor James von der Heydt	H.O. Arend William V. Boggess Everett W. Hepp Warren A. Taylor James von der Heydt	<b>H.O. Arend</b> <b>Everett W. Hepp</b> <i>1959 by Gov. William Egan</i>
<b>Supreme Court 3/12-13/1960</b> <i>Justice Walter Hodge</i>			
	Judge H.O. Arend William V. Boggess Edward V. Davis Vern Forbes Verne O. Martin John Maude Robert McNealy M.E. Monagle Ralph E. Moody Warren A. Taylor Judge James von der Heydt	Judge H.O. Arend William V. Boggess M.E. Monagle	<b>H.O. Arend</b> <i>1960 by Gov. William Egan</i>
<b>Fairbanks Superior 4/15/1960</b> <i>H. O. Arend</i>			
	Henry Camarot Roger G. Connor Verne O. Martin Jay A. Rabinowitz William H. Sanders Arthur D. Talbot Warren A. Taylor George M. Yeager	Jay A. Rabinowitz Warren A. Taylor	<b>Jay A. Rabinowitz</b> <i>1960 by Gov. William Egan</i>
<b>Anchorage Superior 3/17/1962</b> <i>J. Earl Cooper</i>			
	Harold J. Butcher Clifford Groh Dorothy A. Haaland Peter J. Kalamarides Ralph E. Moody William H. Sanders	Clifford Groh Ralph E. Moody	<b>Ralph E. Moody</b> <i>1962 by Gov. William Egan</i>
<b>Anchorage Superior 5/23-24/1963</b> <i>new position</i>			
	Burton C. Biss Wayne D. Caldenwood Judge Hubert A. Gilbert R. Everett Harris Judge Jay A. Rabinowitz James K. Tallman William Taylor	Burton C. Biss Judge Hubert A. Gilbert	<b>Hubert A. Gilbert</b> <i>1963 by Gov. William Egan</i>

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Nome Superior 10/17-18/1963</b> <i>Hubert A. Gilbert</i>			
	Peter J. Kalamarides William H. Sanders L. Eugene Williams George T. Yates	William H. Sanders L. Eugene Williams George T. Yates	<b>William H. Sanders</b> <i>1963 by Gov. William Egan</i>
<b>Fairbanks Superior 1/7- 8/1965</b> <i>Jay A. Rabinowitz</i>			
	Clyde C. Houston Eugene V. Miller Mary Alice Miller J.H. Shortell, Jr. Howard P. Staley Warren Wm. Taylor	Mary Alice Miller Eugene V. Miller Warren Wm. Taylor	<b>Warren Wm. Taylor</b> <i>1965 by Gov. William Egan</i>
<b>Supreme Court 1/7-1/9/1965</b> <i>Justice H. O. Arend</i>			
	W.C. Arnold William V. Boggess Harold J. Butcher Judge Edward V. Davis Vernon D. Forbes Judge Ralph E. Moody Judge Jay A. Rabinowitz Arthur D. Talbot	W.C. Arnold William V. Boggess Judge Edward V. Davis Judge Ralph E. Moody Judge Jay A. Rabinowitz	<b>Jay A. Rabinowitz</b> <i>2/21/65 by Gov. William Egan</i>
<b>Juneau Superior 11/9-10/1966</b> <i>moved from Ketchikan</i>			
	Seaborn J. Buckalew, Jr. James R. Clouse, Jr. James E. Fisher Judge William H. Sanders Thomas B. Stewart J. Gerald Williams	Thomas B. Stewart J. Gerald Williams	<b>Thomas B. Stewart</b> <i>1966 by Gov. Wm. A. Egan</i>
<b>Anchorage Superior 6/12/1967</b> <i>Hubert A. Gilbert</i>			
	James R. Clouse, Jr. Eben H. Lewis Robert N. Opland Judge William H. Sanders J. Gerald Williams	James R. Clouse, Jr. Eben H. Lewis J. Gerald Williams	<b>Eben H. Lewis</b> <i>1967 by Gov. Walter Hickel</i>
<b>Anchorage Superior 6/1-2/1967</b> <i>new position</i>			
	Harris R. Bullerwell Harold J. Butcher James R. Clouse, Jr. Duane K. Craske Dorothy A. Haaland Judge William H. Sanders J. Gerald Williams L. Eugene Williams Virgil D. Vochoska Verne O. Martin	Harold J. Butcher James R. Clouse, Jr.	<b>Harold J. Butcher</b> <i>1967 by Gov. Walter Hickel</i>

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<i><b>Candidates</b></i>	<i><b>Nominated</b></i>	<i><b>Appointed</b></i>
<b>Ketchikan Superior 12/5/1967</b> <i>Walter E. Walsh</i>			
	Harris R. Bullerwell Duane K. Craske Benjamin T. Delahay, Jr. Judge Hubert A. Gilbert Helen L. Simpson John M. Stern, Jr. Judge William H. Sanders	Duane K. Craske Judge Hubert A. Gilbert John M. Stern, Jr.	<b>Hubert A. Gilbert</b> <i>1967 by Gov. Walter Hickel</i>
<b>Anchorage Superior 2/19-20/1968</b> <i>new position</i>			
	James R. Clouse, Jr. Lloyd R. Duggar Verne O. Martin C.J. Occhipinti Judge William H. Sanders Karl L. Walter, Jr. George M. Yeager	C.J. Occhipinti Karl L. Walter, Jr.	<b>C.J. Occhipinti</b> <i>1968 by Gov. Walter Hickel</i>
<b>Supreme Court 10/15/1968</b> <i>2 new positions</i>			
	Russell E. Arnett William V. Boggess George F. Boney Judge Harold J. Butcher Warren C. Christianson Charles J. Clasby Roger G. Connor Judge Edward V. Davis Benjamin T. Delahay Judge James M. Fitzgerald Wendell P. Kay Judge Ralph E. Moody Robert A. Parrish Judge William H. Sanders James K. Tallman	William V. Boggess George F. Boney Charles J. Clasby Roger G. Connor Judge James Fitzgerald	<b>George F. Boney</b> <b>Roger G. Connor</b> <i>1968 by Gov. Walter Hickel</i>
<b>Juneau District 11/1/1968</b> <i>2 new positions</i>			
	Hartley Crosby William J. Hurley, Jr. W. Bruce Monroe Irwin Ravin	Hartley Crosby W. Bruce Monroe	<b>Hartley Crosby</b> <b>W. Bruce Monroe</b> <i>1968 by Gov. Walter Hickel</i>
<b>Sitka District 11/1/1968</b> <i>new position</i>			
	Peter M. Page Irwin Ravin	Peter M. Page	<b>Peter M. Page</b> <i>1968 by Gov. Walter Hickel</i>

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<i>Candidates</i>	<i>Nominated</i>	<i>Appointed</i>
<b>Fairbanks District 11/1/1968</b> <i>3 new positions</i>			
	Hugh Connelly Benjamin T. Delahay, Jr. William J. Hurley, Jr. Elinor B. Levinson Mary Alice Miller Irwin Ravin William G. Richards Arthur Lyle Robson Warren A. Taylor	Hugh Connelly Mary Alice Miller William G. Richards Arthur Lyle Robson	<b>Hugh Connelly</b> <b>Mary Alice Miller</b> <b>Arthur Lyle Robson</b> <i>12/30/68 by Gov. Walter Hickel</i>
<b>Nome District 11/1/1968</b> <i>new position</i>			
	Maurice Kelliher	Maurice Kelliher	<b>Maurice Kelliher</b> <i>1968 by Gov. Walter Hickel</i>
<b>Anchorage District 11/1/1968</b> <i>5 new positions</i>			
	John R. Beard Joseph J. Brewer Richard B. Collins Keifer L. Gray James A. Hanson William J. Hurley, Jr. Paul B. Jones Elinor B. Levinson John D. Mason Peter M. Page Nissel A. Rose Warren A. Tucker Dorothy D. Tyner Virgil D. Vochoska L. Eugene Williams Robert K. Yandell	Joseph J. Brewer James A. Hanson Paul B. Jones Warren A. Tucker Dorothy D. Tyner Virgil D. Vochoska L. Eugene Williams	<b>Joseph J. Brewer</b> <b>James A. Hanson</b> <b>Paul B. Jones</b> <b>Warren A. Tucker</b> <b>Dorothy D. Tyner</b> <i>1968 by Gov. Walter Hickel</i>
<b>Ketchikan District 11/1/1968</b> <i>new position</i>			
	Keifer L. Gray William J. Hurley, Jr. Henry C. Keene, Jr. Irwin Ravin	Henry C. Keene, Jr.	<b>Henry C. Keene, Jr.</b> <i>1968 by Gov. Walter Hickel</i>
<b>Bethel District 11/1/1968</b> <i>new position</i>			
	Nora Guinn	Nora Guinn	<b>Nora Guinn</b> <i>1968 by Gov. Walter Hickel</i> <i>Seat abolished 1976</i>



<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Public Defender 6/20/1969</b>			
	Victor D. Carlson Charles K. Cranston Stanley Ditus Marvin S. Frankel Johnston Jeffries Irwin Ravin Warren A. Taylor Harold W. Tobey Benjamin O. Walters, Jr.	Victor D. Carlson Marvin S. Frankel Harold W. Tobey	<b>Victor D. Carlson</b> <i>1969 by Gov. Keith Miller</i>
<b>Chief Justice 4/3/1970</b> <i>Buell A. Nesbett</i>			
	Justice George F. Boney Justice John H. Dimond Judge C.J. Occhipinti	Justice George F. Boney Justice John H. Dimond	<b>Justice George F. Boney</b> <i>1970 by Gov. Keith Miller</i>
<b>Supreme Court Justice 6/18/1970</b> <i>Buell Nesbett</i>			
	Robert C. Erwin L.S. Kurtz, Jr. Judge Eben H. Lewis Judge C.J. Occhipinti Robert A. Parrish Judge William H. Sanders	Robert C. Erwin L.S. Kurtz, Jr. Judge Eben H. Lewis Robert A. Parrish	<b>Robert C. Erwin</b> <i>1970 by Gov. Keith Miller</i>
<b>Sitka Superior 9/16-19/1970</b> <i>new position</i>			
	Edmond W. Burke Victor D. Carlson Warren C. Christianson M. Ashley Dickerson Judge James A. Hanson Judge Henry C. Keene, Jr. James Nordale Thomas E. Schulz J.H. Shortell, Jr. James K. Singleton, Jr. Benjamin O. Walters, Jr.	Edmond W. Burke Victor D. Carlson Judge James A. Hanson Thomas E. Schulz James K. Singleton, Jr.	<b>Victor D. Carlson</b> <i>1970 by Gov. Keith Miller</i> <i>Position transferred administratively to Juneau</i>

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<i>Candidates</i>	<i>Nominated</i>	<i>Appointed</i>
<b>Anchorage Superior 9/16-19/1970</b> <i>new position</i>			
	Seaborn J. Buckalew, Jr. Edmond W. Burke Judge Victor D. Carlson M. Ashley Dickerson William Erwin Marvin Frankel Dorothy A. Haaland Robert E. Hammond Judge James A. Hanson Peter J. Kalamarides Denis Lazarus James Merbs James Nordale Robert N. Opland David Pree Ernest Rehbock Judge William H. Sanders Thomas E. Schulz Sylvia Short J.H. Shortell, Jr. James K. Singleton, Jr. Benjamin O. Walters, Jr.	Seaborn J. Buckalew, Jr. Edmond W. Burke Judge Victor D. Carlson William Erwin Judge James A. Hanson Peter J. Kalamarides Robert N. Opland Thomas E. Schulz James K. Singleton, Jr.	<b>James K. Singleton, Jr.</b> <i>1970 by Gov. Keith Miller</i>
<b>Kodiak Superior 9/16-19/1970</b> <i>new position</i>			
	Edmond W. Burke Judge Victor D. Carlson M. Ashley Dickerson Denis Lazarus Roy H. Madsen James Nordale David Pree Judge William H. Sanders Thomas E. Schulz Sylvia Short J.H. Shortell, Jr. James K. Singleton, Jr. Benjamin O. Walters, Jr.	Edmond W. Burke Judge Victor D. Carlson Roy H. Madsen Judge William H. Sanders Thomas E. Schulz J.H. Shortell, Jr. James K. Singleton, Jr.	<b>Edmond W. Burke</b> <i>1970 by Gov. Keith Miller</i>

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<i><b>Candidates</b></i>	<i><b>Nominated</b></i>	<i><b>Appointed</b></i>
<b>Kenai Superior 9/16-19/1970</b> <i>new position</i>			
	Seaborn J. Buckalew, Jr. Edmond W. Burke Judge Victor D. Carlson M. Ashley Dickerson William Erwin Robert E. Hammond Judge James A. Hanson Denis Lazarus James Nordale David Pree Judge William H. Sanders Thomas E. Schulz Sylvia Short J.H. Shortell, Jr. James K. Singleton, Jr. Benjamin O. Walters, Jr.	Seaborn J. Buckalew, Jr. Edmond W. Burke Judge Victor D. Carlson William Erwin Judge James A. Hanson Judge William H. Sanders Thomas E. Schulz James K. Singleton, Jr.	<b>James Hanson</b> <i>1970 by Gov. Keith Miller</i>
<b>Fairbanks Superior 9/16-19/1970</b> <i>new position</i>			
	Seaborn J. Buckalew, Jr. Judge Victor D. Carlson Judge Hugh Connelly M. Ashley Dickerson Judge Mary Alice Miller James Nordale Judge William H. Sanders Thomas E. Schulz J.H. Shortell, Jr. James K. Singleton, Jr. Gerald van Hoomissen	Seaborn J. Buckalew, Jr. Judge Victor D. Carlson Judge Mary Alice Miller James K. Singleton, Jr. Gerald van Hoomissen	<b>Gerald van Hoomissen</b> <i>11/5/70 by Gov. Keith Miller</i>
<b>Sitka District 11/9/1970</b> <i>Peter M. Page</i>			
	Harris R. Bullerwell Roger W. DuBrock Edith A. Glennon Hal R. Horton John D. Mason Thomas B. Payne	Harris R. Bullerwell Roger W. DuBrock Hal R. Horton Thomas B. Payne	<b>Roger W. DuBrock</b> <i>1970 by Gov. Keith Miller</i> <i>Seat abolished 1976</i>
<b>Wrangell District 11/9/1970</b> <i>new position</i>			
	Harris R. Bullerwell Roger W. DuBrock Edith A. Glennon Hal R. Horton John D. Mason Thomas B. Payne	Harris R. Bullerwell Roger W. DuBrock Hal R. Horton	<b>Harris R. Bullerwell</b> <i>1970 by Gov. Keith Miller</i>

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Kodiak District 11/9/1970</b> <i>new position</i>			
	Louis Agi Roger W. DuBrock Edith A. Glennon Hal R. Horton John D. Mason Thomas B. Payne	Roger W. DuBrock Hal R. Horton Thomas B. Payne	<b>Hal R. Horton</b> <i>1970 by Gov. Keith Miller</i>
<b>Anchorage District 11/9/1970</b> <i>James A. Hanson</i>			
	Louis Agi Edith A. Glennon Hal R. Horton John D. Mason Thomas B. Payne William Tull Virgil D. Vochoska L. Eugene Williams	Hal R. Horton John D. Mason Virgil D. Vochoska L. Eugene Williams	<b>John D. Mason</b> <i>12/7/70 by Gov. Keith Miller</i>
<b>Public Defender 11/28/1970</b> <i>Victor D. Carlson</i>			
	Stanley Ditus Dick L. Madson Herbert D. Soll	Dick L. Madson Herbert D. Soll	<b>Herbert D. Soll</b> <i>1970 by Gov. William Egan</i>
<b>Supreme Court Justice 12/16/1971</b> <i>John H. Dimond</i>			
	Robert Boochever Judge James M. Fitzgerald James Lack Roy H. Madsen	Robert Boochever Judge James M. Fitzgerald Roy H. Madsen	<b>Robert Boochever</b> <i>1971 by Gov. William Egan</i>
<b>Supreme Court Justice 11/16/1972</b> <i>George F. Boney</i>			
	Edgar P. Boyko Judge James M. Fitzgerald Eugene V. Miller Judge Ralph E. Moody	Judge James M. Fitzgerald Judge Ralph E. Moody	<b>James M. Fitzgerald</b> <i>12/31/72 by Gov. William Egan</i>
<b>Kodiak District 7/8/1972</b> <i>Hal Horton 1972; position moved to Anchorage</i>			
	Louis E. Agi Benjamin T. Delahay, Jr. Edith A. Glennon Thomas F. Keever Francis van T. Kernan Virgil D. Vochoska	Louis Agi Thomas F. Keever Francis van T. Kernan Virgil D. Vochoska	<b>Virgil D. Vochoska</b> <i>1972 by Gov. William Egan</i>
<b>Anchorage Superior 2/15-17/1973</b> <i>Edward V. Davis</i>			
	Seaborn J. Buckalew, Jr. Judge Paul B. Jones Peter J. Kalamarides	Seaborn J. Buckalew, Jr. Peter J. Kalamarides	<b>Peter J. Kalamarides</b> <i>1973 by Gov. William Egan</i>

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<i><b>Candidates</b></i>	<i><b>Nominated</b></i>	<i><b>Appointed</b></i>
<b>Anchorage Superior 5/3-4/1973</b> <i>James M. Fitzgerald</i>			
	Judge Joseph J. Brewer Seaborn J. Buckalew, Jr. William H. Fuld Dorothy A. Haaland Judge Paul B. Jones James C. Merbs Nissel A. Rose Judge William H. Sanders Andrew R. Sarisky Thomas E. Schulz Judge Dorothy D. Tyner Benjamin O. Walters, Jr.	Seaborn J. Buckalew, Jr. Judge Paul B. Jones Judge William H. Sanders Thomas E. Schulz Benjamin O. Walters, Jr.	<b>Seaborn J. Buckalew, Jr.</b> <i>6/20/73 by Gov. William Egan</i>
<b>Nome District 8/21/1973</b> <i>Maurice Kelliher</i>			
	Benjamin T. Delahay, Jr. Jon Larson Thomas B. Payne Elmer C. Smith Ethan Windahl	Jon Larson Ethan Windahl	<b>Ethan Windahl</b> <i>1973 by Gov. William Egan</i> <i>Seat abolished 1978</i>
<b>Ketchikan Superior 9/29/1973</b> <i>Hubert A. Gilbert</i>			
	Judge Roger W. DuBrock Thomas F. Keever A. Fred Miller Judge W. Bruce Monroe Thomas E. Schulz J. Gerald Williams	Judge Roger W. DuBrock Thomas E. Schulz J. Gerald Williams	<b>Thomas E. Schulz</b> <i>11/16/73 by Gov. William Egan</i>
<b>Fairbanks Superior 1/11/1975</b> <i>new position</i>			
	James R. Blair Judge Hugh Connelly Judge Roger W. DuBrock Eugene V. Miller David J. Pree Judge Arthur L. Robson	James R. Blair Judge Hugh Connelly Judge Roger W. DuBrock	<b>James R. Blair</b> <i>1/31/75 by Gov. Jay Hammond</i>
<b>Supreme Court Justice 2/12-13/1975</b> <i>James M. Fitzgerald</i>			
	William V. Boggess Judge Edmond W. Burke	William V. Boggess Judge Edmond W. Burke	<b>Edmond W. Burke</b> <i>4/4/75 by Gov. Jay Hammond</i>
<b>Anchorage District 2/12-13/1975</b> <i>Paul B. Jones</i>			
	Alexander O. Bryner Gary W. Gantz Laurel Peterson	Alexander O. Bryner Gary W. Gantz Laurel Peterson	<b>Alexander O. Bryner</b> <i>1975 by Gov. Jay Hammond</i>
<b>Juneau District 4/1/1975</b> <i>W. Bruce Monroe</i>			
	Richard A. Bradley Gerald O. Williams	Richard A. Bradley Gerald O. Williams	<b>Gerald O. Williams</b> <i>1975 by Gov. Jay Hammond</i>

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<i><b>Candidates</b></i>	<i><b>Nominated</b></i>	<i><b>Appointed</b></i>
<b>Wrangell District 4/1/1975</b> <i>Harris R. Bullerwell</i>			
	Duane K. Craske George Gucker Francis van T. Kernan	Duane K. Craske George Gucker Francis van T. Kernan	<b>Duane K. Craske</b> <i>1975 by Gov. Jay Hammond</i>
<b>Public Defender 5/16/1975</b> <i>Herbert D. Soll</i>			
	Douglas A. Fox Brian Shortell Herbert D. Soll Ronald T. West	Douglas A. Fox Brian Shortell Herbert D. Soll	<b>Brian Shortell</b> <i>1975 by Gov. Jay Hammond</i>
<b>Anchorage Superior 5/16/1975</b> <i>new position</i>			
	Judge Victor D. Carlson Robert E. Hammond Richard P. Kerns David Pree J. Justin Ripley Helen L. Simpson Benjamin O. Walters, Jr.	Judge Victor D. Carlson Richard P. Kerns J. Justin Ripley Benjamin O. Walters, Jr.	<b>J. Justin Ripley</b> <i>6/27/75 by Gov. Jay Hammond</i>
<b>Kodiak Superior 8/20/1975</b> <i>Edmond W. Burke</i>			
	Roy H. Madsen Milton M. Souter	Roy H. Madsen Milton M. Souter	<b>Roy H. Madsen</b> <i>9/17/75 by Gov. Jay Hammond</i>
<b>Fairbanks District 8/22/1975</b> <i>new position</i>			
	Clay Berry Monroe Clayton Stephen R. Cline Francis van T. Kernan Edward Noonan	Monroe Clayton Stephen R. Cline	<b>Monroe Clayton</b> <i>1975 by Gov. Jay Hammond</i>
<b>Anchorage District 9/17/1975</b> <i>new position</i>			
	Clay Berry Bruce Bookman Susan Burke Stanley Howitt Laurel Peterson Bruce Tennant	Susan Burke Laurel Peterson	<b>Laurel Peterson</b> <i>1975 by Gov. Jay Hammond</i>
<b>Anchorage Superior 9/18/1975</b> <i>Harold J. Butcher</i>			
	Russell E. Arnett Judge Victor D. Carlson Gary Gantz Karl Johnstone Richard Lytle James Merbs A.D. Talbot	Russell E. Arnett Judge Victor D. Carlson	<b>Victor D. Carlson</b> <i>10/8/75 by Gov. Jay Hammond</i>

<b>Historical Log of Judicial Appointments*</b> <b>1959-Present</b>			
	<i><b>Candidates</b></i>	<i><b>Nominated</b></i>	<i><b>Appointed</b></i>
<b>Juneau Superior 1/8-9/1976</b> <i>new position</i>			
	Linn H. Asper Joseph D. Balfe Allen T. Compton Judge Roger W. DuBrock James E. Fisher Gary W. Gantz	Joseph D. Balfe Allen T. Compton Judge Roger W. DuBrock	<b>Allen T. Compton</b> <i>1976 by Gov. Jay Hammond</i>
<b>Valdez District 3/15/1976</b> <i>new position</i>			
	John Bosshard, III James D. Ginotti Robin Taylor	John Bosshard, III James D. Ginotti Robin Taylor	<b>John Bosshard, III</b> <i>1976 by Gov. Jay Hammond</i>
<b>Sitka Superior 8/31/1976</b> <i>Former District Court Position - Victor Carlson</i>			
	Joseph D. Balfe Judge Alexander O. Bryner Donald L. Craddick Judge Duane K. Craske Edward Stahla	Judge Alexander O. Bryner Judge Duane K. Craske	<b>Duane K. Craske</b> <i>9/24/76 by Gov. Jay Hammond</i>
<b>Fairbanks Superior 9/23/1976</b> <i>Everett W. Hepp</i>			
	Judge Monroe Clayton Judge Hugh Connelly Jay Hodges	Judge Monroe Clayton Judge Hugh Connelly Jay Hodges	<b>Jay Hodges</b> <i>9/28/76 by Gov. Jay Hammond</i>
<b>Bethel Superior 10/18/1976</b> <i>new position</i>			
	Christopher Cooke Stephen Cooper James E. Fisher	Christopher Cooke Stephen Cooper	<b>Christopher Cooke</b> <i>11/15/76 by Gov. Jay Hammond</i>
<b>Homer District 10/18/1976</b> <i>new position</i>			
	James P. Doogan, Jr. Henry Holst James C. Hornaday Jack McGee Anita Remerowski David Walker	James P. Doogan, Jr. James C. Hornaday	<b>James C. Hornaday</b> <i>11/2/76 by Gov. Jay Hammond</i>
<b>Wrangell District 12/13/1976</b> <i>Duane Craske</i>			
	Robin Taylor Larry D. Wood	Robin Taylor Larry D. Wood	<b>Robin Taylor</b> <i>1976 by Gov. Jay Hammond</i> <i>seat abolished 1982</i>
<b>Anchorage Superior 2/1-2/1977</b> <i>Eben H. Lewis</i>			
	Judge Alexander O. Bryner Denis Lazarus Mark C. Rowland Judge Thomas E. Schulz Gary Thurlow	Judge Alexander O. Bryner Mark C. Rowland Judge Thomas E. Schulz	<b>Mark C. Rowland</b> <i>2/22/77 by Gov. Jay Hammond</i>

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Supreme Court Justice 4/14/1977</b> <i>Robert C. Erwin</i>			
	William V. Boggess Warren Matthews Judge Ralph Moody Daniel A. Moore, Jr. William G. Ruddy Judge James K. Singleton, Jr.	William V. Boggess Warren Matthews Daniel A. Moore, Jr. William G. Ruddy Judge James K. Singleton, Jr.	<b>Warren Matthews</b> <i>5/26/77 by Gov. Jay Hammond</i>
<b>Anchorage District 6/29/1977</b> <i>Dorothy D. Tyner</i>			
	Glen C. Anderson William D. Cook Beverly W. Cutler Richard Lytle James Wolf	Glen C. Anderson William D. Cook Beverly Cutler	<b>Beverly W. Cutler</b> <i>1977 by Gov. Jay Hammond</i>
<b>Anchorage Superior 12/14/1977</b> <i>C. J. Occhipinti</i>			
	Bruce A. Bookman William Erwin William H. Fuld Eugene Murphy Milton M. Souter Benjamin O. Walters, Jr. Richard Weinig	Bruce A. Bookman William H. Fuld Milton M. Souter Benjamin O. Walters, Jr.	<b>Milton M. Souter</b> <i>1/23/78 by Gov. Jay Hammond</i>
<b>Fairbanks District 12/14/1977</b> <i>Arthur L. Robson</i>			
	Robert Blackford Stephen R. Cline Dallas L. Phillips L. Eugene Williams	Stephen R. Cline Dallas L. Phillips L. Eugene Williams	<b>Stephen R. Cline</b> <i>1977 by Gov. Jay Hammond</i>
<b>Anchorage District 2/10/1978</b> <i>Alexander Bryner</i>			
	Glen C. Anderson Joseph Evans John Strachan Richard Tennant L. Eugene Williams Ethan Windahl	Glen C. Anderson L. Eugene Williams Ethan Windahl	<b>Glen C. Anderson</b> <i>3/16/78 by Gov. Jay Hammond</i>
<b>Anchorage Superior 9/17/1979</b> <i>Peter J. Kalamarides</i>			
	Albert Branson Robert Bundy Harland Davis LeRoy DeVeaux Sheila Gallagher Max Gruenberg Karl S. Johnstone Carolyn Jones Judge Laurel Peterson Arthur Robinson Douglas Serdahely Brian Shortell D. Ralph Stemp	Sheila Gallagher Karl S. Johnstone Douglas J. Serdahely Brian Shortell	<b>Karl S. Johnstone</b> <i>10/8/79 by Gov. Jay Hammond</i>



<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Anchorage District 9/17/1979</b> <i>Laurel Peterson</i>			
	Charles R. Avery James Bendell Robert Frenz Lucy Lowden Donald Starks Elaine Vondrasek George Weiss L. Eugene Williams	Charles R. Avery L. Eugene Williams	<b>Charles R. Avery</b> <i>1979 by Gov. Jay Hammond</i>
<b>Kotzebue Superior 3/20/1980</b> <i>new position</i>			
	William D. Cook Paul B. Jones Irwin Ravin Edward Welch Richard J. Whittaker	Paul B. Jones Richard J. Whittaker	<b>Paul B. Jones</b> <i>5/5/80 by Gov. Jay Hammond</i>
<b>Court of Appeals 6/20/1980</b> <i>3 new positions</i>			
	Susan A. Burke Alexander O. Bryner Robert G. Coats Judge James A. Hanson Daniel Hickey Thomas F. Keever Judge Roy H. Madsen Charles Merriner Peter A. Michalski Judge Ralph E. Moody Robert N. Opland A. Lee Peterson Judge Thomas E. Schulz Judge James K. Singleton, Jr. D. Ralph Stemp Judge Warren Wm. Taylor	Alexander O. Bryner Robert G. Coats Judge James A. Hanson Judge Roy H. Madsen Charles Merriner Ralph Moody A. Lee Peterson Judge Thomas E. Schulz Judge James K. Singleton, Jr.	<b>Alexander O. Bryner</b> <b>Robert G. Coats</b> <b>James K. Singleton, Jr.</b> <i>7/30/80 by Gov. Jay Hammond</i>
<b>Fairbanks District 9/15/1980</b> <i>Monroe Clayton</i>			
	Hershel Crutchfield Robert Downes Natalie Finn Jane F. Kauvar Christopher E. Zimmerman	Hershel Crutchfield Robert Downes Jane F. Kauvar	<b>Hershel Crutchfield</b> <i>10/30/80 by Gov. Jay Hammond</i>
<b>Supreme Court Justice 11/1/1980</b> <i>Robert Boochever</i>			
	Judge Victor D. Carlson Judge Allen T. Compton John Havelock Andrew Kleinfeld Arthur Peterson William G. Ruddy Judge James K. Singleton, Jr. Donna Willard	Judge Victor D. Carlson Judge Allen T. Compton Andrew Kleinfeld William G. Ruddy Judge James K. Singleton, Jr.	<b>Allen T. Compton</b> <i>12/12/80 by Gov. Jay Hammond</i>
<b>Anchorage Superior 11/1/1980</b> <i>James K. Singleton and 2 new positions</i>			

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
	Judge Glen C. Anderson Stephen C. Branchflower William Donohue Sheila Gallagher Cheri Jacobus Carolyn Jones William Mackey Daniel A. Moore, Jr. Eugene Murphy Arthur Robinson Douglas J. Serdahely Brian Shortell James Wanamaker	Judge Glen C. Anderson William Donohue Sheila Gallagher Carolyn Jones Daniel A. Moore, Jr. Douglas J. Serdahely Brian Shortell James Wanamaker	<b>Daniel A. Moore, Jr.</b> <b>Douglas J. Serdahely</b> <b>Brian Shortell</b> ( <i>Singleton's position</i> ) <i>12/12/80 by Gov. Jay Hammond</i>
<b>Nome Superior 11/1/1980</b> <i>William H. Sanders</i>			
	Judge Paul B. Jones Charles Tunley	Judge Paul B. Jones Charles Tunley	<b>Charles Tunley</b> <i>12/12/80 by Gov. Jay Hammond</i>
<b>Fairbanks District 1/23/1981</b> <i>Mary Alice Miller</i>			
	Hershel Crutchfield Robert Downes Jane F. Kauvar Brett M. Wood Thomas F. Keever	Robert Downes Jane F. Kauvar	<b>Jane F. Kauvar</b> <i>2/18/81 by Gov. Jay Hammond</i>
<b>Public Defender 3/31/1981</b> <i>Brian Shortell</i>			
	David Berry Ben Esch Dana Fabe Rene J. Gonzalez Nancy Shaw Sue Ellen Tatter Roy V. Williams	Dana Fabe Rene J. Gonzalez Sue Ellen Tatter Roy V. Williams	<b>Dana Fabe</b> <i>1981 by Gov. Jay Hammond</i>
<b>Juneau Superior 4/28-29/1981</b> <i>Allen T. Compton</i>			
	Linn H. Asper Walter L. Carpeneti James Douglas Douglas L. Gregg Peter M. Page Rodger W. Pegues Richard Svobodny Judge Robin Taylor	Walter L. Carpeneti Douglas L. Gregg Peter M. Page Rodger W. Pegues Judge Robin Taylor	<b>Rodger W. Pegues</b> <i>6/11/81 by Gov. Jay Hammond</i>

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Anchorage District 5/28-29/1981</b> <i>Charles R. Avery</i>			
	Elaine Andrews Thomas R. Boedecker Stephanie Cole James V. Gould Brigitte McBride Jess Nicholas Robert Rehbock John Scukanec Arthur Talbot Ronald T. West James Wolf Thomas Turnbull	Elaine Andrews Stephanie Cole James V. Gould Jess Nicholas	<b>Elaine Andrews</b> <i>6/11/81 by Gov. Jay Hammond</i>
<b>Kenai Superior 9/3/1981</b> <i>James Hanson</i>			
	Charles Cranston Charles Merriner Timothy Rogers Andrew R. Sarisky	Charles Cranston Charles Merriner	<b>Charles Cranston</b> <i>10/15/81 by Gov. Jay Hammond</i>
<b>Juneau Superior 9/28/1981</b> <i>Thomas Stewart</i>			
	Walter L. Carpeneti Peter M. Page	Walter L. Carpeneti Peter M. Page	<b>Walter L. Carpeneti</b> <i>10/15/81 by Gov. Jay Hammond</i>
<b>Palmer Superior 9/3/1982</b> <i>new position</i>			
	Judge Glen C. Anderson Judge Beverly W. Cutler LeRoy DeVeaux Carolyn Jones Charles Merriner Sigurd Murphy Thomas J. Yerbich	Judge Glen C. Anderson Judge Beverly W. Cutler LeRoy DeVeaux	<b>Beverly W. Cutler</b> <i>10/28/82 by Gov. Jay Hammond</i>
<b>Barrow Superior 9/30/1982</b> <i>new position</i>			
	Michael Jeffery Timothy Stearns	Michael Jeffery Timothy Stearns	<b>Michael Jeffery</b> <i>10/28/82 by Gov. Jay Hammond</i>
<b>Wrangell Superior 9/30/1982</b> <i>new position</i>			
	Richard Folta Judge Henry C. Keene, Jr. Dennis L. McCarty Robin Taylor	Judge Henry C. Keene, Jr. Robin Taylor	<b>Henry C. Keene, Jr.</b> <i>11/10/82 by Gov. Jay Hammond</i>
<b>Ketchikan District 2/15-16/1983</b> <i>Henry C. Keene, Jr.</i>			
	Barbara Blasco James Bruce Roger Carlson George Gucker Dennis L. McCarty Richard J. Whittaker	Barbara Blasco George Gucker	<b>George Gucker</b> <i>3/31/83 by Gov. William Sheffield</i>

<b>Historical Log of Judicial Appointments*</b> <b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Anchorage District 2/15-16/1983</b> <i>Joseph Brewer, Virgil Vochoska's position moved from Kodiak</i>			
	Allen Bailey Eugene Cyrus Natalie Finn William H. Fuld Eric Hanson Donald Johnson Eugene Murphy Linda O'Bannon Patrick Owen Edward Peterson Robert Rehbock Christine Schleuss Nancy Shaw John Sivertsen Elaine Vondrasek L. Eugene Williams James Wolf Richard L. Yospin	Natalie Finn William H. Fuld Eric Hanson Donald Johnson Eugene Murphy Patrick Owen Christine Schleuss L. Eugene Williams Richard L. Yospin	<b>Natalie Finn</b> ( <i>Vochoska's position</i> ) <b>William H. Fuld</b> ( <i>Brewer's position</i> ) <i>3/31/83 by Gov. William Sheffield</i>
<b>Supreme Court Justice 5/26/1983</b> <i>Roger G. Connor</i>			
	Judge Alexander O. Bryner William Donohue Karen Hunt Millard Ingraham Kenneth Jacobus Judge Paul B. Jones Andrew Kleinfeld Judge Daniel A. Moore, Jr. Sandra Saville ( <i>withdrew</i> ) Judge Douglas J. Serdahely Judge James K. Singleton, Jr. Michael Thomas Donna Willard	Millard Ingraham Andrew Kleinfeld Judge Daniel A. Moore, Jr. Michael Thomas	<b>Daniel A. Moore, Jr.</b> <i>7/10/83 by Gov. William Sheffield</i>
<b>Anchorage Superior 11/29/1983</b> <i>Daniel A. Moore, Jr.</i>			
	Cynthia Christianson LeRoy DeVeaux William Erwin Gary W. Gantz William Greene Karen Hunt Joan M. Katz Suzanne Pestinger	LeRoy DeVeaux William Erwin Karen Hunt Joan M. Katz	<b>Karen Hunt</b> <i>1/10/84 by Gov. William Sheffield</i>
<b>Valdez Superior 5/16/1984</b> <i>new position</i>			
	Judge John Bosshard, III Hal P. Gazaway ( <i>withdrew</i> ) Patrick Owen ( <i>withdrew</i> ) Gordon J. Tans	Judge John Bosshard, III Gordon J. Tans	<b>John Bosshard, III</b> <i>5/29/84 by Gov. William Sheffield</i>
<b>Juneau District 5/16/1984</b> <i>Gerald O. Williams</i>			

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
	Linn H. Asper Margaret Peggy Berck Monte Lee Brice John R. Corso Donald L. Craddick David T. Walker Richard L. Yospin	Linn H. Asper Margaret Peggy Berck David T. Walker Richard L. Yospin	<b>Linn H. Asper</b> <i>6/22/84 by Gov. William Sheffield</i>
<b>Anchorage Superior 9/25-26/1984</b> <i>2 new positions</i>			
	Andrew M. Brown Edward G. Ted Burton William Erwin Gail Roy Fraties Judge William H. Fuld Rene J. Gonzalez James V. Gould Joan M. Katz Peter A. Michalski Melvin M. Stephens, II	Edward G. Burton Gail Roy Fraties Rene J. Gonzalez James V. Gould Joan M. Katz Peter A. Michalski	<b>Rene J. Gonzalez</b> <b>Joan M. Katz</b> <i>11/8/84 by Gov. William Sheffield</i>
<b>Anchorage District 9/25-26/1984</b> <i>Beverly W. Cutler, Warren A. Tucker, and 2 new positions</i>			
	Martha Beckwith Dennis P. Cummings John M. Eberhart Maryann E. Foley David P. Gorman Andy Hemenway Robert D. Lewis Connie J. Sipe ( <i>withdrew</i> ) D. Ralph Stemp Melvin M. Stephens, II David C. Stewart Michael N. White	Martha Beckwith Andy Hemenway D. Ralph Stemp David C. Stewart Michael N. White	<b>Martha Beckwith</b> ( <i>Cutler's position</i> ) <b>D. Ralph Stemp</b> ( <i>Tucker's position</i> ) <b>David C. Stewart</b> <b>Michael N. White</b> <i>11/8/84 by Gov. William Sheffield</i>
<b>Fairbanks District 12/17/1984</b> <i>Stephen R. Cline</i>			
	Teresa L. Foster Michael P. McConahy Thomas A. Miller Randy M. Olsen Daniel T. Saluri Mark I. Wood Christopher E. Zimmerman	Michael P. McConahy Randy M. Olsen Mark I. Wood Christopher E. Zimmerman	<b>Christopher E. Zimmerman</b> <i>2/1/85 by Gov. William Sheffield</i>

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Fairbanks Superior 12/17/1984</b> <i>Warren Wm. Taylor</i>			
	Rita T. Allee James P. Doogan, Jr. Mary E. "Meg" Greene Judge Jane F. Kauvar Dick L. Madson Billie D. Murphree Richard D. Savell D. Rebecca Snow Larry D. Wood Christopher E. Zimmerman	Mary E. "Meg" Greene Dick L. Madson	<b>Mary E. "Meg" Greene</b> <i>1/4/85 by Gov. William Sheffield</i>
<b>Anchorage Superior 12/18/1984</b> <i>Ralph E. Moody</i>			
	Edward G. Ted Burton Gail Roy Fraties Judge William H. Fuld Peter A. Michalski Eugene Murphy Benjamin O. Walters, Jr. Thomas J. Yerbich	Edward G. Ted Burton Peter A. Michalski Eugene Murphy Benjamin O. Walters, Jr.	<b>Peter A. Michalski</b> <i>1/31/85 by Gov. William Sheffield</i>
<b>Wrangell Superior 3/27-28/1985</b> <i>Henry C. Keene, Jr.</i>			
	James L. Bruce John B. Gaguine ( <i>withdrew</i> ) Thomas M. Jahnke Dennis L. McCarty T.W. Patch Drew Peterson John Peterson ( <i>withdrew</i> ) David T. Walker	Thomas M. Jahnke Dennis L. McCarty David T. Walker	<b>Thomas M. Jahnke</b> <i>5/11/85 by Gov. William Sheffield</i>
<b>Bethel Superior 4/78/1986</b> <i>Christopher Cooke</i>			
	Gail Roy Fraties James D. Ginotti L. Ben Hancock Laurie H. Otto Bryan E. Schuler Timothy H. Stearns	Gail Roy Fraties L. Ben Hancock Bryan E. Schuler	<b>Gail Roy Fraties</b> <i>5/22/86 by Gov. William Sheffield</i>
<b>Fairbanks Superior 3/20/1987</b> <i>Gerald Van Hoomisen</i>			
	Gary Foster Paul R. Lyle ( <i>withdrew</i> ) Dick L. Madson ( <i>withdrew</i> ) Richard D. Savell D. Rebecca Snow Niesje J. Steinkruger Patrick J. Travers Larry C. Zervos Judge Christopher E. Zimmerman	Richard D. Savell D. Rebecca Snow Judge Christopher E. Zimmerman	<b>Richard D. Savell</b> <i>4/27/87 by Gov. Steve Cowper</i>

<b>Historical Log of Judicial Appointments*</b> 1959-Present			
	<i>Candidates</i>	<i>Nominated</i>	<i>Appointed</i>
<b>Palmer District 6/20/1987</b> <i>new position</i>			
	Peter G. Ashman Dennis P. Cummings John Thomas Maltas Daniel Weber Mark I. Wood	Peter G. Ashman Mark I. Wood	<b>Peter G. Ashman</b> <i>7/31/87 by Gov. Steve Cowper</i>
<b>Fairbanks District 7/14/1988</b> <i>Hugh Connelly</i>			
	S. Joshua Berger James H. Cannon Patrick B. Cole Monte Engel J. John Franich Raymond Funk James M. Mullen Charles R. Pengilly Kenneth P. Ringstad, Jr. Fleur L. Roberts Larry C. Zervos	James H. Cannon Raymond Funk Charles R. Pengilly Larry C. Zervos	<b>Larry C. Zervos</b> <i>8/26/88 by Gov. Steve Cowper</i>
<b>Fairbanks Superior 7/15/1988</b> <i>James R. Blair</i>			
	Gary Foster J. John Franich Raymond Funk Judge Jane F. Kauvar Charles R. Pengilly D. Rebecca Snow Niesje J. Steinkruger Judge Christopher E. Zimmerman	D. Rebecca Snow Niesje J. Steinkruger	<b>Niesje J. Steinkruger</b> <i>8/26/88 by Gov. Steve Cowper</i>
<b>Anchorage Superior 7/16/88</b> <i>Seaborn J. Buckalew</i>			
	Louis E. Agi Joseph N. Barcott Harry Branson Dan E. Dennis Leroy E. DeVeaux R. Stanley Ditus Dana A. Fabe Judge William H. Fuld Nelson G. Page Timothy Jay Rogers ( <i>withdrew</i> ) Shannon D. Turner Vincent P. Vitale	Dana A. Fabe Judge William H. Fuld Nelson G. Page	<b>Dana A. Fabe</b> <i>8/26/88 by Gov. Steve Cowper</i>

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Anchorage District 7/17/1988</b> <i>Michael N. White</i>			
	Louis E. Agi Jacob H. Allmaras James A. Crary Dennis P. Cummings John E. Duggan Monte Engel John T. Maltas Paul E. Olson ( <i>withdrew</i> ) James Ottinger John A. Scukanec John W. Sivertsen, Jr. Michael L. Wolverton	Jacob H. Allmaras James Ottinger Michael L. Wolverton	<b>Michael L. Wolverton</b> <i>8/26/88 by Gov. Steve Cowper</i>
<b>Public Defender 1/14/1989</b> <i>Dana A. Fabe</i>			
	James H. McComas John B. Salemi	James H. McComas John B. Salemi	<b>John B. Salemi</b> <i>1989 by Gov. Steve Cowper</i>
<b>Anchorage Superior 5/8/1989</b> <i>Douglas Serdahely</i>			
	Terry Aglietti Jacob Allmaras Judge Glen Anderson Don Bauermeister Dan Dennis William Donohue Phillip Eide Judge William Fuld David Mannheimer Nelson Page John Reese Judge David Stewart Benjamin O. Walters, Jr. Larry Wood	Glen Anderson David Mannheimer Nelson Page John Reese David Stewart	<b>John Reese</b> <i>6/26/89 by Gov. Steve Cowper</i>
<b>Juneau District 5/9/1989</b> <i>Linn H. Asper</i>			
	Margaret Berck Monte Brice Pat Conheady Peter Froehlich David Ingram Stephen Pearson David Walker	Margaret Berck Peter Froehlich	<b>Peter Froehlich</b> <i>6/26/89 Gov. Steve Cowper</i>
<b>Bethel Superior 11/20/1989</b> <i>Gail Roy Fraties</i>			
	Dale O. Curda Lawrence Delay Jonathan Link Allison Mendel Joseph Slusser Richard Whittaker	Dale O. Curda Allison Mendel Jonathan Link	<b>Dale O. Curda</b> <i>12/15/89 by Gov. Steve Cowper</i>



<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Kenai Superior 6/5/1990</b> <i>new position</i>			
	Thomas Boedeker Jonathan Link Peter Mysing Arthur S. Robinson Judge Michael Wolverton	Jonathan Link Arthur S. Robinson Judge Michael Wolverton	<b>Jonathan Link</b> <i>7/20/90 by Gov. Steve Cowper</i>
<b>Juneau Superior 6/25/1990</b> <i>Rodger Pegues</i>			
	Judge Thomas M. Jahnke Margot O. Knuth Ronald W. Lorensen Richard A. Svobodny David T. Walker Larry R. Weeks	Judge Thomas M. Jahnke Margot O. Knuth Ronald W. Lorensen Larry R. Weeks	<b>Larry R. Weeks</b> <i>8/3/90 by Gov. Steve Cowper</i>
<b>Sitka Superior 8/6/1990</b> <i>Duane Craske</i>			
	Daniel W. Allan ( <i>withdrew</i> ) Theron J. Cole Cynthia P. Christianson ( <i>withdrew</i> ) Jonathan H. Link ( <i>withdrew</i> ) Dennis L. McCarty William E. Olmstead J. Michael Robbins Elizabeth L. Shaw Edward A. Stahla Judge Larry C. Zervos	Elizabeth L. Shaw Judge Larry C. Zervos	<b>Larry C. Zervos</b> <i>9/14/90 by Gov. Steve Cowper</i>
<b>Court of Appeals 8/26/1990</b> <i>James Singleton</i>			
	Judge Glen C. Anderson David Mannheimer Susan Orlansky	Judge Glen C. Anderson David Mannheimer Susan Orlansky	<b>David Mannheimer</b> <i>10/11/90 by Gov. Steve Cowper</i>
<b>Fairbanks District 8/27/1990</b> <i>Christopher Zimmerman</i>			
	Teresa Foster Brimmer Robert B. Downes Raymond Funk Charles R. Pengilly Fleur Louise Roberts Wm. Ronald Smith	Teresa Foster Brimmer Raymond Funk Charles R. Pengilly	<b>Charles R. Pengilly</b> <i>9/27/90 by Gov. Steve Cowper</i>
<b>Kodiak Superior 11/18/1990</b> <i>Roy Madsen</i>			
	L. Ben Hancock Donald D. Hopwood Craig S. Howard Carolyn E. Jones Susan S. McLean Anna M. Moran T.W. Patch J. Michael Robbins ( <i>withdrew</i> )	Donald D. Hopwood Carolyn E. Jones Susan S. McLean	<b>Donald D. Hopwood</b> <i>11/30/90 by Gov. Steve Cowper</i>

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Homer District 11/19/1990</b> <i>James C. Hornaday</i>			
	Lynn H. Christensen Thomas H. Dahl Ronald W. Drathman Monte Engel ( <i>withdrew</i> ) Virginia Marie Espenshade James A. Farr Donald D. Hopwood Carolyn E. Jones M. Francis Neville Fate Putman ( <i>withdrew</i> ) J. Michael Robbins ( <i>withdrew</i> ) Daniel William Westerburg	Lynn H. Christensen Donald D. Hopwood Carolyn E. Jones M. Francis Neville Daniel William Westerburg	<b>M. Francis Neville</b> <i>11/30/90 by Gov. Steve Cowper</i>
<b>Anchorage District 1/20-21/1991</b> <i>David Stewart</i>			
	Louis E. Agi Dennis Cummings Steven D. DeVries James A. Farr Carolyn E. Jones Charlene Lichtmann ( <i>withdrew</i> ) John R. Lohff Kevin F. McCoy Gregory J. Motyka James Ottinger John A. Scukanec Benjamin O. Walters, Jr.	Carolyn E. Jones John R. Lohff Kevin F. McCoy	<b>John R. Lohff</b> <i>3/8/91 by Gov. Walter Hickel</i>
<b>Anchorage Superior 1/2122/1991</b> <i>Victor D. Carlson</i>			
	Judge Glen C. Anderson Judge Elaine M. Andrews Bruce A. Bookman Stephen E. Branchflower Robert D. Frenz Kenneth P. Jacobus Thom F. Janidlo Carolyn E. Jones John R. Lohff J. Frank Prewitt, Jr. Richard Brock Shamberg James T. Stanley Richard J. Willoughby Judge Michael Wolverton Larry D. Wood	Judge Glen C. Anderson Judge Elaine M. Andrews Bruce A. Bookman Judge Michael Wolverton	<b>Elaine M. Andrews</b> <i>3/8/91 by Gov. Walter Hickel</i>
<b>Kotzebue Superior 2/8/1991</b> <i>Paul B. Jones</i>			
	Richard H. Erlich James A. Farr Gayle L. Garrigues Eric Smith Janna Stewart ( <i>withdrew</i> )	Richard Erlich Eric Smith	<b>Richard H. Erlich</b> <i>3/8/91 by Gov. Walter Hickel</i>
<b>Anchorage District 6/9-10/1991</b> <i>Elaine Andrews</i>			

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
	Louis E. Agi Lynn H. Christensen Carolyn E. Jones Richard D. Kibby Michael L. Lindeman Kevin F. McCoy Gregory J. Motyka J. Frank Prewitt, Jr. Rhonda Butterfield Roberson John A. Scukanec William Jay Soule Susan M. Williams	Lynn H. Christensen Carolyn E. Jones Michael L. Lindeman Kevin F. McCoy Gregory J. Motyka	<b>Gregory J. Motyka</b> <i>7/26/91 by Gov. Walter Hickel</i>
<b>Valdez Superior 10/11/1991</b> <i>John Bosshard</i>			
	Judge Glen C. Anderson Bill Cook Kenneth D. Lougee Michael J. Walleri	Judge Glen C. Anderson Kenneth D. Lougee	<b>Judge Glen C. Anderson</b> <i>11/26/91 by Gov. Walter Hickel</i>
<b>Anchorage District 5/10-12/1992</b> <i>Ralph Stemp, Glen C. Anderson</i>			
	Jacob H. Allmaras Peter Ashman ( <i>withdrew</i> ) Lynn H. Christensen Paul Cossman Gene Cyrus ( <i>withdrew</i> ) James A. Farr Stephanie E. Joannides Carolyn Jones Richard Kibby ( <i>withdrew</i> ) Shannon D. Hanley Michael J. Lindeman Allison E. Mendel Bruce Moore Sigurd E. Murphy Joseph D. O'Connell Diane Taylor O'Gorman Stephanie Rhoades Mitchel Schapira John Scukanec William J. Soule ( <i>withdrew</i> ) James R. Szender ( <i>withdrew</i> ) Valerie Van Brocklin Stephen J. Van Goor James N. Wanamaker Daniel Weber Roy V. Williams Teresa E. Williams	Jacob H. Allmaras Paul Cossman Stephanie Joannides Sigurd E. Murphy Stephanie Rhoades John Scukanec Stephen J. Van Goor James N. Wanamaker	<b>Sigurd E. Murphy</b> <b>Stephanie Rhoades</b> <i>7/8/92 by Gov. Walter Hickel</i>

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<i>Candidates</i>	<i>Nominated</i>	<i>Appointed</i>
<b>Fairbanks Superior 9/25/1992</b> <i>new position</i>			
	Ralph R. Beistline Daniel R. Cooper, Jr. J. John Franich Judge Jane F. Kauvar Judge Charles R. Pengilly	Ralph R. Beistline Judge Jane F. Kauvar Judge Charles R. Pengilly	<b>Ralph R. Beistline</b> <i>10/26/92 by Gov. Walter Hickel</i>
<b>Fairbanks District 12/6-7/1992</b> <i>H. E. Crutchfield</i>			
	Christian N. Bataille Scott Davis J. John Franich R. Poke Haffner Lynn Levensgood Richard Lee Musick Brenda Sheehan ( <i>withdrew</i> ) Wm. Ronald Smith Karla J. Taylor-Welch Terrence Howard Thorgaard Mark I. Wood	Scott Davis Karla J. Taylor-Welch Mark I. Wood	<b>Mark I. Wood</b> <i>1/21/93 by Gov. Walter Hickel</i>
<b>Ketchikan Superior 12/8-9/1992</b> <i>Thomas E. Schulz</i>			
	Richard D. Kibby Richard Lee Musick Vivian Senungetuk John W. Sivertsen, Jr. Michael A. Thompson Kirsten Tinglum Stephen R. West	Michael A. Thompson Kirsten Tinglum	<b>Michael A. Thompson</b> <i>1/21/93 by Gov. Walter Hickel</i>
<b>Anchorage District 6/27-29/1993</b> <i>Martha Beckwith</i>			
	Ella Anagick Judge Peter G. Ashman Jeffrey A. Friedman Walter H. Garretson ( <i>withdrew</i> ) Laurence Keys Lisa B. Nelson John A. Scukanec Thomas R. Tatka Kneeland Taylor Stephen J. Van Goor James N. Wanamaker	Judge Peter G. Ashman Lisa B. Nelson John A. Scukanec Stephen J. Van Goor James N. Wanamaker	<b>James N. Wanamaker</b> <i>8/13/93 by Gov. Walter Hickel</i>

<b>Historical Log of Judicial Appointments*</b> <b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Anchorage Superior 6/27-29/1993</b> <i>J. Justin Ripley</i>			
	Judge Peter G. Ashman Allen M. Bailey Stephen E. Branchflower Larry D. Card Walter H. Garretson William W. Garrison Cheri Christine Moore Jacobus Michael Jungreis Marilyn Jane Kamm Elizabeth "Pat" Kennedy ( <i>withdrew</i> ) J. L. McCarrey, III Brant McGee Judge James N. Wanamaker Judge Michael L. Wolverton	Judge Peter G. Ashman Larry D. Card Brant McGee Judge Michael L. Wolverton	<b>Larry D. Card</b> <i>8/13/93 by Gov. Walter Hickel</i>
<b>Supreme Court 1/9-10/1994</b> <i>Edmond Burke</i>			
	James R. Blair Robert E. Congdon Robert L. Eastaugh Cynthia M. Hora Judge Karen L. Hunt Judge Thomas M. Jahnke William K. Jermain Douglas D. Lottridge Judge Peter A. Michalski Joseph J. Perkins, Jr. Hugh G. Jerry Wade Donna C. Willard	Robert L. Eastaugh Judge Karen L. Hunt Judge Thomas M. Jahnke Hugh G. Jerry Wade Donna C. Willard	<b>Robert L. Eastaugh</b> <i>1/29/94 by Gov. Walter Hickel</i>
<b>Anchorage District 9/25-26/1994</b> <i>John D. Mason</i>			
	Jacob H. Allmaras Ella Anagick Judge Peter G. Ashman Julie E. Bryant Carmen E. ClarkWeeks Walter H. Garretson Gary M. Guarino Thom F. Janidlo Stephanie E. Joannides Stephen F. McKee Lisa B. Nelson T. W. Patch ( <i>withdrew</i> ) John A. Scukanec Stephen J. Van Goor	Judge Peter G. Ashman Stephanie E. Joannides John A. Scukanec Stephen J. Van Goor	<b>Stephanie E. Joannides</b> <i>10/28/94 by Gov. Walter Hickel</i>

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Ketchikan District 5/14-15/1995</b> <i>George L. Gucker</i>			
	Linn H. Asper William J. Bonner Donald M. Bullock, Jr. Teresa R. Chenhall Patricia A. Collins David D. Mallet Trevor N. Stephens Susan E. Thomsen ( <i>withdrew</i> ) Stephen R. West	Linn H. Asper Teresa R. Chenhall Patricia A. Collins Trevor N. Stephens Stephen R. West	<b>Patricia A. Collins</b>  <i>7/7/95 by Gov. Tony Knowles</i>
<b>Supreme Court 1/7/1996</b> <i>Daniel A. Moore, Jr.</i>			
	Judge Alexander O. Bryner Judge Beverly W. Cutler Judge Dana A. Fabe Judge Karen L. Hunt Donna C. Willard	Judge Alexander O. Bryner Judge Beverly W. Cutler Judge Dana A. Fabe Judge Karen L. Hunt Donna C. Willard	<b>Dana A. Fabe</b>  <i>1/26/96 by Gov. Tony Knowles</i>
<b>Nome Superior 1/8/1996</b> <i>Charles R. Tunley</i>			
	James J. Benedetto Ben Esch Geoffry B. Wildridge	Ben Esch Geoffry B. Wildridge	<b>Ben Esch</b>  <i>2/16/96 by Gov. Tony Knowles</i>
<b>Kenai Superior 3/2-3/1996</b> <i>Charles K. Cranston</i>			
	Allan D. Beiswenger ( <i>withdrew</i> ) Harold M. Brown Daniel R. Cooper, Jr. Gordon G. Goodman Sharon A.S. Illsley Ronald K. Melvin Paul E. Olson	Harold M. Brown Paul E. Olson	<b>Harold M. Brown</b>  <i>4/8/96 by Gov. Tony Knowles</i>
<b>Palmer Superior Court 3/4-5/1996</b> <i>Glen Anderson's position moved from Valdez</i>			
	David G. Berry Kenneth J. Goldman Robert Herz Sharon A.S. Illsley Ronald K. Melvin Phil N. Nash ( <i>withdrew</i> ) Paul E. Olson Eric Smith John L. Steiner David Stewart Dana Robert Stoker Thomas J. Yerbich	David G. Berry Kenneth J. Goldman Paul E. Olson Eric Smith David Stewart	<b>Eric Smith</b>  <i>4/18/96 by Gov. Tony Knowles</i>
<b>Valdez District 3/4-5/1996</b> <i>new position</i>			
	James J. Benedetto Dennis Cummings Sharon A.S. Illsley ( <i>withdrew</i> )	<i>No nominations</i>	

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Anchorage Superior 6/24-26/1996</b> <i>Dana A. Fabe</i>			
	Judge Peter G. Ashman Kari L. Bazy Garber Marshall K. Coryell John E. Jack Duggan Sharon L. Gleason Mary Anne Henry Dan A. Hensley Elizabeth "Pat" Kennedy Brant McGee Judge Sigurd E. Murphy William B. Oberly ( <i>withdrew</i> ) Nelson G. Page Eric Sanders Nancy Shaw ( <i>withdrew</i> ) Judge Michael L. Wolverton Gary A. Zipkin ( <i>withdrew</i> )	Judge Peter G. Ashman Sharon L. Gleason Dan A. Hensley Brant McGee Nelson G. Page Eric Sanders Judge Michael L. Wolverton	<b>Eric Sanders</b> <i>8/8/96 by Gov. Tony Knowles</i>
<b>Chief Administrative Law Judge 10/14/1996</b> <i>new position</i>			
	Brian Rudolph Bove Michael P. Breton Donald M. Bullock, Jr. Barbara Herman Shelley Higgins Theresa Hillhouse Randall James Moen Stephen J. Pearson	Michael P. Breton Barbara Herman Shelley Higgins	<b>Shelley Higgins</b> <i>11/27/96 by Gov. Tony Knowles</i>
<b>Dillingham Superior 10/13/1996</b> <i>new position</i>			
	Mark Figura L. Ben Hancock Michael Jungreis Kenneth Kirk ( <i>withdrew</i> ) Ray Plummer, Jr. David Baldwin Snyder Dana Robert Stoker ( <i>withdrew</i> ) Fred Torrissi	David Baldwin Snyder Fred Torrissi	<b>Fred Torrissi</b> <i>11/27/96 by Gov. Tony Knowles</i>

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Anchorage Superior 10/14-17/1996</b> <i>Karl Johnstone, Joan Katz Woodward, Mark Rowland</i>			
	Judge Peter G. Ashman William J. Bonner Bruce A. Bookman Grant Callow Kevin Clarkson ( <i>withdrew</i> ) Marshall K. Coryell D. Scott Dattan LeRoy E. DeVeaux Roger W. DuBrock John E. Jack Duggan John Eberhart Mark Figura Robert D. Frenz ( <i>withdrew</i> ) Sharon L. Gleason Dan A. Hensley Karla F. Huntington Judge Stephanie E. Joannides Robert M. Rob Johnson Elizabeth "Pat" Kennedy Leonard M. Bob Linton, Jr. Brant McGee Allison E. Mendel Judge Sigurd E. Murphy William B. Oberly Nelson G. Page Ray Plummer, Jr. Eric Sanders <i>apptd to other position</i> Melvin M. Stephens, II Dana Robert Stoker ( <i>withdrew</i> ) Sen K. Tan Kirsten Tinglum Venable Vermont, Jr. Philip R. Volland Kathleen A. Weeks Judge Michael L. Wolverton Thomas J. Yerbich	Judge Peter G. Ashman Bruce A. Bookman Grant Callow Sharon L. Gleason Dan A. Hensley Judge Stephanie E. Joannides Leonard M. Bob Linton Brant McGee Nelson G. Page Sen K. Tan Kirsten Tinglum Philip R. Volland Judge Michael L. Wolverton	<b>Dan A. Hensley</b> <b>Sen K. Tan</b> <b>Judge Michael L. Wolverton</b> <i>12/4/96 by Gov. Tony Knowles</i>
<b>Supreme Court 12/8-9/1996</b> <i>Jay A. Rabinowitz</i>			
	Judge Alexander O. Bryner Judge Walter L. Bud Carpeneti Marcus Randolph Clapp Judge Mary E. Greene James A. "Jamo" Parrish Judge Richard D. Savell D. Rebecca Snow Terry L. Thurbon Daniel E. Winfree	Judge Alexander O. Bryner Judge Walter L. Carpeneti	<b>Alexander O. Bryner</b> <i>1/24/97 by Gov. Tony Knowles</i>



<b>Historical Log of Judicial Appointments*</b> <b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Public Defender 12/8-9/1996</b> <i>John Salemi</i>			
	Sidney Kay Billingslea Barbara K. Brink Michael Dieni ( <i>withdrew</i> ) John P. Sharp Cynthia L. Strout	Sidney Kay Billingslea Barbara K. Brink Cynthia L. Strout	<b>Barbara K. Brink</b> <i>1/24/97 by Gov. Tony Knowles</i>
<b>Court of Appeals 5/19-21/1997</b> <i>Alexander O. Bryner</i>			
	Rene J. Gonzalez ( <i>withdrew</i> ) Sigurd Murphy Charles R. Pengilly David Stewart Mark I. Wood	Charles R. Pengilly David Stewart Mark I. Wood	<b>David Stewart</b> <i>6/25/97 by Gov. Tony Knowles</i>
<b>Palmer District 5/19-21/1997</b> <i>Peter G. Ashman moved to Anchorage District Court to Michael Wolverton's vacated position</i>			
	Jacob H. Allmaras James J. Benedetto David G. Berry Joel H. Bolger William L. Estelle Ronald Paul Hemby ( <i>withdrew</i> ) Robert Herz Roger E. Holl ( <i>withdrew</i> ) Donald R. Kitchen Suzanne Lombardi Scott A. Sterling Vanessa H. White David L. Zwink	Jacob H. Allmaras David G. Berry Joel H. Bolger Suzanne Lombardi David L. Zwink	<b>Suzanne Lombardi</b> <i>7/3/97 by Gov. Tony Knowles</i>
<b>Valdez District 5/19-21/1997</b> <i>position created in 1995</i>			
	James J. Benedetto Joel H. Bolger Deborah K. Burlinski ( <i>withdrew</i> ) William J. Bonner Leonard R. Devaney, III Gordon G. Goodman L. Ben Hancock Julie A. Smith Scott A. Sterling Mary P. Treiber Jennifer K. Wells	Joel H. Bolger William J. Bonner Mary P. Treiber Jennifer K. Wells	<b>Joel H. Bolger</b> <i>7/3/97 by Gov. Tony Knowles</i>
<b>Fairbanks Superior 9/22-23/1997</b> <i>Jay Hodges</i>			
	Daniel L. Callahan Scott Davis John Eberhart ( <i>withdrew</i> ) Raymond Funk Jane F. Kauvar Charles R. Pengilly Mark I. Wood Christopher E. Zimmerman	Daniel L. Callahan Raymond Funk Charles R. Pengilly Mark I. Wood	<b>Charles R. Pengilly</b> <i>11/7/97 by Gov. Tony Knowles</i>

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Fairbanks District 3/1998</b> <i>Charles R. Pengilly</i>			
	Katherine R. Bachelder J. John Franich Raymond Funk David F. Leonard Jeffrey O' Bryant Albert G. Parrish	J. John Franich Raymond Funk	<b>Raymond Funk</b> <i>4/16/98 by Gov. Tony Knowles</i>
<b>Supreme Court 9/17/1998</b> <i>Allen T. Compton</i>			
	Walter L. Bud Carpeneti Richard H. Erlich James A. Jamo Parrish Douglas J. Serdahely	Walter L. Bud Carpeneti Douglas J. Serdahely	<b>Walter L. Bud Carpeneti</b> <i>11/4/98 by Gov. Tony Knowles</i>
<b>Juneau Superior 2/12/1999</b> <i>Walter L. Bud Carpeneti</i>			
	Patricia A. Collins Ronald W. Lorensen Douglas K. Mertz Philip Pallenberg	Patricia A. Collins Ronald W. Lorensen	<b>Patricia A. Collins</b> <i>3/27/99 by Gov. Tony Knowles</i>
<b>Anchorage District 7/19-20/1999</b> <i>William Fuld</i>			
	Samuel D. Adams Jacob H. Allmaras Ronald L. Baird Carmen E. Clarkweeks Steven D. DeVries Dwayne W. McConnell Bruce Moore Nancy J. Nolan Paul E. Olson Stephen J. Van Goor David R. Weber ( <i>withdrew</i> ) James B. Wright ( <i>withdrew</i> )	Samuel D. Adams Jacob H. Allmaras Nancy J. Nolan Paul E. Olson Stephen J. Van Goor	<b>Samuel D. Adams</b> <i>9/2/99 by Gov. Tony Knowles</i>
<b>Ketchikan District 7/21-22/1999</b> <i>Patricia A. Collins</i>			
	Dennis L. McCarty Kevin G. Miller Edward A. Stahla Mary P. Treiber Stephen R. West	Kevin G. Miller Mary P. Treiber	<b>Kevin G. Miller</b> <i>8/30/99 by Gov. Tony Knowles</i>
<b>Anchorage Superior 2/21-22/2000</b> <i>Brian Shortell</i>			
	Glenn E. Cravez John E. Jack Duggan Sharon L. Gleason Stephanie E. Joannides Allison E. Mendel Timothy G. Middleton Mark Rindner Craig J. Tillery	Sharon L. Gleason Stephanie E. Joannides Mark Rindner	<b>Stephanie E. Joannides</b> <i>4/10/00 by Gov. Tony Knowles</i>

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Ketchikan Superior 6/14-16/2000</b> <i>Thomas Jahnke</i>			
	Scott A. Brandt-Erichsen Dwayne W. McConnell ( <i>withdrew</i> ) Sigurd E. Murphy Trevor Stephens Stephen R. West	Sigurd E. Murphy Trevor Stephens	<b>Trevor Stephens</b> <i>7/31/00 by Gov. Tony Knowles</i>
<b>Anchorage Superior 9/14/2000</b> <i>Karen Hunt</i>			
	Kevin G. Clarkson Glenn E. Cravez Sharon L. Gleason Allison Mendel William F. Morse Lisa B. Nelson Susan A. Parkes Mark Rindner	Sharon L. Gleason William F. Morse Mark Rindner	<b>Mark Rindner</b> <i>10/20/by Gov. Tony Knowles</i>
<b>Anchorage District 9/15/2000</b> <i>Stephanie Joannides</i>			
	Larry Cohn Patrick S. Hammers Ronald Melvin Vennie E. Nemecek John Richard	Larry Cohn *No names forwarded to the Governor because two applicants were not nominated. Readvertised - see 1/5-6/01 meeting date.	No appointment
<b>Bethel District 9/16/2000</b> <i>new position</i>			
	Gayle L. Garrigues Craig McMahon Margaret L. Murphy Chris Provost ( <i>withdrew</i> )	Margaret Murphy *No names forwarded to the Governor because two applicants were not nominated. Upgraded to Superior Court, see Bethel 2002.	No appointment
<b>Anchorage Superior 1/4/2001</b> <i>Milton Souter</i>			
	Sidney K. Billingslea Deidre S. Ganopole Sharon L. Gleason Allison Mendel ( <i>withdrew</i> ) William F. Morse Sigurd E. Murphy Lisa B. Nelson Susan A. Parkes Jack W. Smith	Sharon L. Gleason William F. Morse	<b>Sharon L. Gleason</b> <i>2/19/01 by Gov. Tony Knowles</i>

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Anchorage District 1/5-6/01</b> <i>Stephanie Joannides readvertised</i>			
	Sharon Barr Elizabeth Brennan Connie L. Carson Larry Cohn Kimberlee A. Colbo Vincent Di Napoli Catherine M. Easter Deidre S. Ganopole Suzanne Lombardi Nancy J. Nolan John Richard Jack W. Smith Stephen J. Van Goor	Larry Cohn Nancy J. Nolan	<b>Nancy J. Nolan</b> <i>2/19/01 by Gov. Tony Knowles</i>
<b>Anchorage Superior 9/6/2001</b> <i>new position</i>			
	Peter G. Ashman Morgan Christen Matthew W. Claman Andrew Guidi Michael E. Kreger William F. Morse	Morgan Christen Andrew Guidi	<b>Morgan Christen</b> <i>10/25/01 by Gov. Tony Knowles</i>
<b>Anchorage Superior 1/11/2002</b> <i>Rene J. Gonzalez</i>			
	Andrew Guidi Karen Jennings ( <i>withdrew</i> ) William F. Morse Sigurd E. Murphy Paul E. Olson Scott J. Nordstrand	Andrew Guidi William F. Morse Paul E. Olson	<b>William F. Morse</b> <i>2/27/02 by Gov. Tony Knowles</i>
<b>Bethel Superior 1/12/2002</b> <i>new position</i>			
	Bruce L. Brown Leonard R. Devaney, III Margaret L. Murphy Daniel Weber	Leonard R. Devaney, III Daniel Weber	<b>Leonard R. Devaney, III</b> <i>2/27/02 by Gov. Tony Knowles</i>
<b>Fairbanks Superior 7/15/2002</b> <i>Ralph R. Beistline</i>			
	Daniel L. Callahan Stephen C. Neil Slotnick Mark I. Wood	Mark I. Wood Daniel L. Callahan	<b>Mark I. Wood</b> <i>8/30/02 by Gov. Tony Knowles</i>

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Anchorage Superior 9/30/2002</b> 2 positions - <i>Eric Sanders, Elaine Andrews</i>			
	Linda R. Beecher Sidney K. Billingslea Frederick H. Bonness Michaela Kelley Canterbury Matthew W. Claman Jonathon A. Katcher Kenneth Kirk ( <i>withdrew</i> ) John R. Lohff Sigurd E. Murphy Scott J. Nordstrand Paul E. Olson Susan A. Parkes ( <i>withdrew</i> ) J. Michael Robbins ( <i>withdrew</i> ) Jack W. Smith Michael T. Stehle ( <i>withdrew</i> ) Craig F. Stowers John Suddock Richard J. Todd Diane F. Vallentine Philip R. Volland Stephen B. Wallace Vanessa H. White ( <i>withdrew</i> )	Sidney K. Billingslea Jonathon A. Katcher Paul E. Olson Craig Stowers John Suddock Philip R. Volland	<b>John Suddock</b> <b>Philip R. Volland</b> <i>11/4/02 by Gov. Tony Knowles</i>
<b>Anchorage District 12/4-5/2002</b> 2 positions - <i>Peter G. Ashman, Natalie K. Finn</i>			
	Ella Anagick ( <i>withdrew</i> ) Connie L. Carson Brian K. Clark Carmen E. Clark ( <i>withdrew</i> ) Suzanne R. Cole Leslie Dickson William Andrew Earnhart Catherine M. Easter Richard D. Kibby Vennie E. Nemecek Joseph D. O'Connell Paul E. Olson Phyllis A. Shepherd ( <i>withdrew</i> ) Jack W. Smith Linda Anna Webb ( <i>withdrew</i> ) Daniel Weber ( <i>withdrew</i> ) Jennifer K. Wells	Brian K. Clark Catherine M. Easter Paul E. Olson Jack W. Smith Jennifer K. Wells	<b>Brian K. Clark</b> <b>Jack W. Smith</b> <i>6/11/03 by Gov. Frank Murkowski</i>
<b>Fairbanks District 3/14/2003</b> <i>Mark I. Wood</i>			
	Lori M. Bodwell Winston S. Burbank David V. Burglin Patrick S. Hammers Jeffrey O'Bryant Daniel Weber ( <i>withdrew</i> )	Winston S. Burbank Jeffrey O'Bryant	<b>Winston S. Burbank</b> <i>4/28/03 by Gov. Frank Murkowski</i>

<b>Historical Log of Judicial Appointments*</b>			
<b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Fairbanks Superior 3/14/2003</b> <i>Mary E. Greene</i>			
	Lori M. Bodwell David V. Burglin J. John Franich Patrick S. Hammers Jeffrey O'Bryant Randy M. Olsen Karla Taylor-Welch Christopher E. Zimmerman	J. John Franich Randy M. Olsen Christopher E. Zimmerman	<b>Randy M. Olsen</b> <i>4/28/03 by Gov. Frank Murkowski</i>
<b>Palmer District 5/4-5/2003</b> <i>Suzanne H. Lombardi</i>			
	Robert J. Collins William L. Estelle Charles T. Huguelet Karen L. Jennings Warren J. Kellicut ( <i>withdrew</i> ) Laurence Keyes Tara N. Logsdon J. Randall Luffberry ( <i>withdrew</i> ) Margaret L. Murphy Vennie E. Nemecek Joseph D. O'Connell Dennis Principe ( <i>withdrew</i> ) Verne Rupright ( <i>withdrew</i> ) Jennifer K. Wells	William L. Estelle Charles T. Huguelet Jennifer K. Wells	<b>William L. Estelle</b> <i>6/11/03 by Gov. Frank Murkowski</i>
<b>Kodiak Superior 7/20/2003</b> <i>Donald D. Hopwood</i>			
	Joel H. Bolger J. Michael Gray Charles T. Huguelet Sigurd E. Murphy Alan L. Schmitt Stephen B. Wallace	Joel H. Bolger Charles T. Huguelet Stephen B. Wallace	<b>Joel H. Bolger</b> <i>9/2/03 by Gov. Frank Murkowski</i>
<b>Kenai Superior 7/21/2003</b> <i>Jonathan Link</i>			
	Joel H. Bolger Charles T. Huguelet Richard D. Kibby ( <i>withdrew</i> ) Dwayne W. McConnell Sigurd E. Murphy Phil Nash ( <i>withdrew</i> ) Paul E. Olson Charles Allen Winegarden	Joel H. Bolger Charles T. Huguelet Dwayne W. McConnell	<b>Charles T. Huguelet</b> <i>9/2/03 by Gov. Frank Murkowski</i>

<b>Historical Log of Judicial Appointments*</b> 1959-Present			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Palmer District 10/10-11/2003</b> <i>new position</i>			
	David G. Berry Robert J. Collins John W. Erickson, Jr. Gregory Louis Heath Charles T. Huguelet <i>Kenai Superior Appt.</i> Karen L. Jennings Jake Ketscher <i>(withdrew)</i> Laurence Keyes Margaret L. Murphy Joseph D. O'Connell <i>(withdrew)</i> Paul E. Olson Richard W. Postma <i>(withdrew)</i> Stephen B. Wallace Jennifer K. Wells David L. Zwink	Gregory Louis Heath Laurence Keyes Stephen B. Wallace Jennifer K. Wells	<b>Gregory Louis Heath</b> <i>10/11/03 by Gov. Frank Murkowski</i>
<b>Anchorage Superior 8/8-9/2004</b> <i>John Reese</i>			
	Samuel D. Adams Sidney K. Billingslea Michael D. Corey Jonathon A. Katcher Scott J. Nordstrand Craig F. Stowers Stephen B. Wallace Diane L. Wendlandt Paul S. Wilcox	Sidney K. Billingslea Jonathon A. Katcher Craig F. Stowers	<b>Craig F. Stowers</b> <i>9/21/2004 by Gov. Frank Murkowski</i>
<b>Kenai District 10/7/2004</b> <i>new position</i>			
	Carol A. Brenckle <i>(withdrew)</i> Vince Curry Vincent Di Napoli Andy Hemenway <i>(withdrew)</i> David S. Landry Margaret L. Murphy John W. Wolfe	David S. Landry Margaret L. Murphy John W. Wolfe	<b>David S. Landry</b> <i>11/1/2004 by Gov. Frank Murkowski</i>
<b>Palmer District 10/8/2004</b> <i>new position</i>			
	Jeff Carney Vince Curry Vincent Di Napoli Rachel K. Gernat <i>(withdrew)</i> Andy Hemenway <i>(withdrew)</i> Laurence Keyes Tara Logsdon Margaret L. Murphy Chris Provost John W. Wolfe	Laurence Keyes Margaret L. Murphy Chris Provost John W. Wolfe	<b>John W. Wolfe</b> <i>11/1/2004 by Gov. Frank Murkowski</i>

<b>Historical Log of Judicial Appointments*</b> <b>1959-Present</b>			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Valdez District 12/5-10/2004</b> <i>Joel Bolger</i>			
	Tim Oliver Cook Vincent Di Napoli Tena M. Foster Peter C. Gamache Andy Hemenway Margaret L. Murphy Paul A. Roetman Daniel Schally	Vincent Di Napoli Andy Hemenway Margaret L. Murphy Daniel Schally	<b>Daniel Schally</b> <i>1/17/2005 by Gov. Frank Murkowski</i>
<b>Anchorage District 12/5-10/2004</b> <i>James Wanamaker</i>			
	Eric A. Aarseth Connie L. Carson ( <i>withdrew</i> ) Carmen E. Clark Steven DeVries Tena M. Foster Pat Hanley Karen L. Hawkins Laurence Keyes Donald R. Kitchen Kari Kristiansen David Pease Stephen B. Wallace	Eric A. Aarseth Carmen E. Clark Steven DeVries Pat Hanley Donald R. Kitchen Kari Kristiansen	<b>Pat Hanley</b> <i>1/14/2005 by Gov. Frank Murkowski</i>
<b>Juneau District 12/5-10/2004</b> <i>Peter Froehlich</i>			
	Dan Branch Brad J. Brinkman James E. Douglas Doug Gardner ( <i>withdrew</i> ) Andy Hemenway Stacie L. Kraly Keith B. Levy Phillip M. Pallenberg	Brad J. Brinkman James E. Douglas Keith B. Levy Phillip M. Pallenberg	<b>Keith B. Levy</b> <i>1/24/2005 by Gov. Frank Murkowski</i>
<b>Homer District 2/27-3/1/2005</b> <i>M. Francis Neville</i>			
	J. John Franich Peter C. Gamache Darin B. Goff Patrick S. Hammers Andy Hemenway Margaret L. Murphy Phil N. Nash Daniel Schally ( <i>appt. to Valdez Dist.</i> ) Franklin E. Spaulding Stephen B. Wallace Jennifer K. Wells	J. John Franich Darin B. Goff Margaret L. Murphy Stephen B. Wallace Jennifer K. Wells	



<b>Historical Log of Judicial Appointments*</b> 1959-Present			
	<b>Candidates</b>	<b>Nominated</b>	<b>Appointed</b>
<b>Fairbanks Superior 2/27-3/1/2005</b> <i>Richard D. Savell</i>			
	Lori M. Bodwell Robert B. Downes Teresa L. Foster J. John Franich Joe Miller ( <i>withdrew</i> ) Franklin E. Spaulding	Lori M. Bodwell Robert B. Downes Teresa L. Foster J. John Franich	
<b>Anchorage District 2/27-3/1/2005</b> <i>Samuel D. Adams</i>			
	Eric A. Aarseth Leonard R. Anderson Connie L. Carson ( <i>withdrew</i> ) Carmen E. Clark Steven DeVries Mary E. Fischer Peter C. Gamache Pat Hanley ( <i>appt. to Anch. Dist. 1/05</i> ) Karen L. Hawkins Laurence Keyes Donald R. Kitchen Kari Kristiansen Vennie E. Nemecek ( <i>withdrew</i> ) David Pease Alex M. Swiderski Stephen B. Wallace Jennifer K. Wells	Eric A. Aarseth Carmen E. Clark Steven DeVries Donald R. Kitchen Kari Kristiansen Alex M. Swiderski Stephen B. Wallace Jennifer K. Wells	

## **Appendix F**

### **Retention Evaluation Procedures**

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## Appendix F

### Alaska Judicial Council Retention Evaluation Program

Alaska's constitution and statutes require the Alaska Judicial Council to evaluate each judge standing for retention election and to make its evaluations and any recommendations public prior to the election. The Judicial Council evaluates *pro tem* judges (retired judges sitting temporarily by order of the supreme court) at the request of the supreme court and may evaluate other judges. The supreme court also has asked the Council to conduct attorney and peace officer surveys of magistrates and masters. The procedures used by the Council, and the results of evaluations conducted since 1976, are outlined in the following pages.

#### A. Retention Evaluation Procedures

The legislature first authorized retention evaluations in 1976. The evaluation procedures have evolved since that time into a thorough, objective review of each judge. Revisions in the process have focused on broadening the scope and effectiveness of the evaluations. The Council also has improved its communication of evaluation information and recommendations to voters.

The procedures fall into three general categories. The Council asks professionals to evaluate each judge. It surveys Alaska Bar Association members, active peace and probation officers, social workers (for the first time in 1998), guardian ad litem/CASA volunteers (for the first time in 1998), and court employees (for the first time in 1996). The Council also sends questionnaires to selected attorneys who have had demonstrated experience before each judge, drawing from a list of trials and major cases submitted by the judge.

Second, the Council reviews materials specific to each judge. Each judge completes a questionnaire about work during the prior term. The Council also considers public documents including court case files, Alaska Public Offices Commission and court conflict-of-interest filings, Commission on Judicial Conduct public records, and information about cases including peremptory challenges to the judge, recusals, and affirmance/reversals by the appellate courts.

Public input is the third aspect of the evaluations. In 2004, this included public hearings at about twenty locations throughout the state, and newspaper ads encouraging public comment (both oral and written) during the evaluation period. Staff press releases supplemented the newspaper ads. Public input also includes surveys of each juror who served in 2002 and 2003 with the judges up for retention in 2004.

For the 2004 retention evaluations, the Council directly asked thousands of Alaskans, including the various professionals, jurors and others for their evaluations of the judges. A high response rate showed strong interest in judicial performance.

After its review of the materials for each judge, the Council meets to make its final evaluation and recommendation. Members may interview one or more judges personally. (The Council interviewed one judge in 2004.) After the Council evaluates each judge and makes its recommendations, it publishes the results in newspapers throughout the state and in the Official Election Pamphlet prepared by the Lieutenant Governor. Detailed evaluation material - more than in any other jurisdiction - is available to voters on the Internet or in a written booklet.

## **1. Professional Evaluations**

### **a. Surveys**

The Council surveys all active and all in-state inactive members of the Alaska Bar Association, all peace and probation officers in the state who handle criminal cases, all social workers and all guardians ad litem/CASA volunteers. In 2004, the Council asked 2,927 attorneys, 1,495 peace and probation officers, and 345 social workers/guardians ad litem/CASA volunteers to evaluate the judges. About 33% of the attorneys, 38% of the peace and probation officers, and 25% of the social workers/guardians ad litem/CASA volunteers responded. Survey specialists consider these good response rates for mail surveys.

Bar members evaluate all judges and justices. Peace and probation officers, and social workers/guardians ad litem/CASA volunteers evaluate all trial court judges. The non-attorney professionals do not evaluate trial judges on legal abilities. The ten to sixteen areas of evaluation for each judge include impartiality, integrity, administrative skills, judicial temperament, legal skills and knowledge, and overall performance. The Council encourages respondents to add comments, based on their experience with each judge. (See Attachment A for a sample survey page.)

In recent years, attorneys and law enforcement officers have given judges particularly high ratings. From 1984 through 1998, the average overall score for a district court judge in a retention survey was 3.8 (on a scale of 5) from attorneys and law enforcement. From 2000 to 2004 the average scores from attorneys have ranged from 4.0 to 4.3. The average scores from law enforcement have improved to 4.3.

From 1984 through 1998, the average overall score for a superior court judge in a retention survey was 3.7 from attorneys and 3.6 from law enforcement. In 2000 and 2002, the average scores improved to 4.0 from both attorneys and law enforcement. In 2004, the average scores from attorneys and law enforcement were 4.2.

An independent contractor at the University of Alaska (BHRS) carries out the surveys for the Judicial Council, to assure objectivity in the findings. Most of the analysis uses only responses from those who reported direct professional experience with the judge being evaluated. Analysis considers the respondent's type of practice, location within the state, and other demographic

variables. The Council shares draft results with each judge before the Council's evaluation meeting and makes the final report available to the public and media throughout the state. Since 1996 the Council has posted all of this information on its website, for easy public access. ([www.ajc.state.ak.us](http://www.ajc.state.ak.us)).

In 2004 the Council surveyed 585 court employees and 37% responded. The survey asked employees to use a five-point scale to evaluate judges' treatment of staff and others, management abilities, diligence, integrity and overall performance. Court employees also had space for comments. The Judicial Council collected and tabulated this survey, as well as the juror survey.

### **b. Counsel Questionnaires**

Each judge gives the Judicial Council a list of three trials, three non-trial cases, and any other cases that the judge found significant during the most recent term in office. The Council asks all of the attorneys in each case to complete a brief questionnaire about the judge's fairness, legal abilities, temperament and administrative handling of the case. Most attorneys contacted return these questionnaires. The comments tend to resemble the survey findings, and corroborate it by giving evidence from attorneys who have had proven substantial experience with the judge. Judges receive the comments from the counsel questionnaires after the Council makes minor changes to assure anonymity. Council members use these questionnaires as part of their evaluations.

## **2. Judges' Materials**

### **a. Judge's Questionnaire**

Each judge fills out a short questionnaire about the types of cases he or she handled during the previous term, legal or disciplinary matters the judge may have been involved in, and health matters that could affect the judge's ability to perform judicial duties. The questionnaire asks the judge to describe satisfaction with judicial work during the previous term. The judge can make any comments that would help the Council in its evaluations.

### **b. Other Records**

Council staff review public records, including annual conflict-of-interest statements filed with the Alaska Public Offices Commission, separate conflict-of-interest forms filed with the court system, court case files, and Commission on Judicial Conduct public files. The Council also reviews performance-related court data, such as the number of peremptory challenges filed against a judge, the number of times the judge recused him/herself, and the number of reversals on appeal. The Council scrutinizes performance-related data carefully, because the type of caseload or judge's location may play a major part in the numbers of challenges or appeals and reversals. A domestic relations judge assigned 6,000 cases in one year may have proportionately more challenges (and possibly more appellate reversals) than a judge handling 1,000 criminal and civil cases. These challenges may arise more from the nature of the cases than from the judges' decisions.

### **c. Interviews**

Any judge may request an interview with the Judicial Council. The Council, in turn, may ask judges to speak with the Council members during the final stages of the evaluation process. Judges may respond to concerns raised during the evaluation process.

## **3. Public Input**

The Council uses public hearings, juror surveys, and publicity to encourage the public to help evaluate judges.

### **a. Juror Surveys**

The Council asks jurors who have sat on trials during the most recent years of a judge's term for their knowledge of the judge's performance. Jurors highlight different aspects of judicial performance than do professionals. Their role in a case gives them an objective perspective that may not be as easily available to others in the courtroom.

### **b. Public Hearings**

Public hearings for all judges standing for retention were conducted throughout the state in 2004, using the legislature's teleconference network and public meeting rooms. Statewide newspaper ads encouraged citizens to comment. While juror surveys provide largely positive information about judicial performance, public hearings may attract persons who were less satisfied with judicial decisions. The two procedures give the Council the opportunity to view a range of opinions.

### **c. Other Publicity and Input**

The Council publicized the evaluation process widely through frequent press releases and submission of feature articles to newspapers. In 2004, the Council asked for public comment on the Internet and received numerous responses. The Council incorporated into its decisions the independent evaluations of volunteer court observers from Alaska Judicial Observers, Inc. and from the Victims for Justice CourtWatch group.

## **4. Dissemination of Results**

By law, the Council must make its evaluations and recommendations public at least sixty days prior to the election. It also must submit materials for the Lieutenant Governor's Official Election Pamphlet. Attachment B includes sample materials. In 2004 the Council published newspaper ads with its recommendations, and the address for more detailed evaluations for three weeks before the election in newspapers around the state. Each of the ten judges had detailed evaluation information available on the Internet or in printed form. Press releases and news articles appeared statewide.

## **B. Historical Results of Evaluations**

The Council has evaluated judges standing for retention since 1976 (see Attachment C for vote totals and survey scores). In every election, the Council has found all or most of the judges qualified, and has recommended their retention. Voters retained all of the judges found qualified, most by substantial margins in most years. Vote analyses for all years since 1976 indicate that typically judges received from 60% to 70% "yes" votes in the Third Judicial District (which includes Anchorage, Palmer, the Kenai Peninsula and Kodiak), and from 65% to 75% "yes" votes in the other judicial districts. The effects of the Council's recommendations, and of campaigns opposing judges, must be measured against the typical voting patterns.

Judicial performance has been good and is improving as measured by the percentage of "yes" votes in recent retention elections. From 1984 to 2000, the average percentage of "yes" votes in retention elections was 67%. This average increased in 2002 and 2004 to an average percentage of 69.5% "yes" votes. Percentages in 2002 and 2004 are two of the three highest average percentages of "yes" votes in Alaska's history of retention elections.

### **1. Judges Found "Not Qualified"**

The Council found one or two judges not qualified for retention in each of the years between 1976 and 1982. All of the judges were district court judges. Both Bar and peace officers evaluated each as "below acceptable" on most of the evaluation criteria, including legal ability and overall performance. The judges were retained, although by significantly lower vote totals than most judges in their districts, in 1976, 1978 and 1980.

In 1982, voters did not retain the two judges found unqualified, giving them about 45% "yes" votes in each case. Reasons suggested for the difference between the 1982 election and prior elections included increasing reliance on Judicial Council recommendations as voters grew more familiar with them. A number of very controversial ballot issues in 1982 may have generated more general interest in the elections. Higher "no" vote totals for all judges in the Third Judicial District in 1982 may have been correlated with the majority of "no" votes for the two judges, whom the Council found unqualified.

During the years 1984 through 2004, the Council has found all but one judge qualified. Voters retained all in office. The one unqualified judge was a superior court judge who stood for retention in 1988. The Council based its finding of "unqualified" on information that included "below acceptable" ratings from attorneys on integrity, impartiality, temperament and overall performance. Peace officers also rated the judge "below acceptable" on several qualities. Voters retained the judge, although with significantly fewer "yes" votes than typical for that year.

### **2. Campaigns Against Judges**

Various groups have campaigned against judges in the past two and a half decades. Most have not mounted their campaigns until shortly before the election. Opponents have noted that the Code of Judicial Conduct (Canon 7 B(3)) prohibits judges from campaigning until opposed.



Opponents can prepare campaigns and raise funds well in advance, while judges cannot raise funds or advertise until after the first instance of public attack. Substantial campaigns against supreme court justices were waged in 1980, 1988 and in 2000. The justices were retained, but by lower margins than most other judges. In 1984, 1994, 2000 and to a lesser extent in the other years, groups and individuals conducted campaigns against some trial court judges. For the most part, they were not well-organized and had little effect on voters' actions. Campaigns against four trial court judges in 2000 did have a significant impact on vote totals. In 2004, none of the judges standing for retention received any significant opposition.

### **3. Effectiveness of Council Evaluations**

The Council has assessed the effectiveness of its evaluation process twice. It surveyed 1978 voters in 1979, and made a formal report. In 1990, students informally polled voters in exit surveys. In both surveys, some voters said that they always voted either for or against all judges. Others said they discriminated, voting "yes" for some judges and "no" on others, based on personal experience or information available to them. Those voters were more likely to say that they had read the Judicial Council's recommendations or had used them in their voting. In 1996, the American Judicature Society conducted an independent review of retention evaluation procedures in several states. AJS found the Council's evaluations effective for those who used them. AJS also found that judges with higher ratings from attorneys and peace and probation officers tended to get more "yes" votes.

Outside of these surveys, one good example of the effectiveness of the Council's recommendations came from the 1992 elections. Although the Council found them qualified and recommended "yes" votes on each, two Third Judicial District judges were rated below the other judges. No group campaigned against these judges, but they received substantially fewer votes than the other judges on the ballot. The voting results suggest that many voters used the Council's information in the Official Election Pamphlet to make their own decisions about how to vote.

Another factor not immediately obvious is that a significant number of judges choose to retire rather than stand for retention. For example in 1990, twenty-two judges were eligible to stand for retention. Seven of these judges took themselves off the ballot voluntarily. While these decisions had little to do with the retention election and the Council's evaluation in the majority of cases, such factors probably did play a part in judges' decisions to retire in a few cases.

Observers have occasionally suggested that the relatively low percentage of judges against whom the Council recommends, and the even lower percentage of judges rejected by the voters, shows that Alaska's retention election system does not work. The Council believes that it demonstrates the quality of both Alaska's non-political merit selection system for judges, and of Alaska's judiciary.

In addition, the comprehensive evaluations conducted by the Council, especially in recent years, coupled with the prior recommendations against retention, provide a strong incentive for judges to do their best. For example, the judge recommended against in 1988 (but retained by the voters) significantly improved his performance in his next term as reflected in his Bar and peace officer ratings.

## **C. Other Judicial Evaluations**

The Council has conducted three other types of judicial performance evaluation.

### **1. *Pro Tem* Judge Evaluations**

The supreme court has required Council evaluations of *pro tem* judges by court rule (Administrative Rule 23) since 1987. The Council sends its evaluations to the Chief Justice, who combines them with presiding judges' evaluations and other materials to decide whether judges should continue to serve *pro tem* for another two-year term. The first judges were evaluated in 1988, and a second group of four were evaluated in 1990. Six judges were evaluated in 1992, twelve in 1994, eight in 1997, and five in 2000. Five *pro tem* judges were evaluated in 2002 and in 2004.

Most *pro tem* judges are retired superior court judges who serve for a few days or as much as a few months per year. The Council sends survey questionnaires to all Bar members and peace and probation officers.

### **2. Interim Judicial Performance Evaluation**

In 2004, the Council surveyed Bar members and peace and probation officers about judges in Alaska standing for retention in 2006. Evaluating the judges who will be on the ballot in 2006 gives the judges and the Council an opportunity to assess their performance before the judges actually stand for retention.

### **3. Master/Magistrate Surveys**

The Alaska Supreme Court asked the Council to conduct attorney and peace officer surveys of four Anchorage standing masters in late 1997 to assist the courts in the evaluation of these judicial officers, to allow feedback for the judicial officers, and to allow attorneys and peace officers an opportunity to submit comments. The Council conducted an expanded survey that included more masters and added magistrates in 1999. In 2001, the Council surveyed all attorneys and peace officers about the performance of all of the magistrates and masters throughout the state. Survey results were provided to the Alaska Supreme Court, presiding judges, and to the magistrates and masters.

## Attachment A

**FIRST JUDICIAL DISTRICT**

**SUPERIOR COURT**

<b>JUDGE TREVOR STEPHENS</b>
------------------------------

**BASIS FOR EVALUATION**

A. WHICH OF THE FOLLOWING DESCRIBES THE BASIS FOR YOUR EVALUATION OF THIS JUDGE? (CIRCLE ONE OR MORE)

1. Direct professional experience
2. Professional reputation
3. Social contacts
9. Insufficient knowledge to evaluate this judge (GO ON TO NEXT JUDGE)

B. If you have had direct professional experience with this judge, which of the following best describes the amount of that experience? (CIRCLE ONE)

1. Substantial and recent (within last 5 years)
2. Moderate
3. Limited

To rate this judge, circle one number for each criterion. If you lack sufficient knowledge to rate the judge for any one of the criteria, circle 9. (SEE INSIDE FRONT COVER FOR PRECISE DEFINITION OF THE RATING SCALE)

	Poor	Deficient	Acceptable	Good	Excellent	Insufficient Knowledge
<b>Legal Ability</b>						
1. Legal and factual analysis	1	2	3	4	5	9
2. Knowledge of substantive law	1	2	3	4	5	9
3. Knowledge of evidence and procedure	1	2	3	4	5	9
<b>Impartiality</b>						
4. Equal treatment of all parties	1	2	3	4	5	9
5. Sense of basic fairness and justice	1	2	3	4	5	9
<b>Integrity</b>						
6. Conduct free from impropriety or appearance of impropriety	1	2	3	4	5	9
7. Makes decisions without regard to possible public criticism	1	2	3	4	5	9
<b>Judicial Temperament</b>						
8. Courtesy, freedom from arrogance	1	2	3	4	5	9
9. Human understanding and compassion	1	2	3	4	5	9
<b>Diligence</b>						
10. Reasonable promptness in making decisions	1	2	3	4	5	9
11. Willingness to work diligently; preparation for hearings	1	2	3	4	5	9
<b>Special Skills</b>						
12. Ability to control courtroom	1	2	3	4	5	9
13. Settlement skills	1	2	3	4	5	9
14. Consideration of all relevant factors in sentencing	1	2	3	4	5	9
15. Talent and ability for cases involving children and families	1	2	3	4	5	9
<b>Overall Evaluation</b>						
16. Overall evaluation of judge	1	2	3	4	5	9

## Attachment B

# ALASKA'S JUDICIAL EVALUATION AND RETENTION SYSTEM

[www.ajc.state.ak.us](http://www.ajc.state.ak.us)



Alaskans choose their judges through a merit selection system and vote every few years on whether to keep them on the bench. The system assures that judges remain non-partisan and accountable to the public. The constitution requires that the Alaska Judicial Council nominate only the best-qualified people to the Governor for appointment to judgeships, and the state laws require that the Judicial Council evaluate each judge standing for retention elections. Other laws require that the Judicial Council publish its evaluations in the Voters' Pamphlet. The evaluations of judges standing in the November 2004 election appear on the following pages. Each judge also may pay for a page of biographical information that he or she prepares. The Judicial Council is a citizens' commission, with three non-attorney members, three attorney members and the Chief Justice of the Alaska Supreme Court, who sits as chair.

In 2004, the Judicial Council evaluated ten trial court judges. The Judicial Council found that all ten judges were **QUALIFIED** and recommends that voters retain all of them as judges.

## JUDICIAL EVALUATION PROCEDURES

The Judicial Council evaluates judges with the help of thousands of Alaska citizens – police and probation officers, attorneys, jurors, court employees, social workers and others who appear in court before the judges. In 2004, the Council surveyed these groups, asked for written and oral comments from the public throughout the state, and reviewed records about judges' workloads, conflicts of interest, and other aspects of performance.

**Surveys** - The Judicial Council surveyed all active members of the Alaska Bar Association, and all peace and probation officers in the state. In 2004, the Council sent surveys to 2,927 attorneys and 1,495 peace and probation officers. An independent contractor handled the surveys for the Judicial Council, to assure objectivity in the findings. Questions on the surveys asked about judges' legal abilities, fairness, integrity, temperament, diligence and administrative skills. Similar surveys went to 345 social workers and citizens who participate in helping Alaska's children in court as guardians ad litem and Court Appointed Special Advocate (CASA) volunteers. The Council asked jurors (750 responded) who had served on cases with the judges to comment on the judges' abilities to handle the trials fairly and capably. Court employees (about 584) also received surveys to rate the judges.

**Judge and Counsel Questionnaires** – Each judge standing for retention returned a self-evaluation questionnaire to the Judicial Council. The questionnaire included lists of recent cases that the judge believed were important for evaluation, with an emphasis on jury and non-jury trials. The Council asked each attorney in each case to fill out an additional survey about the judge's performance in that particular case, including detailed comments about the judge's abilities.

**Other Records** - Council staff review a series of other public records, including conflict-of-interest annual statements filed with the Alaska Public Offices Commission and separate forms filed with the court system, court case files, Commission on Judicial Conduct public files, and a report on any withheld salary warrants. The Council also reviews performance-related court data, such as the number of peremptory challenges filed against a judge and the number of reversals on appeal. The Council looks at performance-related data carefully, because a judge's caseload type or location may play a major part in the numbers of challenges or appeals and reversals. For example, an Anchorage judge assigned 1,000 civil cases in one year may receive more challenges (and possibly more appellate reversals) than a rural area judge assigned a mixed caseload of 500 civil and criminal cases. The Alaska Judicial Observers, an independent group of community-based volunteer court observers, provided information to the Council about the retention judges in Anchorage and Palmer that they had evaluated.

**Public Hearings and Comment** - The Council held statewide public hearings for all judges standing for retention, using the legislature's teleconference network and public meeting rooms. Statewide newspaper ads encouraged public participation. Public hearings give citizens a valuable opportunity to speak out about their experiences with judges. They also provide a forum in which citizens can hear the opinions of others.

**Other Publicity and Input** - The Council widely publicizes the evaluation process. The Council solicits comments about judges on its website. Any judge may request an interview with the Judicial Council. The Council, in turn, may ask judges to speak with the Council members during the final stages of the evaluation process to respond to concerns raised by attorneys, peace or probation officers, or citizens. The Council balances all the information it receives from its many sources.

## RESULTS OF EVALUATIONS

Evaluation information for each retention judge appears on the following pages. Summaries of the attorney, peace and probation officer, juror and court employee survey scores are provided. The Alaska Judicial Observers evaluation, where available, also is summarized. Summaries of survey results are shown in graphs. Survey ratings are on a five-point scale with "5" as the highest score, "1" as the least favorable score, and "3" as acceptable. A complete copy of the survey results is available from the Alaska Judicial Council, 1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501; 907/279-2526. The Council's Internet web pages contain complete performance information about the judges on the ballot this fall. (<http://www.ajc.state.ak.us>)

## 2004 RETENTION ELECTION CANDIDATES

**Superior Court:** Trevor Stephens (Ketchikan)  
Michael I. Jeffery (Barrow)  
Morgan Christen (Anchorage)  
Beverly Cutler (Palmer)  
Sharon L. Gleason (Anchorage)  
Stephanie E. Joannides (Anchorage)  
Mark Rindner (Anchorage)  
Niesje J. Steinkruger (Fairbanks)

**District Court:** Nancy J. Nolan (Anchorage)  
Raymond Funk (Fairbanks)

## JUDICIAL COUNCIL MEMBERS

**Alexander Bryner** is the chairperson for the Judicial Council by virtue of his position as Chief Justice of the Alaska Supreme Court. Chief Justice Bryner was appointed to the Supreme Court in 1997. Before his appointment he served as Chief Judge of the Court of Appeals. (Term: 7/03-6/06)

**Eleanor Andrews** is a non-attorney member of the Council from Anchorage. She is president of the Andrews Group, a management services and logistics support company. (Term: 11/00 – 3/07)

**Douglas Baily** is an attorney member of the Council from Juneau. He is in private practice. (Term: 4/04 – 2/10)

**Robert Groseclose** is an attorney member of the Council from Fairbanks. He is a partner in the law firm of Cook, Schuhmann and Groseclose. (Term: 4/00 - 2/06)

**Bill Gordon** is a non-attorney member of the Council who resides in Fairbanks. (Term: 5/03 – 3/09)

**Susan Orlansky** is an attorney member of the Council from Anchorage. She is a partner in the law firm of Feldman & Orlansky. (Term: 3/02 – 2/08)

**Gigi Pilcher** is a non-attorney member of the Council from Ketchikan. (Term: 5/00 - 5/05)

**See [www.ajc.state.ak.us](http://www.ajc.state.ak.us) for detailed judicial evaluation information.**

## Superior Court Judge Morgan Christen, Third Judicial District



**DATE OF BIRTH:**

December 5, 1961

**PLACE OF BIRTH:**

Chehalis, Washington

**NAME OF SPOUSE:**

James Torgerson

**CHILDREN:**

Erin, Caroline

**LENGTH OF RESIDENCY IN ALASKA:** 18 years

Anchorage  
1986-present

**EDUCATION:**

Kent Meridian High School, Washington. (1979);  
University of Washington, B.A. (1980-1983); Golden  
Gate University School of Law, J.D. (1983-1986)

**POLITICAL AND GOVERNMENT POSITIONS:**

1986, Alaska Superior Court; Law Clerk for Judge Brian  
Shortell; 1985, Anchorage Municipal Prosecutor's Office  
Certified Intern

**BUSINESS AND PROFESSIONAL POSITIONS:**

1987-2002, Preston, Gates & Ellis, Litigation Partner  
(1992-2002) Associate (1987-1992); Chair, Federal  
Admiralty Rules Committee Federal/State Gender  
Equality Task Force; Alaska Bar Association Disciplinary  
Committee; Lawyer Representative, Ninth Cir. Judicial  
Conference; President, Anchorage Assoc. of Women  
Lawyers.

**SERVICE ORGANIZATION(S) MEMBERSHIP:**

Anchorage Rotary (1994-present); Big Brothers/Big  
Sisters of Alaska, Former Big Sister/board member,  
Current member of Board of Ambassadors; United Way  
of Anchorage, board member (1999-present).

**SPECIAL INTERESTS:**

Family, hiking, traveling in Alaska, reading, cooking.

**OTHER:**

Light of Hope Award (2004) (work for Alaska's  
children); Chamber of Commerce Athena Society  
Award (2004)

**STATEMENT:**

It has truly been a privilege to work as a superior court  
judge and I hope to be able to continue to serve in that  
capacity.

My view of a superior court judge's job is to provide a  
fair and impartial forum where parties can reach a final  
resolution of disputes. Sometimes achieving a final  
resolution is best accomplished by going to trial, but I  
try hard to help litigants reach their own resolutions  
through settlement and negotiation. In my experience,  
resolutions that provide for the maximum amount of  
input from litigants are often the best long-term  
solution for Alaska's families and businesses.

My administrative assistant and law clerk work closely  
with me to provide the public with the best customer  
service possible. I am grateful to my staff for their help  
and to the members of the Alaska Bar Association,  
peace officers, jurors and court observer programs for  
their feedback on the judicial survey. If retained, I will  
continue to uphold the oath of office and to provide a  
fair and impartial forum for dispute resolution.

*provided and paid for by the candidate*

# Alaska Judicial Council Recommendation

## Judge Morgan Christen, Superior Court, Anchorage

**I. Judicial Council Evaluation.** The Alaska Judicial Council, a non-partisan citizens commission established by the Alaska Constitution, finds Judge Christen to be *Qualified* and recommends unanimously that the public vote "YES" to retain her as a superior court judge.

**II. Summary of Evaluation Information.** A survey of 2,927 attorneys in Alaska rated Judge Christen on sixteen categories that are summarized in the adjacent graph. Attorneys rated Judge Christen 4.4 on a scale of 5 on overall judicial performance. She scored 4.2 or better in all sixteen categories.

	Attorney Survey	Peace Officer Survey	Juror Survey	Court Employee Survey	Alaska Judicial Observers
Legal Ability	4.3	---	---	---	---
Impartiality	4.4	4.8	4.5	4.5	---
Integrity	4.6	4.8	---	4.4	---
Temperament	4.5	4.8	4.9	4.2	---
Diligence	4.4	4.7	---	4.3	---
Special Skills	4.4	4.8	---	---	---
Overall	4.4	4.8	4.4	4.3	3.9

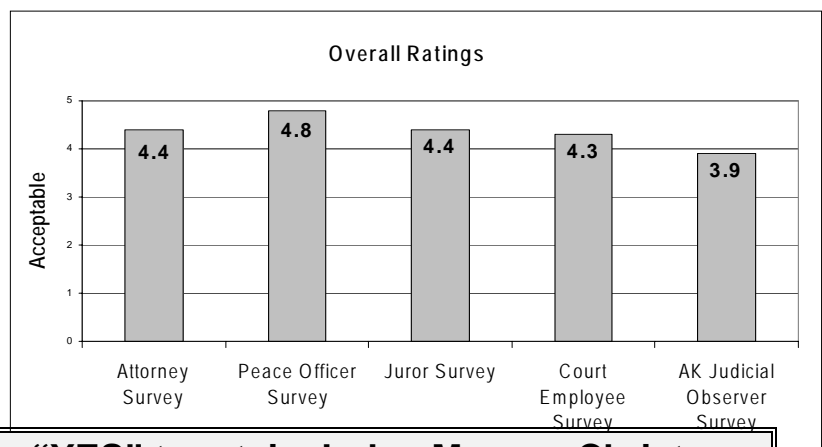
Ratings are based on a one to five scale. Five is the best rating and three is "acceptable."

**Rating Scale**  
 5.0 = Excellent  
 4.0 = Good  
 3.0 = Acceptable  
 2.0 = Deficient  
 1.0 = Poor

A survey of 1,495 peace and probation officers in Alaska rated Judge Christen on twelve categories that are summarized in the adjacent graph. Peace and probation officers rated Judge Christen 4.8 on a scale of 5 on overall judicial performance. She scored 4.6 or better in all twelve categories.

A survey of jurors appearing before Judge Christen in 2002 and 2003 rated her 4.4 on a scale of 5 on overall performance. A survey of all court employees rated her 4.3 on a scale of 5 on overall performance. The Alaska Judicial Observers, independent community-based volunteer court observers, gave Judge Christen a 3.9 overall rating on a scale of 5.

The Council also completed a back-ground investigation including a court records check, a disciplinary records check, a review of conflict of interest statements submitted to the court system and a review of financial disclosure statements submitted to the Alaska Public Offices Commission. Attorneys, peace officers, court employees and jurors were asked to submit written comments about the judge. The Council actively encouraged the public to comment, both in writing and in a statewide public hearing teleconference.



**Recommendation: Vote "YES" to retain Judge Morgan Christen**

Contact the Judicial Council at 1029 W. 3rd, Suite 201, Anchorage, AK 99501 (telephone: (907) 279-2526) for more detailed information, or review the information on our Internet site at: [www.ajc.state.ak.us](http://www.ajc.state.ak.us)

November 2004

Attachment C



# alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046  
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Gigi Pilcher

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Douglas Baily  
Robert B. Groseclose  
Susan Orlansky

CHAIR, EX OFFICIO  
Alexander O. Bryner  
Chief Justice  
Supreme Court

## MEMORANDUM

**TO:** Judicial Council Members  
**FROM:** Staff  
**DATE:** January 17, 2005  
**RE:** 2004 Retention Vote Analysis

### Number of Judges

Ten trial court judges stood for retention in 2004, with no appellate judges eligible to appear on the ballot. Voters retained all of the judges by sizable margins of "yes" votes, ranging from 66.1% to 75.1% (judges are retained if they receive over 50% "yes" votes). The margins of "yes" votes for most judges were slightly higher than the typical margins for their districts in past years. The trend was particularly noticeable in the Third and Fourth Judicial Districts, where most judges had higher "yes" vote percentages than have been seen since 1996.

### Percentage of Voters in Statewide Race

The Council usually looks at the total percentage of voters who voted in a statewide judicial election to assess whether voters are participating in judicial elections. That percentage is compared with the percentage of voters casting a vote in the statewide congressional election.



Table A, below, shows that 96.8% of 2004 voters participated in the congressional race.<sup>1</sup> Because no appellate judges stood in statewide races, there is no comparison for the benchmark. Trial court judges only stand for retention election in the judicial districts in which they serve.

**Table A**  
**Percentage of voters in statewide race**

	<b>Total Number of Votes</b>	<b>Percent of Total Voters</b>
Congressional Race	299,996	96.8% of 309,937 total

### **Trial Court Judges in the First District**

Ketchikan Superior Court Judge Trevor Stephens stood for retention for the first time. He was the only judge standing for retention in the First Judicial District. As is typical for First District judges, his "yes" vote was 75.1%, well above the more usual totals of 65% to 70% of the vote in other judicial districts.

### **Trial Judges in the Second District**

Superior Court Judge Michael Jeffery stood in his fourth retention election, receiving 69.4% "yes" votes. This was slightly lower than his previous retention "yes" vote percentages (70.5% in 1998).

### **Trial Judges in the Third District**

Five superior court judges stood for retention in 2004 in the Third District. In Anchorage, Judges Morgan Christen (68.8%), Sharon Gleason (68.8%), Stephanie Joannides (67.9%) and William Morse (67.6%) all stood for the first time for retention. In Palmer, Judge Beverly Cutler (66.1%) stood for retention for the fourth time. All of the Anchorage superior court "yes" vote percentages closely resembled each other. Throughout the 1990s and early 2000s, the "yes" vote percentages for the Third Judicial District superior court judges appeared to be around 63% to 65%. The 2004 percentages for this group of judges are slightly higher than in the recent retention elections.

Only one Anchorage District Court judge, Nancy Nolan, was on the ballot for retention in 2004. Her "yes" vote percentage of 70.6% was somewhat higher than the historical range of 65% to 68% for Third District District Court judges.

---

<sup>1</sup> In 2000, the prior presidential election year (which could have been associated with higher voter turnout) 283,343 voters participated. In 2004, 309,937 Alaskans voted in the elections, a much higher turnout. Because there were no statewide races, there is no good way of gauging how the increased number of voters might have affected the percentage of people who voted in judicial races.

### **Trial Judges in the Fourth District**

Only two judges stood in the Fourth Judicial District. Fairbanks Superior Court judge Niesje Steinkruger received 70!% "yes" votes, compared to her percentage of 64% in 1992 and her percentage of 66.0% in 1998. The Fairbanks District Court judge, Ray Funk, who stood for his first retention election received 71.1% "yes" votes. The last time superior or district court judges in the Fourth District received 70% or more "yes" votes was in 1996, nearly a decade earlier.

<b>Table F-1 Retention Vote Analysis, Trial Judges 1976 - 1982</b>												
<b>Judge</b>	<b>1976</b>			<b>1978</b>			<b>1980</b>			<b>1982</b>		
	<b>Bar*</b>	<b>PPO</b>	<b>Vote**</b>	<b>Bar</b>	<b>PPO</b>	<b>Vote</b>	<b>Bar</b>	<b>PPO</b>	<b>Vote</b>	<b>Bar</b>	<b>PPO</b>	<b>Vote</b>
<b>First Judicial District</b>												
<b>Superior Court</b>												
Compton							4.1	4.0	76.1%			
Craske							3.7	3.0	70.4%			
Schulz				3.9	2.6	74.8%						
Stewart, T.	4.2	3.8	72.8%									
<b>District Court</b>												
Craske	3.8	3.7	78.2%									
Keene				3.1	3.6	73.9%				3.5	4.1	76.4%
Taylor, R.				3.8	3.2	75.1%						
Williams	2.3	3.4	71.5%				2.2	3.9	59.1%			
<b>Second Judicial District</b>												
<i>No judges in the Second Judicial District stood for retention during these years.</i>												
<b>Third Judicial District</b>												
<b>Superior Court</b>												
Buckalew	3.7	3.1	62.2%							3.9	3.4	59.9%
Carlson				3.9	3.2	67.4%						
Hanson							3.0	2.8	54.7%			
Johnstone										not evaluated		52.0%
Kalamarides	3.0	3.1	64.2%									
Madsen				2.8	3.1	64.1%						
Moody				3.3	3.6	64.6%						
Ripley				3.5	3.5	67.8%						
Rowland							3.8	3.6	61.0%			
Singleton							4.0	3.3	missing			
Souter										3.6	3.2	56.4%
<b>District Court</b>												
Anderson							4.1	3.6	63.7%			
Andrews										4.1	3.7	66.1%
Bosshard				3.6	3.8	67.1%				3.6	3.5	57.9%
Brewer				2.7	2.7	55.6%				2.6	2.7	45.5%
Bryner	4.2	2.7	66.2%									
Cutler				3.8	2.8	69.5%				4.0	3.0	63.0%
Hornaday				3.1	3.1	66.6%				3.2	4.1	59.8%
Mason	3.3	3.2	63.7%				3.1	3.1	57.8%			
Peterson	3.6	3.9	68.3%									
Tucker				2.9	2.8	64.9%				2.8	3.1	54.5%
Vochoska				2.7	2.8	51.6%				2.7	2.4	42.3%
<b>Fourth Judicial District</b>												

**Table F-1  
Retention Vote Analysis, Trial Judges 1976 - 1982**

Judge	1976			1978			1980			1982		
	Bar*	PPO	Vote**	Bar	PPO	Vote	Bar	PPO	Vote	Bar	PPO	Vote
<b>Superior Court</b>												
Blair				3.7	3.7	73.4%						
Cooke							3.2	2.5	68.4%			
Hodges							3.5	3.1	65.7%			
Taylor, W.							3.1	3.8	72.8%			
Van Hoomisen							3.5	4.1	72.3%			
<b>District Court</b>												
Clayton	3.9	3.8	75.9%				3.7	3.3	missing			
Cline							2.5	2.6	55.5%			
Connelly				3.8	4.0	74.3%				3.8	4.0	71.8%
Crutchfield										3.7	3.8	67.9%
Kauvar										3.6	2.9	68.7%
Miller, M.A.				3.3	3.0	62.2%						
*Mean survey ratings are from respondents who reported having direct professional experience with the judge.												
**The percentage shown is the percentage of "yes" votes cast for the judge in the retention election.												

<b>Table F-2</b>												
<b>Retention Vote Analysis, Trial Judges 1984 - 1990</b>												
<b>Judge</b>	<b>1984</b>			<b>1986</b>			<b>1988</b>			<b>1990</b>		
	<b>Bar*</b>	<b>PPO</b>	<b>Vote**</b>	<b>Bar</b>	<b>PPO</b>	<b>Vote</b>	<b>Bar</b>	<b>PPO</b>	<b>Vote</b>	<b>Bar</b>	<b>PPO</b>	<b>Vote</b>
<b>First Judicial District</b>												
<b>Superior Court</b>												
Carpeneti	4.4	3.6	77.0%							4.5	4.2	76%
Craske				3.9	3.2	72.5%						
Jahnke							4.0	4.1	72.3%			
Pegues	3.5	3.7	75.4%									
Schulz	3.8	3.2	74.1%							3.6	3.3	72%
<b>District Court</b>												
Asper				4.0	2.2	72.5%						
Froehlich										3.6	4.2	73%
Gucker	3.8	2.1	67.9%				3.3	3.1	71.1%			
<b>Second Judicial District</b>												
<b>Superior Court</b>												
Jeffery				3.5	3.5	76.3%						
Jones	3.4	3.5	75.6%									
Tunley	3.8	2.9	71.4%							3.7	3.8	72%
<b>Third Judicial District</b>												
<b>Superior Court</b>												
Bosshard							3.2	3.3	68.6%			
Carlson	3.6	4.1	63.6%									
Cranston	4.1	3.1	65.1%							3.8	2.9	61%
Cutler				3.9	3.7	68.9%						
Gonzalez							3.5	2.8	65.2%			
Hunt							4.1	3.4	72.3%			
Johnstone							2.9	3.2	58.1%			
Katz							3.7	3.7	70.5%			
Madsen	3.1	3.1	62.1%									
Michalski							3.5	3.9	69.9%			
Ripley	3.4	3.7	64.2%							3.6	3.9	63%
Rowland				3.6	3.9	69.6%						
Serdahely	4.1	3.7	68.1%									
Shortell	3.8	3.5	67.4%							4.0	3.7	63%
Souter							3.7	3.5	68.7%			
*Mean survey ratings are from respondents who reported having direct professional experience with the judge.												
**The percentage shown is the percentage of "yes" votes cast for the judge in the retention election.												

<b>Table F-2</b>												
<b>Retention Vote Analysis, Trial Judges 1984 - 1990</b>												
<b>Judge</b>	<b>1984</b>			<b>1986</b>			<b>1988</b>			<b>1990</b>		
	<b>Bar*</b>	<b>PPO</b>	<b>Vote**</b>	<b>Bar</b>	<b>PPO</b>	<b>Vote</b>	<b>Bar</b>	<b>PPO</b>	<b>Vote</b>	<b>Bar</b>	<b>PPO</b>	<b>Vote</b>
<b>District Court</b> ( <i>Third District Continued</i> )												
Anderson	4.1	3.8	72.4%				4.2	4.0	74.3%			
Andrews				4.1	4.0	71.2%				4.2	4.2	67%
Ashman							4.4	3.4	70.6%			
Beckwith				3.7	3.7	69.8%				3.6	3.7	66%
Finn	4.1	4.0	72.4%				4.1	4.0	72.8%			
Fuld	3.6	3.7	68.3%				3.5	3.5	68.5%			
Hornaday				3.1	3.9	67.2%						
Mason	3.2	2.8	58.1%				3.2	3.0	68.2%			
Stemp				3.3	4.0	67.8%						
Stewart, D.				4.0	3.6	70.5%						
White				3.8	3.9	70.5%						
Wolverton										4.3	4.0	66%
<b>Fourth Judicial District</b>												
<b>Superior Court</b>												
Blair	3.4	3.8	65.4%									
Greene							4.2	2.4	67.6%			
Hodges				3.4	3.2	69.2%						
Savell										3.9	3.6	70%
Van Hoomisen				3.4	4.0	72.2%						
<b>District Court</b>												
Connelly				3.6	3.9	74.2%						
Crutchfield				3.5	3.6	71.3%				3.5	3.4	69%
Kauvar				3.4	3.4	72.0%				3.6	3.6	70%
Zimmerman				4.0	3.8	74.8%						
*Mean survey ratings are from respondents who reported having direct professional experience with the judge.												
**The percentage shown is the percentage of "yes" votes cast for the judge in the retention election.												

**Table F-3  
 Retention Vote Analysis, Trial Judges  
 1992 - 1998**

Judge	1992			1994			1996			1998		
	Bar*	PPO	Vote**	Bar	PPO	Vote	Bar	PPO	Vote	Bar	PPO	Vote
<b>First Judicial District</b>												
<b>Superior Court</b>												
Carpeneti							4.5	4.3	75.1%			
Jahnke				3.7	3.9	70.7%						
Thompson				3.9	3.5	73.9%	3.9	3.5	73.9%			
Weeks				4.1	4.1	70.2%						
Zervos				4.2	3.5	68.6%						
<b>District Court</b>												
Collins										4.6	4.5	80.0%
Gucker	3.7	3.7	69%									
Froehlich				3.4	4.0	70.5%				3.5	3.6	72.8%
<b>Second Judicial District</b>												
<b>Superior Court</b>												
Jeffery	3.9	3.6	73%							4.2	3.5	70.5%
Erlich				3.7	3.8	74.2%						
<b>Third Judicial District</b>												
<b>Superior Court</b>												
Andrews				4.4	4.3	65.7%						
Card							3.8	3.8	64.3%			
Cutler	4.0	2.9	63%							4.0	3.4	66.5%
Fabe	4.4	3.6	63%									
Gonzalez				3.5	3.1	62.0%						
Hopwood				3.4	4.3	63.3%						
Hunt				4.0	4.0	66.0%						
Johnstone				3.2	4.2	62.6%						
Link				3.8	4.4	64.3%						
Michalski				3.4	4.1	64.9%						
Reese	4.0	4.1	62%							3.6	3.9	64.6%
Rowland	3.6	4.0	62%									
Shortell							4.1	3.7	65.2%			
Souter				3.5	3.3	62.0%						
Woodward (Katz)				3.4	3.2	62.1%						
*Mean survey ratings are from respondents who reported having direct professional experience with the judge.												
**The percentage shown is the percentage of "yes" votes cast for the judge in the retention election.												

**Table F-3**  
**Retention Vote Analysis, Trial Judges**  
**1992 - 1998**

Judge	1992			1994			1996			1998		
	Bar*	PPO	Vote**	Bar	PPO	Vote	Bar	PPO	Vote	Bar	PPO	Vote
<b>District Court</b> ( <i>Third District Continued</i> )												
Ashman	4.2	4.0	63%				4.3	4.3	65.7%			
Finn	3.9	4.2	65%				4.0	4.5	67.1%			
Fuld	3.4	3.6	61%				3.7	3.3	63.3%			
Joannides							4.2	4.1	67.3%			
Lohff				3.7	4.1	65.5%				3.9	4.2	67.6%
Mason	3.1	2.9	61%									
Motyka				3.8	4.2	65.2%				3.8	4.3	66.7%
Murphy				3.9	4.3	66.5%				3.8	4.0	67.7%
Neville				3.8	3.9	65.8%				3.9	4.3	67.4%
Rhoades				3.2	3.9	63.7%				3.2	3.9	65.9%
Wanamaker							3.8	3.5	65.4%			
Wolverton				4.3	4.1	66.8%						
<b>Fourth Judicial District</b>												
<b>Superior Court</b>												
Beistline							3.9	4.1	71.8%			
Curda				3.6	4.0	66.9%						
Greene				3.8	2.7	65.6%						
Hodges	3.6	3.4	67%									
Savell							3.8	4.0	72.0%			
Steinkruger	3.5	3.3	64%							3.7	4.0	66.0%
<b>District Court</b>												
Kauvar				3.3	3.7	69.8%				3.3	3.9	68.9%
Pengilly	4.1	3.7	68%				4.3	4.1	71.3%			
Wood							4.0	4.3	73.1%			
*Mean survey ratings are from respondents who reported having direct professional experience with the judge.												
**The percentage shown is the percentage of "yes" votes cast for the judge in the retention election.												



<b>Table F-4</b>									
<b>Retention Vote Analysis, Trial Judges 2000 - 2004</b>									
<b>Judge</b>	<b>2000</b>			<b>2002</b>			<b>2004</b>		
	<b>Bar*</b>	<b>PPO</b>	<b>Vote**</b>	<b>Bar</b>	<b>PPO</b>	<b>Vote</b>	<b>Bar</b>	<b>PPO</b>	<b>Vote</b>
<b>First Judicial District</b>									
<b>Superior Court</b>									
Collins				4.5	4.7	76.2%			
Stephens							4.4	4.7	75.1%
Thompson				4.0	3.6	72.2%			
Weeks	4.3	4.2	71.0%						
Zervos	4.4	4.0	67.2%						
<b>District Court</b>									
Froehlich				3.5	4.0	70.1%			
Miller				4.3	4.8	75.0%			
<b>Second Judicial District</b>									
<b>Superior Court</b>									
Jeffery							4.3	4.2	69.4%
Erlich	3.9	4.0	65.5%						
Esch	4.0	4.5	60.5%						
<b>Third Judicial District</b>									
<b>Superior Court</b>									
Andrews	4.4	4.6	69.3%						
Brown	3.7	4.2	66.0%						
Card				4.0	4.5	68.5%			
Christen							4.4	4.8	68.8%
Cutler							3.9	3.4	66.1%
Gleason							4.2	4.4	68.8%
Gonzalez	3.7	3.5	65.7%						
Hensley	4.3	4.5	67.1%						
Hopwood	3.7	4.3	65.4%						
Hunt									
Joannides							3.9	3.9	67.9%
Link	3.8	4.4	66.1%						
Michalski	3.9	4.1	56.9%						
Rindner							4.2	4.3	67.6%
*Mean survey ratings are from respondents who reported having direct professional experience with the judge.									
**The percentage shown is the percentage of "yes" votes cast for the judge in the retention election.									

<b>Table F-4</b>									
<b>Retention Vote Analysis, Trial Judges 2000 - 2004</b>									
<b>Judge</b>	<b>2000</b>			<b>2002</b>			<b>2004</b>		
	<b>Bar*</b>	<b>PPO</b>	<b>Vote**</b>	<b>Bar</b>	<b>PPO</b>	<b>Vote</b>	<b>Bar</b>	<b>PPO</b>	<b>Vote</b>
<b>Superior Court (Third District Continued)</b>									
Sanders	4.1	3.9	66.6%						
Smith	4.0	3.3	65.6%						
Tan	4.0	3.9	54.4%						
Torrisi	4.2	3.5	64.8%						
Wolverton	4.1	4.2	67.4%						
<b>Third Judicial District</b>									
<b>District Court</b>									
Adams				4.1	4.6	70.5%			
Ashman	4.0	4.2	68.4%						
Bolger	4.5	4.4	67.4%						
Finn	4.1	4.4	68.4%						
Lohff				4.0	4.3	68.2%			
Lombardi	3.9	4.1	68.7%						
Motyka				4.1	4.3	68.2%			
Murphy				4.0	4.3	69.1%			
Neville				3.9	4.4	66.2%			
Nolan							4.4	4.4	70.6%
Rhoades				3.6	4.3	66.2%			
Wanamaker	3.9	3.9	66.5%						
<b>Fourth Judicial District</b>									
<b>Superior Court</b>									
Curda	3.4	3.8	56.3%						
Greene	3.9	3.3	51.9%						
Pengilly				3.9	4.2	67.7%			
Savell				3.9	4.2	68.7%			
Steinkruger							4.1	4.0	70.1%
<b>District Court</b>									
Funk	4.2	4.2	63.9%				4.2	4.1	71.1%
Kauvar				3.6	4.0	67.7%			
Wood	4.1	4.2	67.5%						
*Mean survey ratings are from respondents who reported having direct professional experience with the judge.									
**The percentage shown is the percentage of "yes" votes cast for the judge in the retention election.									

<b>Table C</b> <b>Supreme Court</b> <b>"YES" Vote Percentages</b>		
Boochever	1976	67.8%
Burke	1978	68.6%
Rabinowitz	1978	67.8%
Matthews	1980	53.5%
Connor	1982	61.5%
Compton	1984	69.7%
Moore	1986	69.1%
Burke	1988	72.9%
Rabinowitz	1988	59.0%
Matthews	1990	65.1%
Compton	1994	64.3%
Eastaugh	1998	64.9%
Bryner	2000	61.4%
Fabe	2000	57.1%
Matthews	2000	60.8%
Carpeneti	2002	66.7%

<b>Table D</b> <b>Court of Appeals</b> <b>"YES" Vote Percentages</b>		
Bryner	1984	68.5%
Coats	1984	68.1%
Singleton	1984	68.9%
Bryner	1992	62.4%
Coats	1992	60.7%
Mannheimer	1994	64.9%
Coats	2000	63.9%
Stewart	2000	65.5%
Mannheimer	2002	65.5%

## **Appendix G**

### **Retention Election Log**

## Appendix G

### Retention Election Log\*

\* Note: A number of judges or justices were retained in other judicial positions. Only the retention elections associated with the judge or justice's current position are included on this table.

<b>Supreme Court Justices</b>			
<i>Retention Dates: First general election held more than three years after appointment; every ten years thereafter.</i>			
<b>Justice</b>	<b>Appointed</b>	<b>Prior Retention Elections</b>	<b>Next Retention Election</b>
Alexander O. Bryner	1/24/97	00	2010
Walter L. Carpeneti	11/4/98	02	2012
Robert Eastaugh	01/29/94	98	2008
Dana A. Fabe	01/26/96	00	2010
Warren W. Matthews	05/26/77	80, 90, 00	2010

<b>Court of Appeals</b>			
<i>Retention Dates: First general election held more than three years after appointment; every eight years thereafter.</i>			
<b>Judge</b>	<b>Appointed</b>	<b>Prior Retention Elections</b>	<b>Next Retention Election</b>
Robert G. Coats	07/30/80	84, 92, 00	2008
David Mannheimer	10/11/90	94, 02	2010
David Stewart	06/25/97	00	2008

**Retention Election Log  
 (continued)**

<b>First Judicial District</b>			
Judge	Appointed	Prior Retention Elections	Next Retention Election
<b>Superior Court Judges</b>			
<i>Retention Dates: First general election held more than three years after appointment; every six years thereafter.</i>			
Patricia A. Collins - Juneau	03/27/99	02	2008
Trevor Stephens - Ketchikan	07/31/00	04	2010
Michael A. Thompson - Ketchikan	01/21/93	96, 02	2008
Larry Weeks - Juneau	09/03/90	94, 00	2006
Larry C. Zervos - Sitka	09/14/90	94, 00	2006
<b>District Court Judges</b>			
<i>Retention Dates: First general election held more than two years after appointment; every four years thereafter.</i>			
Kevin G. Miller - Ketchikan	08/30/99	02	2006
Keith B. Levy * - Juneau	01/24/05	—	2008

<b>Second Judicial District</b>			
Judge	Appointed	Prior Retention Elections	Next Retention Election
<b>Superior Court Judges</b>			
<i>Retention Dates: First general election held more than three years after appointment; every six years thereafter.</i>			
Richard H. Erlich - Kotzebue	03/08/91	94, 00	2006
Ben Esch - Nome	02/16/96	00	2006
Michael I. Jeffery - Barrow	10/28/82	86, 92, 98,04	2010
<b>District Court Judges</b>			
<i>No District Court Judge positions in the Second Judicial District.</i>			

\* Indicates judge on ballot for first time in current position.

**Retention Election Log (continued)**

<b>Third Judicial District</b>			
<b>Judge</b>	<b>Appointed</b>	<b>Prior Retention Elections</b>	<b>Next Retention Election</b>
<b>Superior Court Judges</b>			
<i>Retention Dates: First general election held more than three years after appointment; every six years thereafter.</i>			
Joel H. Bolger * - Kodiak	09/02/03	—	2006
Harold M. Brown - Kenai	04/08/96	00	2006
Larry D. Card - Anchorage	08/13/93	96, 02	2008
Morgan Christen - Anchorage	10/25/01	04	2010
Beverly W. Cutler - Palmer	10/28/82	86, 92, 98,04	2010
Sharon L. Gleason - Anchorage	02/19/01	04	2010
Dan A. Hensley - Anchorage	12/04/96	00	2006
Charles Huguelet * - Kenai	09/02/03	—	2006
Stephanie E. Joannides - Anchorage	04/10/00	04	2010
Peter A. Michalski - Anchorage	01/31/85	88, 94, 00	2006
William F. Morse * - Anchorage	02/27/02	—	2006
Mark Rindner - Anchorage	10/20/00	04	2010
Eric Smith - Palmer	04/18/96	00	2006
Craig F. Stowers * - Anchorage	09/21/04	—	2008
John Suddock * - Anchorage	11/14/02	—	2006
Sen K. Tan - Anchorage	12/04/96	00	2006
Fred Torrisi - Dillingham	11/27/96	00	2006
Philip R. Volland * - Anchorage	11/14/02	—	2006
Michael L. Wolverton - Anchorage	12/04/96	00	2006
<b>District Court Judges</b>			
<i>Retention Dates: First general election held more than two years after appointment; every four years thereafter.</i>			
Brian K. Clark * - Anchorage	06/11/03	—	2006
William L. Estelle * - Palmer	06/11/03	—	2006
Pat Hanley * - Anchorage	01/14/05	—	2008
Gregory Louis Heath * - Palmer	10/11/03	—	2006
David S. Landry * - Kenai	11/01/04	—	2006
John R. Lohff - Anchorage	03/08/91	94, 98, 02	2006
Gregory Motyka - Anchorage	07/26/91	94, 98, 02	2006
Sigurd E. Murphy - Anchorage	07/08/92	94, 98, 02	2006
Nancy Nolan - Anchorage	02/19/01	04	2008
Stephanie Rhoades - Anchorage	07/30/92	94, 98, 02	2006
Daniel Schally * - Valdez	01/17/05	—	2008
Jack Smith * - Anchorage	06/11/03	—	2006
John W. Wolfe * - Palmer	11/01/04	—	2006
Anchorage Vacancy *		—	2008
Homer Vacancy *		—	2008

\* Indicates judge on ballot for first time in current position.

**Retention Election Log  
 (continued)**

<b>Fourth Judicial District</b>			
<b>Judge</b>	<b>Appointed</b>	<b>Prior Retention Elections</b>	<b>Next Retention Election</b>
<b>Superior Court Judges</b>			
<i>Retention Dates: First general election held more than three years after appointment; every six years thereafter.</i>			
Dale O. Curda - <i>Bethel</i>	12/15/89	94, 00	2006
Leonard R. Devaney, III* - <i>Bethel</i>	02/27/02	—	2006
Randy M. Olsen * - <i>Fairbanks</i>	04/28/03	—	2006
Charles R. Pengilly - <i>Fairbanks</i>	11/07/97	02	2008
Niesje J. Steinkruger - <i>Fairbanks</i>	08/26/88	92, 98, 04	2010
Mark I. Wood * - <i>Fairbanks</i>	08/30/02	—	2006
<i>Fairbanks Vacancy *</i>		—	2008
<b>District Court Judges</b>			
<i>Retention Dates: First general election held more than two years after appointment; every 4 years thereafter.</i>			
Winston S. Burbank * - <i>Fairbanks</i>	04/28/03	—	2006
Raymond Funk - <i>Fairbanks</i>	04/16/98	00, 04	2008
Jane F. Kauvar** - <i>Fairbanks</i>	02/18/81	82, 86, 90, 94, 98, 02	2006

\* Indicates judge on ballot for first time in current position.

\*\* At the time that Judge Kauvar was appointed, district court judges stood for retention at the first general election more than one year after appointment, and then every four years after that.



2006 Retention Election Candidates			
Judge	Court Level	Date Appointed	City/Judicial District
1. Larry Weeks	Superior	09/03/90	Juneau/First
2. Larry C. Zervos	Superior	09/14/90	Sitka/First
3. Richard H. Erlich	Superior	03/08/91	Kotzebue/Second
4. Ben Esch	Superior	02/16/96	Nome/Second
5. Joel Bolger*	Superior	09/02/03	Kodiak/Third
6. Harold M. Brown	Superior	04/08/96	Kenai/Third
7. Dan A. Hensley	Superior	12/04/96	Anchorage/Third
8. Charles T. Huguelet*	Superior	09/02/03	Kenai/Third
9. Peter A. Michalski	Superior	01/31/85	Anchorage/Third
10. William F. Morse*	Superior	02/27/02	Anchorage/Third
11. Eric Smith	Superior	04/18/96	Palmer/Third
12. John Suddock*	Superior	11/14/02	Anchorage/Third
13. Sen K. Tan	Superior	12/04/96	Anchorage/Third
14. Fred Torrisi	Superior	11/27/96	Dillingham/Third
15. Philip R. Volland*	Superior	11/14/02	Anchorage/Third
16. Michael L. Wolverton	Superior	12/04/96	Anchorage/Third
17. Dale O. Curda	Superior	12/15/89	Bethel/Fourth
18. Leonard R. Devaney, III*	Superior	02/27/02	Bethel/Fourth
19. Randy M. Olsen*	Superior	04/28/03	Fairbanks/Fourth
20. Mark I. Wood*	Superior	08/30/02	Fairbanks/Fourth
21. Kevin G. Miller	District	08/30/99	Ketchikan/First
22. Brian K. Clark*	District	06/11/03	Anchorage/Third
23. William L. Estelle*	District	06/11/03	Palmer/Third
24. Gregory Louis Heath*	District	10/11/03	Palmer/Third
25. David S. Landry*	District	11/01/04	Kenai/Third
26. John R. Lohff	District	03/08/91	Anchorage/Third
27. Gregory Motyka	District	07/26/91	Anchorage/Third
28. Sigurd E. Murphy	District	07/08/92	Anchorage/Third
29. Stephanie Rhoades	District	07/30/92	Anchorage/Third
30. Jack W. Smith*	District	06/11/03	Anchorage/Third
31. John W. Wolfe*	District	11/01/04	Palmer/Third
32. Winston S. Burbank*	District	04/28/03	Fairbanks/Fourth
33. Jane F. Kauvar	District	02/18/81	Fairbanks/Fourth

\* Indicates judge on ballot for first time in current position.

2008 Retention Election Candidates			
Judge	Court Level	Date Appointed	City/Judicial District
1. Robert Eastaugh	Supreme Court	01/29/94	N/A
2. Robert G. Coats	Court of Appeals	07/30/80	N/A
3. David Stewart	Court of Appeals	06/25/97	N/A
4. Patricia A. Collins	Superior	03/27/99	Juneau/First
5. Michael A. Thompson	Superior	01/21/93	Ketchikan/First
6. Larry D. Card	Superior	08/13/93	Anchorage/Third
7. Craig F. Stowers *	Superior	09/21/04	Anchorage/Third
8. Charles R. Pengilly	Superior	11/07/97	Fairbanks/Fourth
9. <i>Fairbanks Vacancy</i> *	Superior		Fairbanks/Fourth
10. Keith B. Levy *	District	01/23/05	Juneau/First
11. Pat Hanley *	District	01/14/05	Anchorage/Third
12. Nancy Nolan	District	02/19/01	Anchorage/Third
13. Daniel Schally *	District	01/17/05	Valdez/Third
14. <i>Anchorage Vacancy</i> *	District		Anchorage/Third
15. <i>Homer Vacancy</i> *	District		Homer/Third
16. Raymond Funk	District	04/16/98	Fairbanks/Fourth

\* Indicates judge on ballot for first time in current position.

2010 Retention Election Candidates			
Judge	Court Level	Date Appointed	City/Judicial District
1. Alexander O. Bryner	Supreme Court	01/24/97	N/A
2. Dana A. Fabe	Supreme Court	01/26/96	N/A
3. Warren W. Matthews	Supreme Court	05/26/77	N/A
4. David Mannheimer	Court of Appeals	10/11/90	N/A
5. Trevor Stephens	Superior	07/31/00	First/Ketchikan
6. Michael I. Jeffery	Superior	1/28/1982	Second/Barrow
7. Morgan Christen	Superior	10/25/01	Third/Anchorage
8. Beverly W. Cutler	Superior	10/28/82	Third/Anchorage
9. Sharon L. Gleason	Superior	02/19/01	Third/Anchorage
10. Stephanie E. Joannides	Superior	04/10/00	Third/Anchorage
11. Mark Rindner	Superior	10/20/00	Third/Anchorage
12. Niesje J. Steinkruger	Superior	08/26/88	Fourth/Fairbanks

## **Appendix H**

### **Summary of Programs and Recommendations of the Council since Statehood:1959-2004**

## Appendix H

### Summary of Programs and Recommendations of the Council Since Statehood: 1959-2004

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 (1975).
2. Establishment of the Commission on Judicial Qualifications (1968). (Name changed in 1982 to Commission on Judicial Conduct.)
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. 100, 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).
14. Recommendation for presentence reports in all felony convictions (enacted by court rule in 1974).
15. Revised criteria for judges serving *pro tem* (court, Administrative Rule 23).
16. Guidelines for evaluation of *pro tem* judges (court, Administrative Rule 23).
17. Use of television for arraignments and other court proceedings on a permanent basis (experimental rule made permanent by supreme court in August, 1986).
18. Adoption of a court rule to provide guidelines for judicial review and dissemination of grand jury reports (Criminal Rule 6.1 adopted by supreme court, 1989).
19. Revised media plan and judicial canons to permit use of cameras in court proceedings (Administrative Rule 50, 1990).
20. Extension of district court judge's "probationary" period for retention elections to two years rather than one year (approved by legislature, 1990).
21. Court should work with voluntary local dispute resolution organizations, including tribal courts and councils, to provide better justice services in rural areas (1993).
22. Retain Civil Rule 82 (attorney fee shifting) with some modifications (1995).
23. Court emphasis on the child's best interest in child in need of aid cases. Court should reduce delay, provide training, and take other steps to more actively participate in child in need of aid cases (1996).
24. Revise court rules and establish pilot projects to increase voluntary use of alternative dispute resolution (1997).
25. Establish an implementation committee to review and carry out, as appropriate, recommendations of the Supreme Court Advisory Committee on Fairness and Access (1997). (Implementation Committee established, 1998.)
26. Revise court procedures for selecting juries to improve process (Advisory Committee to the Supreme Court on Fairness and Access) (1997).
27. Consider ways to improve judicial writing skills (1999).

28. Compile objective data on judicial performance and use in evaluation (1999).
29. Improve existing video links and expand use of video links to other court proceedings (1999).
30. Define purposes of civil case data collection more precisely (2000).
31. Eliminate legislative requirement for reporting civil case data in every case; require reporting only when Judicial Council is asked to study civil case processing (2001).
32. Amend court rules related to civil case data collection to be internally consistent and consistent with the statutes; clarify submission of data on appellate cases (2001).
33. Use civil case data to assist court assessment of time standards (2001).
34. Encourage use of alternative dispute resolution in civil cases (2001).
35. Expand use of therapeutic justice principles statewide (2003).
36. Expand eligibility standards to include more defendants in the felony drug court (2003).
37. Court should encourage criminal justice agencies in working together to eliminate unwanted disparities in justice system (2004).

**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. Reclassification of minor traffic offenses as noncriminal.
11. Presumptive sentencing for repeat felony offenders and others (adopted by legislature, 1978).
12. Revision of presentence reports to meet requirements of new criminal code and reduce disparities in sentencing (1981).
13. Establishment of diversion program for some defendants (undertaken by Department of Law, 1980-81).
14. Annual monitoring of felony and misdemeanor sentencing patterns (authorized by legislature, 1980).
15. Development of mail-in bail schedule for minor Fish and Game offenses (authorized by legislature, 1984; adopted by supreme court 1985).
16. Establishment of Code Revision Commission to revise laws and regulations governing fish and game offenses.
17. Focus of justice system resources on efforts to encourage completion of alcohol treatment programs and monitoring of compliance with treatment requirements (similar recommendation adopted by Governor's Task Force on Drunk Driving, 1984).
18. Development of sentencing guidelines for drug offenses (used in 1981 and 1982 until drug law revisions took effect January 1, 1983).
19. Establishment of alternative jail facilities for persons convicted of Driving While Intoxicated and other alcohol-related offenses (recommended by Department of Corrections and considered by legislature).
20. Establishment of a Sentencing Commission to review existing sentencing laws and practices in context of state's needs and resources (Commission established June 1990 through June 1993).
21. Creation of a pilot program to mediate disputes in child visitation cases (program established October 1990); establish permanent mediation program for mediation of custody and visitation issues.
22. Maintenance of high screening standards by Attorney General's office for criminal cases (1991).

23. Coordination of Attorney General's charge bargaining policies with actual charge bargaining practices (1991).
24. Examination of appellate court sentencing benchmarks and guidelines, to determine whether some case law should be statutory (1991).
25. Summarize appellate court benchmarks and sentencing criteria to make them accessible to judges, attorneys and public (1991).
26. Cooperate with the legitimate voluntary dispute resolution work done by tribal courts (the Council takes no position on the resolution of sovereignty issues) and other rural dispute resolution organizations (1993).
27. Coordinate activities and share data among all criminal justice information systems (1993).
28. Review of computerized document imaging systems (1993).
29. Preparation of appellate case management and document imaging software for the Alaska Appellate Courts (1993-94).
30. Various recommendations for the legislature and agencies regarding child in need of aid cases (1996).
31. Recommendations for improving fairness and access throughout the justice system (Supreme Court Advisory Committee on Fairness and Access, 1997).
32. Consider new models for monitoring offenders (1999).
33. Make more resources and information available to victims of domestic violence (1999).
34. Continue research on domestic violence (1999).
35. Create an organization to implement recommendations of the Criminal Justice Assessment Commission (2000).
36. Various recommendations for criminal justice, including alcohol policy, decriminalizing mentally ill, analysis of criminal justice process, and better monitoring of pretrial defendants and post-conviction conditions imposed on misdemeanants (CJAC, 2000).
37. Further recommendations for criminal justice, following up after implementing CJAC recommendations (CJC, 2003).



38. Take steps to reduce unwarranted disparities throughout the criminal justice system; review charging and charge reduction practices; collect better data about ethnicity and socioeconomic characteristics of defendants (2004).

## **Appendix I**

### **Council Publications Since Statehood**

## Appendix I

### Council Publications Since Statehood

#### Biennial Reports

1. ***The First Annual Report.*** (Jan., 1961). Review of the Council's activities and recommendations during 1960.
2. ***Second Annual Report.*** (Jan., 1962). Review of the Council's activities and recommendations during 1962.
3. ***Alaska Judicial Council Third Report 1962-1963.*** (Jan., 1964). Review of the Council's activities and recommendations during the period 1962-1963.
4. ***Alaska Judicial Council Fourth Report 1964-1966.*** (Jan., 1967). Review of the Council's activities and recommendations during the period 1964-1966.
5. ***Alaska Judicial Council Fifth Report 1967-1968.*** (Jan., 1969). Review of the Council's activities and recommendations during the period 1967-1968.
6. ***Alaska Judicial Council Sixth Report 1969-1970.*** (Feb., 1971). Review of the Council's activities and recommendations during the period 1969-1970.
7. ***Alaska Judicial Council Seventh Report 1971-1972.*** (Feb., 1973). Review of the Council's activities and recommendations during the period 1971-1972.
8. ***Eighth Report to the Supreme Court and Legislature 1973-1975.*** (Feb., 1976). Review of the Council's activities and recommendations during the period 1973-1975.
9. ***Ninth Report to Supreme Court and Legislature 1976-1978.*** (March, 1978). Review of the Council's activities and recommendations during the period 1976-1978.
10. ***Tenth Report of the Alaska Judicial Council to the Supreme Court and Legislature 1979-1980.*** (Feb., 1981). Review of the Council's activities and recommendations during the period 1979-1980.
11. ***Eleventh Report of the Alaska Judicial Council to the Supreme Court and Legislature 1981-1982.*** (March, 1983). Review of the Council's activities and recommendations during the period 1981-1982.

12. **Twelfth Report: 1983-1984 to the Legislature and Supreme Court.** (March, 1985). Review of the Council's activities and recommendations during the period 1983-1984; and includes historical documentation of Council members, judicial nominees and appointees, etc. over the past 25 years.
13. **Thirteenth Report: 1985-1986 to the Legislature and Supreme Court.** (May, 1987). Review of the Council's activities in 1985 and 1986.
14. **Fourteenth Report: 1987-1988 to the Legislature and Supreme Court** (June, 1989). Review of the Council's activities in 1987 and 1988.
15. **Fifteenth Report: 1989-1990 to the Legislature and Supreme Court** (April, 1991). Review of the Council's activities in 1989 and 1990.
16. **Sixteenth Report: 1991-1992 to the Legislature and Supreme Court** (January, 1993). Review of the Council's activities in 1991 and 1992.
17. **Seventeenth Report: 1993-1994 to the Legislature and Supreme Court** (January, 1995). Review of the Council's activities in 1993 and 1994.
18. **Eighteenth Report: 1995-1996 to the Legislature and Supreme Court** (January, 1997). Review of the Council's activities in 1995 and 1996.
19. **Nineteenth Report: 1997-1998 to the Legislature and Supreme Court** (January, 1999). Review of the Council's activities in 1997 and 1998.
20. **Twentieth Report: 1999-2000 to the Legislature and Supreme Court** (January, 2001). Review of the Council's activities in 1999 and 2000.
21. **Twenty-First Report: 2001-2002 to the Legislature and Supreme Court** (January, 2003). Review of the Council's activities in 2001 and 2002.
22. **Twenty-Second Report: 2003-2004 to the Legislature and Supreme Court** (March, 2005). Review of the Council's activities in 2003 and 2004.

## Policy Reports

(all reports available at [www.ajc.state.ak.us/admin.htm](http://www.ajc.state.ak.us/admin.htm))

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. **The Grand Jury in Alaska.** (Feb., 1975). Resulted in preliminary hearing pilot project in Anchorage and experimental rule change by supreme court.
6. **Sentencing in Alaska.** (March, 1975). Statistical analysis of felony sentences imposed in 1973.
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 Citizen 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. 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. ***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 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 two-year felony statistical study.
16. ***Alaska Misdemeanor Sentences: 1974-76 Plea Bargaining.*** (Aug., 1979). Analysis of misdemeanor sentences to determine effect of plea bargaining ban on sentences imposed after trial or plea.
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. ***Alaska Misdemeanor Sentences: 1974-76 Racial Disparity.*** (Nov., 1979). Analysis of existence of racial disparity in misdemeanor sentences; shows significant disparity for several categories of offense.
19. ***Sentencing Under Revised Criminal Code.*** (Jan., 1980). Probation Officer training manual for the revised criminal code.
20. ***Alaska Felony Sentences: 1976-1979.*** (Nov., 1980). Follow-up study requested by the legislature on felony disparities; shows disappearance of most 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. ***Recommendations of the Alaska Judicial Council to the Supreme Court Proposing Changes to the Civil Rules to Reduce Excessive Costs and Delays of Civil Litigation.*** (1981). Details proposed changes to the civil litigation system to reduce deterrents to pursuing or defending claims with a value of under \$25,000 through the implementation of an "economical litigation program."
22. ***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.

23. **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.
24. **Alaska Felony Sentences: 1980.** (December 1982). 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.
25. **Statistical Analysis of Major Fish & Game Offense Sentencing Outcomes.** (Dec., 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.
26. **Alaska Misdemeanor Sentences: 1981.** (Dec., 1983). Funded by the legislature to analyze misdemeanor sentences imposed during 1981. Recommended alcohol treatment programs for convicted defendants and increased legislative sanctions for DWI to reduce the incidence of alcohol-related crime.
27. **DWI Sentences: 1981.** (March, 1984). Additional analysis of DWI (drunk driving) sentences included in the 1981 Misdemeanor Study data base. Types of sentences imposed for DWI convictions and characteristics of offenders are described.
28. **Interim Evaluation Report Fairbanks Closed Circuit TV Arraignment Program.** (August 1985). Interim evaluation of the experimental closed circuit TV arraignment project in Fairbanks. Presents recommendations for improvement of project.
29. **Fairbanks Televised Arraignments Final Report.** (March 21, 1986). Final evaluation of the use of television for arraignments, plea changes and other proceedings. Based on the report, a permanent court rule allowing televised hearings was adopted by the Alaska Superior Court.
30. **The Investigative Grand Jury in Alaska.** (February, 1987). Describes the history of the investigative grand jury and grand jury reports in Alaska. Recommends a new court rule to provide due process protections for persons named in reports, judicial review of reports, and guidelines for publication and dissemination of reports.
31. **Alaska Felony Sentences: 1984.** (March, 1987). Describes felony sentencing patterns for 1984 cases. Analyzes the impacts of presumptive sentencing and other criminal justice system changes between 1980 and 1986.
32. **News Cameras in the Alaska Courts: Assessing the Impact.** (January, 1988). Evaluation of the Supreme Court's experimental programs, including statistical analysis of increased news coverage. Based on the report, a revised media plan and judicial canons have been promulgated by the Supreme Court.

33. **Alaska Bar Membership Survey** (July, 1989). An economic and demographic survey of the membership of the Alaska Bar Association.
34. **Alaska Sentencing Commission 1990 Annual Report to the Governor and the Alaska Legislature** (December 1990). The Judicial Council supervised the Sentencing Commission staff during the Commission's work (1990-1993). The first report emphasized Alaska sentencing law and practices, and the Commission's planned work.
35. **Alaska's Plea Bargaining Ban Re-evaluated** (January 1991). An analysis of data and interviews showing the career of Alaska's ban on plea bargaining and its interactions with presumptive sentencing and other changes in the justice system between 1975 and 1990.
36. **Appellate Sentence Review in Alaska** (January, 1991). A historical analysis of appellate sentence review in Alaska, and analysis of current benchmarks and guidelines for sentencing established by the appellate courts. Also published as an *Alaska Law Review* article (December 1990).
37. **Alaskan Rural Justice: A Selected Annotated Bibliography** (May 1991). A selected bibliography of materials related to rural justice in Alaska, including anthropology, law, sociology, and related fields.
38. **Alaska Sentencing Commission 1991 Annual Report to the Governor and the Alaska Legislature** (December 1991). The second Sentencing Commission report focused on issues that the Commission had considered, especially intermediate sanctions.
39. **Alaska Child Visitation Mediation Pilot Project** (February 1992). Describes the pilot program established by the legislature to offer mediation for parents with visitation disputes. Recommends expansion of the project and continuation in another agency.
40. **Resolving Disputes Locally: Alternatives for Rural Alaska** (August 1992). Evaluates three rural organizations that resolve disputes—Minto and Sitka tribal courts, and the PACT conciliation organization in Barrow. Recommends increased cooperation among state courts and local dispute resolution organizations.
41. **Alaska Sentencing Commission 1992 Annual Report to the Governor and the Alaska Legislature** (December 1992). The Sentencing Commission's final report set out recommendations on use of alternative punishments, Natives, parole, classification and public policies for fiscal decisions about sentencing issues.
42. **Resolving Disputes Locally: A Statewide Report and Directory** (April 1993). Reports over one hundred local organizations that resolve disputes in rural Alaska. Describes interactions among these groups and state and local governments. Recommends ways to improve access to justice in rural areas of the state.



43. **Managing Documents with Imaging Technology:** Implementing imaging at the Alaska Judicial Council (August 1993).
44. **Managing Documents with Imaging Technology: A Review of the Computer Software and Hardware Evaluated by the Alaska Judicial Council** (August 1993). Evaluates imaging systems for small organizations. Describes available software, hardware; develops criteria for choosing a system.
45. **Plan for the Integration of Alaska's Criminal Justice Computer Systems and the Creation of a Comprehensive Criminal History Repository** (May 1994). Makes recommendations to Alaska's criminal justice agencies and the legislature for upgrading and coordinating criminal justice computer information systems.
46. **A Consumer Guide to Selecting a Mediator** (July 1995). Summarizes mediator qualifications and describes process for selecting a mediator.
47. **A Guide to Alaska's Criminal Justice System** (July 1995). Describes the criminal justice system in Alaska as a guide for those involved in it as well as for media, students, and the general public. (Revised 1998)
48. **Alaska's English Rule: Attorney's Fee Shifting in Civil Cases** (October 1995). Gives historical background, legal analysis, case file analysis and attorney and judge perspectives on Alaska's Civil Rule 82.
49. **A Handbook for Victims of Crime in Alaska** (January 1996). Describes the criminal justice process in Alaska to aid victims in understanding its structure, and their role and rights. (Revised 2001)
50. **Improving the Court Process for Alaska's Children in Need of Aid** (October 1996). First assessment of the court's role in child in need of aid cases. Makes numerous recommendations for courts and other agencies to improve the process.
51. **"Analysis of Case File Data: Alaska Tort Jury Verdicts, 1985-1995"** (November 1996). A brief memo reporting tort jury verdicts, damages, costs and fees awarded, prepared for the Governor's Task Force on Civil Justice.
52. **Use of DNA Profiles in Criminal Proceedings in Alaska** (November 1996). Information about the technical, legal and scientific use of DNA profiles in criminal proceedings.
53. **Report of the Alaska Supreme Court Advisory Committee on Fairness and Access** (October 1997). The Judicial Council provided staff support for this committee, including preparation of the committee's report. The report documents ethnic and cultural minorities' needs in the courts and recommends specific means of improving rural access to courts, jury selection, public perception of the courts, court employment policies, and use of interpreters.

54. **Report to the Alaska Legislature: Alternative Dispute Resolution in the Alaska Court System** (December 1997). The 1997 "Tort Reform" legislation required the Council to work with the Alaska Court System to design an alternative dispute resolution project that could be implemented in the summer of 1998.
55. **A Guide to Alaska's Criminal Justice System** (July 1995, Rev. May 1998). A comprehensive overview of Alaska's adult and juvenile criminal justice system, including statutory provisions, flow charts, glossaries, sentencing information and a list of resources.
56. **Guia del Sistema Juridico de Alaska** (Mayo de 1998). Spanish version of "A Guide to Alaska's Criminal Justice System."
57. **A Handbook for Victims of Crime in Alaska** (January 1996, Rev. May 1998, Rev. Sept. 2001). Brief manual about the criminal justice process and the victim's role, rights, and resources (revision of the 1998 Handbook).
58. **Un Manual para las Victimas de Delitos en Alaska** (Septiembre de 2001). Spanish version of "A Handbook for Victims of Crime in Alaska."
59. **Internet Access to Appellate Case Data** (March 1999). The Alaska Appellate Courts, with technical assistance provided by the Alaska Judicial Council, made its computerized appellate case management system available to attorneys and the public over the Internet.
60. **A Directory of Dispute Resolution in Alaska Outside Federal and State Courts** (March 1999). An overview of Alaska dispute resolution entities other than state and federal courts.
61. **Fostering Judicial Excellence: A Profile of Alaska's Judicial Applicants and Judges** (May 1999). Results of the Judicial Council's study of the characteristics of attorneys who apply for and are appointed to the state court bench in Alaska.
62. **Como Escoger Un Mediador Una Guia para la Clientela** (May 1999). Spanish version of "A Consumer Guide to Selecting a Mediator." Describes how to find and select a mediator to help resolve a dispute. The guide incorporates current research and policy information on mediator qualifications into a five-step process for lawyers, judges, litigants, and other consumers of mediation services.
63. **Fairbanks Video Arraignment Assessment** (May 1999). Alaska Judicial Council's assessment of the Fairbanks video arraignment system.
64. **Evaluation of Bethel Video Link** (July 1999). Evaluation of the video link between the courthouse and the Yukon Kuskokwim Correctional Center.
65. **Evaluation of a Pilot Probation Program for Misdemeanor Domestic Violence Offenders** (July 1999). Evaluation of a fifteen-month pilot project in Palmer, Alaska funded by the federal Violence Against Women Act.

66. **Mediation, Alternative Dispute Resolution (ADR) and the Alaska Court System** (December 1999). A Guide for attorneys, judges, and persons who are considering using alternative dispute resolution (ADR) help them resolve a dispute. This Guide explains the benefits and differences among mediation, arbitration, and other ADR processes. It offers resources to contact for more information, and it provides information on the Alaska Court System's free ADR programs.
67. **A Guide to Alaska Child in Need of Aid Cases** (November 1999). A Guide describing how abused, neglected, and runaway children are protected by the State of Alaska. It also offers resources to contact for more information.
68. **An Analysis of Civil Case Data Collected from September 1997 - May 1999** (February 2000). In 1997 the legislature passed tort reform legislation which required that the Alaska Judicial Council report on closed civil cases, using data from forms filled in by attorneys and parties in the cases. This report summarizes the findings from the data and makes recommendations for future data collection.
69. **Final Report of the Alaska Criminal Justice Assessment Commission** (May 2000). Governor Tony Knowles, Chief Justice Warren Matthews, Senate President Mike Miller, and House Speaker Gail Phillips established the Criminal Justice Assessment Commission to review, develop, and implement strategies within the criminal justice system so that all offenders are held appropriately accountable for their conduct. The Judicial Council provided staff support for the Commission. Recommendations for the state on dealing with alcohol abuse and mental health issues in the criminal justice system.
70. **Alaska Judicial Applicant Guidelines** (October 2000). A joint publication by the Alaska Commission on Judicial Conduct, the Alaska Judicial Council, and the Alaska Bar Association.
71. **Alaska Civil Cases June 1999 - December 2000** (May 2001). In 1997, responding to public interest in tort reform and the work of the Governor's Advisory Task Force on Civil Justice, the legislature passed tort reform legislation. One part of the legislation responded to the Task Force's recommendation that the Alaska Judicial Council report on closed civil cases, using data from forms completed by attorneys and parties in the cases. This report summarizes the findings from the data reported to the Council from June 1, 1999 through December 1, 2000, and from data collected from court case files in various locations. Included with this report are recommendations for future data collection and changes to the legislation.
72. **Interim Status Report of the Alaska Criminal Justice Council** (January 2002). This report describes the progress made in carrying out the May 2000 Criminal Justice Assessment Commission recommendations. The report organizes the CJAC recommendations by the degree of progress made, from completed recommendations to those on which no action has been taken.

73. **Court Coordinated Resources Project Evaluation** (January 2003). Evaluation of the CCRP, better known as the Mental Health Court, a therapeutic court for misdemeanants with mental health problems.
74. **Recommendations of the Alaska Criminal Justice Council** (January 2003). Successor organization to the Criminal Justice Assessment Commission (CJAC), created to carry out the CJAC recommendations. Final report summarizes work accomplished and recommendations for future work. Table appended showing the distribution of justice system resources throughout the state.
75. **Alaska Felony Process: 1999** (February 2004). The Alaska Supreme Court Advisory Committee on Fairness and Access recommended that the Judicial Council compile data on Alaska felony cases. The Council reviewed predisposition incarceration, charge reductions, case dismissals, sentencing, post-disposition incarceration and total time incarcerated. It found evidence that the system was generally even-handed, but found some disparities by ethnicity, type of attorney, gender and rural location. The report includes descriptive data about the court process for cases filed as felonies in 1999, and a detailed description of the multivariate analysis, findings and recommendations.

## **Appendix J**

### **Court Coordinated Resources Project Evaluation Report (January 2003) Introduction and Summary of Findings**

# Appendix J

## Court Coordinated Resources Project Evaluation Report (January 2003)

### Part I: Introduction and Summary of Findings

#### A. Introduction

In July 1998, the Mental Health Trust Authority (MHTA) funded the Court Coordinated Resources Project (CRP) to offer services to mentally disabled persons convicted of misdemeanor offenses in the Anchorage District Court.<sup>1</sup> The CRP worked with a MHTA-funded companion program in the Department of Corrections (JAS, or Jail Alternative Services), the municipal and state prosecutors, defense agencies and others to design individualized programs of treatment, housing, medication and other services. The MHTA continues to fund both JAS and CRP, with funding anticipated through fiscal year 2005.

The CRP has not had an outcome evaluation since its inception, although it has been the subject of several nationally-distributed reports and articles, a student honors paper, descriptive reporting done by C&S Management Associates in conjunction with JAS evaluations and other reports. This report is the third prepared by the Judicial Council for the CRP project. In October 2001, the Judicial Council provided brief information about its evaluation activities to CRP. A March 2002 report included a more detailed description of the evaluation process and issues and descriptive data about 175 defendants who participated in CRP between April 2001 and October 2001. The present report gives the outcome analyses for that group of defendants and incorporates most of the March 2002 report. The Judicial Council may prepare additional reports.<sup>2</sup>

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<sup>1</sup> See Appendix D for excerpts from the “CRP Policy and Procedures,” for a description of the program operations. Those unfamiliar with CRP operations should read either Appendix D, or the ALASKA LAW REVIEW article, Carns, et al, “Therapeutic Justice in Alaska’s Courts,” 19 ALASKA LAW REVIEW 1 (2002). Pages 21 - 29 of the law review article describe the CRP operations.

<sup>2</sup> This report covers only the Judicial Council’s evaluation for the Mental Health Trust Authority. The CRP reports independently to the Mental Health Trust Authority about its activities.

## B. Summary of Findings

### 1) Outcomes for CRP Participants

a) **CRP Participants Improved on All Outcome Measures.** CRP participants showed improvement on all of the outcome variables measured.<sup>3</sup> Both the numbers and length of jail and API stays diminished after defendants began participating in CRP. Even in this brief evaluation period, the state and Anchorage governments benefitted substantially, with a savings of about \$73,991 in jail costs and \$117,163 in API costs. Improved outcomes result in potential net savings for law enforcement, prosecution, defense, courts, victims, and others.

#### i) Alaska Psychiatric Institute measures.<sup>4</sup>

- CRP participants showed fewer **days of commitment** during the period following the first hearing in CRP (8.8 days), as compared to the twelve-month period prior to a first appearance in CRP (10.4 days).
- CRP participants showed about half as many **admissions to API** during the period after the first CRP appearance (.7 admissions) as compared to the twelve months before the first CRP hearing (1.5 admissions).

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<sup>3</sup> This evaluation measured success by the defendant's improvement on the outcome measures after the defendant began to participate in CRP, using either the first hearing date (API data) or the disposition date (arrests and incarceration data) as the beginning of the evaluation for each case. The outcome analysis includes, depending on the defendant, information about the defendant during the program, or after completion of the program, or both. Longer followup and more complete data sources might show that the defendant's completion of the program resulted in greater benefits than this evaluation could show.

<sup>4</sup> Note that these definitions are different from those used for evaluating arrests and incarcerations. The Council had only one opportunity to ask for data from API for this report. The evaluators asked that API summarize the data for the twelve months prior to the date of the first hearing in CRP, and for whatever period of time was available after the first hearing in CRP (times in CRP varied substantially from one defendant to the next, and were often difficult to find in the court record). After reviewing these data, and the more complete data from the Department of Corrections about days of incarceration, the evaluators concluded that it would have been more accurate and shown more substantial change to have used the date of opt-in to CRP for the API evaluation, generally defined as the date on which the defendant entered a plea or otherwise indicated the willingness to actually participate in the program. For this evaluation, it was not possible to return to API and ask for the different data definition.

**ii) Department of Corrections incarceration days and Department of Public Safety arrest measures**

- CRP participants showed an average of 27.8 **days of incarceration** during the six months before CRP disposition, and an average of 23.3 days during the six months after CRP disposition. Those who received the most service from CRP (eight or more hearings)<sup>5</sup> showed an average of 31.1 days for the six months before and 19.5 days during the six months after period. This is an average of 11.6 days of incarceration saved by participation in the CRP program. Defendants who had seven or fewer hearings in CRP averaged 25.6 days before and 25.6 days after, indicating that those who considered the CRP program but did not participate substantially did not benefit, as would be expected.
- All CRP participants had an average of 1.5 **arrests** during the six months prior to CRP disposition and only 0.6 arrests during the six months after. CRP participants showed no substantial difference in the number of arrests when the data were analyzed by the number of hearings held with them in CRP (i.e., eight or more; seven or fewer hearings).

**b) CRP Benefitted State and Local Agencies, and the Public.** CRP participation benefitted various agencies and the public by:

**i) Reduced cost of incarceration:** At \$113.31/day, for the 142 defendants with information available, the state saved an average of 4.6 days per defendant, or 653 days of incarceration and \$73,991. Defendants with mental health issues may require more costly services, so this amount of savings may be underestimated.

**ii) Reduced cost of arrests:** Although no data were available on the cost of arrests, an average arrest involved at least an hour of the officer's time, booking time at the jail (a DOC expense) and often prosecutor, defense attorney and court time. A reduction by half of the numbers of arrests in a six-month period saved expenses for several agencies. This savings appeared to occur for most participants considered by CRP or substantially participating in CRP.

**iii) Reduced cost of API days:** A single day's stay at API in 2001 cost \$732.27. For the 100 participants in CRP for whom data were available, approximately 1.6 days

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<sup>5</sup> Because CRP did not have a specific program that each defendant followed, project staff decided to define the levels of service offered in CRP by the number of appearances each defendant made in court. The supervising judge set eight or more hearings in CRP as the threshold for saying that a defendant had received CRP services and seven or fewer hearings in CRP as the criterion for saying that although a defendant had some attention from CRP, the defendant could not be defined as "receiving CRP services." This distinction between eight or more hearings to represent CRP service and seven or fewer hearings to represent defendants who interacted with CRP but who did not receive significant CRP services has been used throughout the report.



were saved for each defendant (as compared to the previous 12-month period), or 160 days total and about \$117,163.

**iv) Reduced cost of API admissions:** Again, no data were available, but a typical API admission involved professionals who assessed the individual's condition and needs, and performed related tasks.

**v) Reduced cost to potential victims:** Fewer arrests for the CRP participants (who are more intensively supervised than other misdemeanor offenders) suggested that the CRP participants were committing fewer crimes, at least while they were in the program, thus resulting in fewer victims.

## 2) CRP Demographic Data

**a) CRP Served Defendants with Serious Misdemeanors.** About 47% of the defendants had a violent offense for their single most serious original charge, ranging from Arson 1 to Violating a Domestic Violence Order. CRP's willingness and ability to serve those charged with violent offenses was one of the most important findings in this report. Violent offenders constituted about 26% of Anchorage district court offenders in FY'01<sup>6</sup> and often were excluded from participation in treatment and other rehabilitative programs. Other therapeutic courts in Anchorage reported (anecdotally) that they rarely were able to serve violent offenders.

### b) CRP Served a Varied Range of Defendants.

**i) Age:** Defendants were not evenly distributed, with fewer between the age ranges of 20 - 29 years (27%) and 30 - 39 years (31%), and more who were 40 years and older (36%). Defendants were older, on average, than defendants in the Council's 1999 felony study (see Table 1, Appendix B).<sup>7</sup>

**ii) Defendants' Sex:** Thirty percent of the defendants seen in CRP were female, a sizable minority. For comparison, about 17% of the defendants in the sample of 1999 felony defendants were female (see Table 2, Appendix B).

**iii) Defendants' Ethnicity:** Caucasians constituted about half (51%) of the participants in this CRP group. African-Americans were about 9% of the group and Alaska Natives/American Indians were about 29% (see Table 3, Appendix B).<sup>8</sup> These percentages mirrored the percentages of the different ethnic groups in the 1999 Felony Study.

## 3) CRP Case Characteristics

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<sup>6</sup> Alaska Court System Annual Report, FY'01, page S-51.

<sup>7</sup> The Judicial Council will report on the 1999 felonies collected in a statewide sample, in a separate study in 2003.

<sup>8</sup> Asian-Americans were about 2%, and unknown ethnicity was about 9%. The relatively high percentage of unknown was probably due to the fact that these were misdemeanor defendants, for whom data often were missing.

**a) CRP Case Processing.**

**i) Charges at conviction:** Most convicted defendants had only one charge against them at the time of conviction.

**ii) Type of plea:** Nearly all of the defendants who were convicted had entered a no contest plea. None had been convicted at trial.<sup>9</sup> There were no significant differences by type of case management, whether JAS, CRP, or no case management. About 28% of the convicted defendants entered pleas without specific charge or sentence agreements on the record. The remainder entered pleas under Criminal Rule 11, with most of the pleas involving sentence agreements rather than charge agreements.

**iii) Incarceration before plea/trial:** Most of the defendants seen in CRP (93%) had been incarcerated before trial. The amount of time incarcerated ranged from less than one day (7%, N=12), to 181 to 364 days (1%, N = 2). About 29% had been incarcerated for one to five days, 43% had spent six to 30 days, and 20% had served 31 to 150 days.

**iv) Attorney Type:** The state or municipal public defender or the Office of Public Advocacy represented most of the defendants (90%), rather than a private attorney. In the 1999 felony study, about 83% of Anchorage defendants had a public attorney, and 17% had a private attorney.

**v) Municipal or State Charges:** Municipal prosecutors filed 76% of the charges and state prosecutors filed about 24%. Defendants with a JAS case coordinator were more likely to have had state charges against them than other defendants in the program.

**b) CRP Defendants and Jail Time.**

**i) No jail or time to serve in jail as part of sentence:** Of the 157 defendants for whom information was available, about 47% were sentenced to no jail time on the single most serious charge against them, or their cases were pending or all charges had been dismissed. About 53% were required to serve some jail time in conjunction with their single most serious CRP charge (although through credit for time served pretrial, many of these defendants may have been released from jail at the time of sentencing or shortly thereafter). Neither the type of case management (OPA case coordinator, JAS case coordinator, other/none case coordinator) nor the level of services received from CRP (eight or more hearings, seven or fewer hearings) was associated statistically with the jail time imposed.

**c) Length of Time Sentenced to Jail:** Judges required fifty-seven defendants (69% of the 83 defendants who had a jail sentence) to serve a period between one and thirty days, and twenty-six defendants (31% of those with jail sentences) to serve between two and twelve months

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<sup>9</sup> The program allows for the possibility that defendants convicted after trial can participate in CRP; however, none in this sample had gone to trial.

on their single most serious charge. JAS defendants were more likely to serve time in jail than were the other two groups.<sup>10</sup> This may reflect the fact that the JAS defendants were identified while they were incarcerated, or other characteristics of JAS defendants that did not appear in the data. There were no significant differences by the level of CRP service.<sup>11</sup>

**d) CRP Outcomes Were Similar by Type and Level of Service:** Overall, a few differences appeared in this data set between the defendants served by CRP (eight or more hearings) and those not served by CRP, (seven or fewer hearings). The most important difference was in the number of days incarcerated before and after CRP service. Defendants who had eight or more hearings were incarcerated 11.6 fewer days during the six months after CRP disposition than during the six months before CRP service. The analysis could find no significant differences among the defendants served by JAS as compared to those served by the OPA case coordinator or neither case coordinator. These data were limited in both time (only for a six-month period) and number of cases. Additional analysis with more data and longer time frames could find more differences by one or both of these variables.

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<sup>10</sup> CRP-managed defendants were more likely to have pending charges, reflecting the shorter period of the OPA case coordinator's employment, as compared to the JAS case coordinator's employment.

<sup>11</sup> Defendants who had eight or more CRP hearings had sentence lengths comparable to those with seven or fewer hearings. This is a different measure from that showing that defendants with eight or more hearings were incarcerated fewer days during the six months after the CRP disposition than were defendants with seven or fewer hearings in CRP. The before and after comparison shows that defendants with CRP services actually served fewer days of incarceration than they had during the six months prior to CRP. This could be because, even if actual sentence lengths were the same for the two groups, the group with more services may have spent less time incarcerated for probation violations or other reasons than did the group with fewer services during the six-month-after period.

**Appendix K**  
**Recommendations of the Alaska Criminal Justice**  
**Council (January 2003)**

## **Appendix K**

### **Recommendations of the Alaska Criminal Justice Council (January 2003)**

#### **I. Introduction**

This report of the Alaska Criminal Justice Council (CJC) updates the Interim Status Report of the CJC of January 2002, and, together with that report, provides clarification and follow-up on the recommendations made by the Alaska Criminal Justice Assessment Commission (CJAC) in that Commission's Final Report, dated May 2000. Between June and August 2002, interviews were conducted with criminal justice professionals around Alaska to elicit and address issues of concern to practitioners in the field. This report includes findings from those interviews and policy proposals developed by the CJC to highlight priorities in Alaska's criminal justice system.

Recommendations made by practitioners concurred in the need for:

- ample funding for meaningful, substantive legislation;
- less “feel-good” legislation with little impact on the state;
- meaningful consequences responsive to particular offenses;
- corrections programs that address the broad spectrum of defendants' rehabilitative needs;
- a paradigm of integrated treatment, including substance abuse treatment for individuals and their families in their home communities, within the context of daily stressors that they will face upon completion of their treatment program; and
- safe housing, transportation, education and childcare.

The CJC recommends a cautious but explorative use of therapeutic models, and urges the incoming administration to place children – their health, well-being and development – at the forefront of any program affecting the state's citizenry. This report assesses and comments on the current status of aspects of the criminal justice system, and creates a road map for successful development of criminal justice in Alaska.

#### **A. Project History**

##### **1. The NIC Criminal Justice Project**

Alaska enjoys a strong history of interagency cooperation in criminal justice. The Criminal Justice Planning Agency (early 1970s - 1982), the “criminal justice working groups” of the 1980s, the Alaska Sentencing Commission (1990 - 1992), and Governor Hickel’s criminal justice working group (1992 - 1994) created appreciation for the benefits of inter-branch cooperative working groups.<sup>1</sup> Alaska criminal justice system agencies were accepted as participants in the National Institute of Corrections (NIC) Criminal Justice System Project in 1997. The Project, funded by the U.S. Department of Justice, was intended to aid in developing more cost-effective, efficacious and efficient criminal justice sanctions that served the needs of the state. For Alaska, the only state selected for participation, the Project was yet another way to collaborate.

## 2. The Criminal Justice Assessment Commission

In October 1997, then-Governor Tony Knowles, then-Chief Justice Warren Matthews, then-President of the Senate Mike Miller and then-Speaker of the House Gail Phillips signed a resolution appointing members of their respective governmental branches to the “Criminal Justice System Task Force,” which then became known as the Criminal Justice Assessment Commission (CJAC). Appointed members came from the Alaska Supreme Court, the Alaska trial courts, the Alaska Judicial Council (AJC), the Departments of Corrections (DOC), Health and Social Services (DHSS), Law, and Public Safety (DPS), the Public Defender Agency, the Office of Public Advocacy (OPA), the Alaska Mental Health Trust Authority (MHTA), the Native Justice Center, the Hiland Mountain Advisory Group, Victims for Justice, the Municipality of Anchorage, and AllVest, as well as the Alaska State Legislature.<sup>2</sup> CJAC met quarterly.

CJAC created five subcommittees to address the areas of alcohol policy, the mentally disabled, pretrial practices and procedures, probation and parole, and sentencing. Each subcommittee met regularly to discuss policy and facts, and to generate recommendations. In addition, CJAC held two longer conferences, that most Commission and subcommittee members attended. The recommendations developed and submitted to these conferences, along with recommendations made by the NIC after its own preliminary assessment of Alaska’s criminal justice system,<sup>3</sup> form the bulk

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<sup>1</sup> For a more detailed history and description of Alaska’s criminal justice coordination efforts, see *Final Report of the Alaska Criminal Justice Assessment Commission*, May 2000, at 4-7 (hereinafter “Final Report”) (available from the Alaska Judicial Council).

<sup>2</sup> See List of Participants, *infra* Appendix A.

<sup>3</sup> See Chase Riveland *et al.*, *A Preliminary Report to the Criminal Justice Commission* (1999) (available for viewing at the offices of the Alaska Judicial Council). NIC provided staff and technical assistance throughout the project.

of the recommendations adopted by CJAC and contained in that Commission's Final Report.<sup>4</sup> The Final Report contains a full history of CJAC's development and recommendations.<sup>5</sup>

In summary, CJAC recommended:

- Increasing funds available to state and local governments for substance abuse programs through increased taxes on alcohol sales;
- Developing measures to reduce substance abuse related crime;
- Exploring all available means to reduce the disproportionate number of Alaska Natives and other minorities throughout the justice system;
- Taking steps to address issues regarding the state's prison population suffering from mental disabilities;
- Encouraging the provision of adequate treatment beds, outpatient programs and follow-up care for offenders with substance abuse, mental health, sex offender, and other treatment needs;
- Developing new programs and expanding the use of existing programs to divert some offenders from the justice system through the use of alternative sanctions such as community work service and restitution, and through use of treatment alternatives;
- Making needed statutory and policy changes to streamline criminal justice processes such as through statewide standardization of various procedures;
- Finding better ways to assure that misdemeanor offenders comply with court orders and conditions to better protect the public and to aid rehabilitation;
- Finding ways to more effectively serve communities statewide, emphasizing the need to cooperate with local governments and other organizations, especially in rural areas;
- Improving interagency communication and policy-making procedures; and
- Encouraging agencies and local governments to incorporate principles of restorative justice – holding offenders accountable to the victim and community – into programs and policies throughout the criminal justice system to the extent appropriate and feasible.<sup>6</sup>

### 3. The Criminal Justice Council

CJAC also recommended creating a successor organization to carry out the above recommendations. In response, state agencies created the CJC in May 2000. The eight member group included the commissioners of the Department of Law, DOC, DHSS, and DPS, as well as the Public Defender Agency, OPA, the Court System and the AJC.<sup>7</sup> The CJC continued to direct subcommittee efforts

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<sup>4</sup>See *Final Report*, *supra* n. 1.

<sup>5</sup> See *id.*

<sup>6</sup> See *Final Report*, *supra* n. 1, at 2.

<sup>7</sup> See List of Participants, *infra* Appendix A. As stated, the Alaska Court System is a member of the Criminal Justice Council and representatives from the Alaska Court System actively participate in CJC activities. However, the Court System is in a unique position with regard to the CJC because of the judiciary's status as a separate branch of

and, in January 2002, published the Interim Status Report of the Alaska Criminal Justice Council.<sup>8</sup> The Interim Report described progress in carrying out the CJAC recommendations.

## B. The Need for Further Criminal Justice Review

In a time of increasing crime nationwide, Alaska has surpassed even the high national average. In the year 2000, Alaska ranked 48<sup>th</sup> among all states in population, but 33<sup>rd</sup> among all states in robberies per 100,000 people, 31<sup>st</sup> in burglaries, 26<sup>th</sup> in murders, 24<sup>th</sup> in vehicle thefts, 23<sup>rd</sup> in property crimes, 22<sup>nd</sup> in larceny thefts, 10<sup>th</sup> in violent crimes and aggravated assaults, and first among all states in calendar year forcible rapes.<sup>9</sup> In 2001, while the national overall crime average increased by 2.0%, in Anchorage, the state's most populous city,<sup>10</sup> the overall average increased by 2.7%. While national figures on violent crimes (including murders, rapes, aggravated assaults and robberies) increased by only 0.3%, that same category exploded in Anchorage, climbing 14.4% in 2001.<sup>11</sup>

Alaska's prison populations have increased as well. In 1996, Alaska had 2,967 individuals incarcerated in the state's 16 institutions, with 259 individuals incarcerated in out-of-state facilities, for a total of 3,226 individuals imprisoned; by January 1, 2002, there were 2,992 individuals incarcerated in those same 16 state institutions, with 819 inmates in out-of-state facilities, totaling 3,811 inmates.<sup>12</sup>

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government, and because the judiciary must maintain its neutrality with regard to issues that may later come before it in its decision-making capacity. Therefore, representatives of the Alaska Court System did not vote or take positions on recommendations concerning the passage of substantive legislation and executive branch issues and policies.

<sup>8</sup> Alaska Judicial Council, *Interim Status Report of the Alaska Criminal Justice Council*, January 2002 (hereinafter "Interim Report").

<sup>9</sup> See The Disaster Center, *Alaska Crime Rates 1960 - 2000* (visited Aug. 26, 2002) <<http://www.disastercenter.com/crime/akcrime.htm>> (citing the Federal Bureau of Investigation's Uniform Crime Reports).

<sup>10</sup> Of the 626,932 people living in Alaska in Census Year 2000, 260,283 (41.5%) lived in Anchorage. See U.S. Census Bureau, *State and County Quickfacts* (last modified May 30, 2002) <<http://quickfacts.census.gov/qfd/states/02/02020.html>>.

<sup>11</sup> Cf. Ben Speiss, *Murkowski Gets Tough*, Anchorage Daily News, Aug. 8, 2002, at B1 ("Between 1995, when Gov. Tony Knowles and Ulmer took office, and 2001, violent crime has fallen 8 percent statewide. . . . Property crimes have fallen 25 percent.") (emphasis added).

<sup>12</sup> See Alaska Dep't of Corrections' Division of Administrative Services, *2000 Offender Profile* at 5 (visited Aug. 26, 2002) <<http://www.correct.state.ak.us/corrections/admin/docs/profile2000.pdf>> (showing that in 2000, there were 2,757 inmates incarcerated in-state, with an additional 826 inmates out-of-state, for a total of 3,583 inmates. Of the 826 prisoners housed out-of-state in 2000, 793 (96.0%) were held at the Arizona Detention Center in Florence); *Correctional Populations: 2001*, 19 ALASKA JUST. F. 5 (Summer 2002) (showing the Florence population to have represented 94.8% of the number of Alaskans incarcerated out-of-state on January 1, 2002). In-state facilities are shown



While no one cause can be tied to the increase, studies have presented a strong correlation between substance use and abuse and crime. The McDowell Group, a research-based consultant firm hired by the DHSS Governor’s Advisory Board on Alcoholism and Drug Abuse to examine the economic costs of alcohol and other drug abuse in Alaska, published the second phase of its report in November of 2001.<sup>13</sup> The McDowell Group “speculated that alcohol and other drug abuse plays a role in 85 percent to 95 percent of all incarcerations in Alaska.”<sup>14</sup> Using national figures, the McDowell Group paper further attributed to the state \$453 million in costs associated with alcohol abuse, and \$161 million in costs associated with other drug abuse.<sup>15</sup>

Yet, at the same time, resources allocated for treatment in the state have declined. Governor Tony Knowles has acknowledged limited legislative support to pay for treatment programs during the last two years.<sup>16</sup> Allocation of resources to treatment initiatives ranks among the most pressing of concerns voiced by CJAC and the CJC.

### C. Summary of Findings, Foci, and Recommendations

The CJC recommendations that follow emphasize problems and successes in criminal justice. New recommendations, based on specific concerns of criminal justice professionals, also have been incorporated. They include recommendations to:

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on the map at Appendix D.

<sup>13</sup> The paper falls short of determining the true costs; it states that “Alaska-specific data were not available on the amount of crime, health and medical costs, lost production, and public assistance that can be attributed to alcohol and other drug abuse. Estimates rely on national norms based on tested methodologies. National norms are based on a lower prevalence of alcohol abuse and dependence than is the case in Alaska.” McDowell Group, Inc., *Economic Costs of Alcohol and Other Drug Abuse in Alaska, Phase Two* at 4 (Nov. 13, 2001) (hereinafter “Economic Costs”). The Report recommends “[c]omprehensive development of Alaska specific data.” *Id.*

<sup>14</sup> *Id.* at 12.

<sup>15</sup> *See id.* at 1.

<sup>16</sup> *See, e.g.*, House Journal Text for HB 172, *Letter from Knowles to Porter of July 3, 2001* (visited Aug. 27, 2002) <[http://www.legis.state.ak.us/basis/get\\_jrn\\_page.asp?session=22&bill=HB172&jrn=1900&hse=H](http://www.legis.state.ak.us/basis/get_jrn_page.asp?session=22&bill=HB172&jrn=1900&hse=H)> (with regard to funding appropriated to House Bill 172, “An Act relating to therapeutic courts for offenders,” the Governor wrote that, “[i]n signing this bill, I note the inadequacy of the funds provided to implement it. Of the \$2 million estimated to adequately establish and operate this program, the legislature granted only \$1.4 million. We cannot expect to reach the anticipated success of these new initiatives without providing the resources they require.”); House Journal Text for HB 179, *Letter from Knowles to Porter of July 3, 2001* (visited Aug. 27, 2002) <[http://www.legis.state.ak.us/basis/get\\_jrn\\_page.asp?session=22&bill=HB179&jrn=1900&hse=H](http://www.legis.state.ak.us/basis/get_jrn_page.asp?session=22&bill=HB179&jrn=1900&hse=H)> (with regard to funding appropriated to House Bill 179, “An Act relating to underage drinking and drug offenses,” the Governor wrote that, “[u]nfortunately, this strong law will go on the books without adequate funds. Less than half of the funds needed to fully implement it were appropriated – \$800,000 out of the needed \$1.75 million. While the legislature acknowledges the imperative to help our youth who have alcohol problems, it was unwilling to fully attack the problem and make our best effort to suppress it. I look forward to a greater future commitment to Alaska’s youth.”).

- Continue the work of the CJC, with limited expanded membership, through statutory mandate;
- Support victims' services throughout the criminal justice system;
- Increase the statewide excise tax on alcoholic beverages by an amount significant enough to allow the legislature to effectively increase prevention and treatment of alcoholism;
- Use revenues generated from the excise tax on alcohol to fund prevention and treatment programs and other means that effectively address problems caused by alcoholism and substance abuse;
- Increase interagency coordination on alcohol policy;
- Allow youth courts to resolve charges of underage possession and consumption of alcohol, as well as falsification of identification, for those offenders enrolled in Alaska's schools who are age eighteen and younger. Recommend parent or guardian participation in every youth court proceeding;
- Increase industry responsibility for curbing minor consumption;
- Increase the number of substance abuse treatment beds for Alaskan DOC clients in need of intensive residential alcohol treatment, especially women, and individuals with children;
- Continue the "therapeutic community" substance abuse treatment program for female inmates, and expand or create similar programs for inmates with children;
- Encourage agencies and substance abuse treatment providers to develop a standard information release form to reduce delays caused by use of varying standards;
- Encourage agencies and substance abuse treatment providers to develop standard assessment protocols, including a specified range of reciprocal assessment tools, to reduce delays caused by use of varying standards, and encourage early assessment, consistent with a defendant's constitutional rights;
- Incorporate mental health screening as a component of all substance abuse assessments, and substance abuse assessments as a component of all mental health screening;
- Increase the degree of assessment given each incarcerated defendant to include assessment of substance abuse, mental disabilities, HIV, and Hepatitis C treatment needs, and educational and vocational needs, and provide for periodic follow-up assessments as appropriate;
- Expand eligibility in the Felony Drug Court to include appropriate offenders charged with delivery of substances;
- Expand use of therapeutic justice principles statewide;
- Encourage treatment and other alternatives to incarceration for those charged with driving under the influence, especially in rural communities;
- Explore options, including regulation and legislation, that require the alcohol industry to make more efforts to reduce incidents of alcohol-related offenses and alcohol abuse;
- Study the utility of requiring ignition interlock devices on all cars belonging to or regularly driven by persons on probation or parole for alcohol-related offenses, whether or not the court has ordered treatment;
- Afford limited driver's licenses to individuals on probation or parole for alcohol-related offenses who are actively engaged in efforts to maintain sobriety or treatment, whether or not that treatment is court-ordered;
- Create state-sponsored public education media campaigns aimed at encouraging youths and adults (including parents, guardians, and spouses), in both urban and rural Alaska, to

decrease consumption of alcohol and other substances, and creating awareness of criminal penalties for alcohol and substance-related offenses;

- Expand probation supervision in small communities;
- Establish after-care and re-entry programs and procedures to emphasize the continued treatment and monitoring of defendants released from institutional custody, especially sex offenders and those with underlying substance abuse issues and mental disabilities;
- Relocate Alaskan prisoners from Arizona to the State of Alaska;
- Focus measures to alleviate prison overcrowding on crime reduction and prevention means, including allocation of resources;
- Focus measures to alleviate prison overcrowding on increasing both Community Residential Center capacity and institutional capacity (hard beds) in existing facilities. Any new hard-bed facilities should be run by the state, whether or not built by the private sector;
- Focus measures to alleviate prison overcrowding on reducing the amount of time an offender spends incarcerated. Accomplish this by increasing the use of house arrest, electronic monitoring, parole, greater use of parole for non-dangerous geriatric offenders and those with major medical or mental disability, intermediate sanctions, and *Nygren* credit;
- Promote criminal justice responses and solutions that emphasize rehabilitation and deterrence;
- Reexamine fines levied against those charged with DUIs;
- Examine the utility and success of the City of Anchorage and state's vehicle forfeiture program;
- Increase treatment opportunities for incarcerated offenders, especially alcohol and substance abuse treatment, and treatment for sexual offenders; and
- Increase opportunities for educational and vocational advancement in correctional institutions.

## D. Table of Recommendations

"FR": <i>Final Report of the Alaska Criminal Justice Assessment Commission</i> (May 2000). "IR": <i>Interim Status Report of the Alaska Criminal Justice Council</i> (Jan. 2002). "FSR": <i>Final Status Report of the Alaska Criminal Justice Council</i> (Jan. 2003).		
Number	Recommendation	Recommendation Status
<b>A. General Policy Recommendations</b>		
A-1. FR p. 51 IR p. 11 FSR p. 18	Create a small organization to implement the recommendations made by the Commission, to resolve policy issues, to provide liaison with federal and other governments, and to take responsibility for longer-range criminal justice planning.	Successfully completed
A-1a. FSR p. 18	Continue and expand efforts of the CJC through statutory mandate.	New
A-2. FR p. 52 IR p. 26 FSR p. 19	Encourage criminal justice system agencies to continue to work together to develop criminal justice information systems that interact efficiently and that provide data to enable policymakers to make reliable decisions on policy issues.	Continue
A-3. FR p. 52 IR p. 16 FSR p. 19	Review and evaluate systems for monitoring of misdemeanor probation and pretrial conditions, giving consideration to the special needs of the different populations expressed throughout these recommendations. The successor organization to CJAC should recommend a system or systems that will improve the likelihood that offenders will comply with court conditions and orders.	Revised See also Recommendation B-15
A-4. FR p. 53 IR p. 17 FSR p. 20	Explore further the principles of restorative justice.	Continue
A-4a. FSR p. 22	Encourage appropriate departments and agencies to support victims' services throughout the criminal justice system.	New
A-5. FR p. 54 IR p. 18 FSR p. 22	Explore all available means to reduce the disproportionate numbers of Alaska Natives and other minority offenders and victims in the justice system. These efforts should include increased reliance on local justice initiatives and treatment programs.	Continue
<b>B. Alcohol and Substance Abuse Policy Recommendations</b>		
B-1. FR p. 54 IR p. 27 FSR p. 40	Increase the statewide excise tax on alcoholic beverages by an amount significant enough to allow the legislature to effectively increase prevention and treatment of alcoholism.	Revised

B-1a. FSR p. 41	Use revenues generated from the excise tax on alcohol to fund prevention and treatment programs and other means that effectively address problems caused by alcoholism and substance abuse in Alaska, consistent with the constitutional mandate regarding dedicated funds.	New
B-2. FR p. 55 IR p. 27 FSR p. 41	Allow municipalities to tax alcoholic beverage sales at a rate independent of the rates imposed on other sales.	Continue
B-3. FR p. 56 IR p. 33 FSR p. 42	Remove the statutory cap on alcohol license fees and increase wholesale license fees to fund increased enforcement of Title 4 statutes.	Continue
B-4. FR p. 57 IR p. 33 FSR p. 42	Increase interagency coordination on alcohol policy.	Revised/New
B-5. FR p. 57 IR p. 33 FSR p. 42	Restructure the Alcohol Beverage Control Board.	Continue
B-6. FR p. 58 IR p. 11 FSR p. 43	Remove the law enforcement functions of the Alcohol Beverage Control Board from the Department of Revenue and place them in DPS.	Continue
B-7. FR p. 58 IR p. 28 FSR p. 44	Amend AS 04.11.010(c) to decrease the amount of alcohol that individuals may presumptively possess for their own use.	Continue
B-7a. FR p. 60 IR p. 11 FSR p. 44	Amend AS 04.11.150 to require monitoring of liquor sales in package liquor stores located within 100 miles of a dry community.	Continue
B-7b. FR p. 61 IR p. 12 FSR p. 45	Request that the United States Postal Service put a higher priority on curtailing illegal mailing of alcohol to dry communities and increase its level of cooperation with state, local and tribal law enforcement.	Successfully completed
B-8. FR p. 61 IR p. 18 FSR p. 46	Evaluate and recommend programs for diversion, incentives for treatment, prevention, and enhanced consequences to better modify underage drinking behaviors without triggering the appointment of counsel and jury trials.	Continue

B-8a. FR p. 62 IR p. 28 FSR p. 47	Allow youth courts to resolve charges of underage possession and consumption of alcohol, as well as falsification of identification, for those offenders enrolled in Alaska's schools who are age eighteen and younger. Amend AS 47.12.155 to recommend parent or guardian participation in every youth court proceeding.	New
B-8b. FSR p. 48	Increase industry responsibility for curbing minor consumption.	New See also Recommendation B-23
B-9. FR p. 63 IR p. 28 FSR p. 49	Increase the number of substance abuse treatment beds for Alaska DOC clients in need of intensive residential alcohol treatment, especially women and individuals with children.	Revised See also Recommendation B-11a
B-10. FR p. 63 IR p. 29 FSR p. 51	Study the use of Title 47 civil commitment procedures for alcoholics and addicts and consider further changes to reduce jail stays by chronic substance abusers.	Continue
B-11. FR p. 64 IR p. 12 FSR p. 51	Create a "therapeutic community" substance abuse treatment program for male inmates.	Continue
B-11a. FSR p. 51	Continue the "therapeutic community" substance abuse treatment program for female inmates, and expand or create similar programs for inmates with children.	New
B-12. FR p. 65 IR p. 13 FSR p. 52	Encourage agencies and substance abuse treatment providers to develop a standard information release form to reduce delays caused by use of varying standards.	Continue
B-12a. FSR p. 53	Encourage agencies and substance abuse treatment providers to develop standard assessment protocols, including a specified range of reciprocal assessment tools, to reduce delays caused by use of varying standards. Agencies should use these protocols as early in the criminal justice process as possible, consistent with a defendant's constitutional rights.	New
B-12b. FSR p. 53	Incorporate mental health screening as a component of all substance abuse assessments, and substance abuse assessments as a component of all mental health screening.	New
B-13. FR p. 65 IR p. 20 FSR p. 54	Encourage state agencies, treatment providers, tribal entities, and community organizations to collaborate to establish programs and procedures that emphasize the treatment and monitoring of underlying alcohol, drug and inhalant abuse and mental disabilities, including therapeutic justice approaches.	Continue
B-13a. FSR p. 56	Expand eligibility in the Felony Drug Court to include appropriate offenders charged with delivery of substances.	New

B-13b. FSR p. 56	Expand use of therapeutic justice principles statewide.	New
B-14. FR p. 66 IR p. 20 FSR p. 56	Increase state-sponsored, voluntary use of Naltrexone in conjunction with alcohol treatment as a condition of bail or probation.	Revised
B-15. FR p. 67 IR p. 21 FSR p. 57	Expand DHSS's Alcohol Safety Action Program (ASAP) through legislation and funding.	Continue
B-16. FR p. 68 IR p. 34 FSR p. 59	Create more community aftercare for abusers being released from substance abuse programs by DOC.	Continue See also Recommendation E-7
B-17. FR p. 68 IR p. 21 FSR p. 59	Support culturally-relevant programs for alcohol treatment.	Continue
B-18. FR p. 69 IR p. 34 FSR p. 60	Make treatment assessments available to all defendants with alcohol issues prior to sentencing, and mandate that if a defendant is ordered to treatment, any program required as a sentencing condition be justified by assessment.	Continue See also Recommendations B-12a, B-12b
B-19. FR p. 70 IR p. 34 FSR p. 60	Create a statutory mitigating factor for use at criminal sentencing, recognizing when the wrongful conduct was substantially affected by an organic brain disorder.	Continue
B-20. FR p. 70 IR p. 21 FSR p. 61	Respond more quickly to offenders with chronic substance abuse problems by identifying them early in their contact with the criminal justice system.	Continue See also Recommendations B-12a, B-12b
B-21. FR p. 71 IR p. 29 FSR p. 61	Develop adequate facilities and services, including housing, to address the unique needs of offenders who are suffering from both serious mental disabilities and substance abuse problems.	Continue
B-22. FSR p. 63	Encourage treatment and other alternatives to incarceration for those charged with DUI, especially in rural communities.	New
B-23. FSR p. 63	Explore options, including regulation and legislation, that require the alcohol industry to make more efforts to reduce incidents of alcohol-related offenses and alcohol abuse in the state.	New See also Recommendation B-8c
B-24. FSR p. 65	Study the utility of requiring ignition interlock devices on all cars belonging to or regularly driven by those persons on probation or parole for alcohol-related offenses, whether or not the court has ordered treatment.	New

B-25. FSR p. 67	Amend AS 28.15.201 to afford limited driver's licenses to those individuals on probation or parole for alcohol-related offenses who are actively engaged in efforts to maintain sobriety or treatment, whether or not that treatment is court-ordered. Mandate ignition interlock devices on all cars belonging to or regularly driven by persons with limited licenses.	New
B-26. FSR p. 67	Create state-sponsored public education media campaigns that encourage youths and adults (including parents, guardians and spouses), in both urban and rural Alaska, to decrease use of alcohol and other substances. Media campaigns should also create awareness of criminal penalties for alcohol and substance-related offenses.	New
<b>C. Mentally Disabled Policy Recommendations</b>		
C-1. FR p. 72 IR p. 22 FSR p. 72	Continue to support the Coordinated Resources Project (CRP) in Anchorage. Using an evaluation of outcome measures, make any necessary improvements to enable a permanent project in Anchorage and successful replication statewide.	Continue
C-2. FR p. 73 IR p. 22 FSR p. 73	Support the Jail Alternative Services Project (JAS) in Anchorage. Using an evaluation of outcome measures, make any necessary improvements to enable a permanent project in Anchorage and successful replication statewide.	Continue
C-3. FR p. 74 IR p. 23 FSR p. 75	Train state and local agency personnel to manage mental health crises and respond appropriately to mentally disabled misdemeanor offenders.	Continue
C-4. FR p. 74 IR p. 30 FSR p. 75	Make a continuum of housing options and services for stable mentally disabled misdemeanor offenders available upon release from custody.	Continue
C-5. FR p. 75 IR p. 31 FSR p. 76	Make a continuum of support, rehabilitation, treatment and supervision services available for mentally disabled individuals.	Continue
C-6. FR p. 76 IR p. 35 FSR p. 76	Provide sufficient community resources and treatment for individuals with organic mental disorders.	Continue
C-7. FR p. 77 IR p. 35 FSR p. 76	Create sufficient detoxification beds to meet the need in hub communities, and train staff in detox centers.	Continue



C-8. FR p. 77 IR p. 23 FSR p. 77	Support the Providence Psychiatric Emergency Room.	Continue
C-9. FR p. 78 IR p. 13 FSR p. 78	Provide adequate Designated Evaluation and Treatment (DET) beds in hub communities throughout the state for use as private sector alternatives to API and DOC beds.	Continue
<b>D. Pretrial Practices and Procedures Policy Recommendations</b>		
D-1. FR p. 78 IR p. 35 FSR p. 80	Evaluate the existing Anchorage Municipal Prosecutor's Pretrial Diversion Program. Using an evaluation of outcome measures, make any necessary improvements to enable a permanent project in Anchorage and successful replication statewide.	Continue
D-2. FR p. 79 IR p. 31 FSR p. 80	Develop a pretrial release electronic monitoring program.	Continue See also Recommendations A-3, F-7a
D-3. FR p. 80 IR p. 23 FSR p. 81	Assure that adequate pretrial data will be included in the development of the state's new management information systems and that criminal justice system agencies share new and existing data.	Continue See also Recommendation A-2
D-4. FR p. 80 IR p. 24 FSR p. 81	Establish a process to resolve issues related to <i>Nygren</i> credit.	Resolved See also Recommendation F-7b
D-5. FR p. 81 IR p. 36 FSR p. 82	Develop and implement bail schedules for appropriate offenses and offenders.	Continue
D-6. FR p. 82 IR p. 36 FSR p. 82	Evaluate the viability of a pretrial bail evaluation and supervision unit using private sector resources and working under the direction of the court.	Continue
<b>E. Probation and Parole Policy Recommendations</b>		
E-1. FR p. 82 IR p. 13 FSR p. 84	Standardize forms and procedures used in petitions to revoke probation and parole.	Continue
E-2. FR p. 83 IR p. 31 FSR p. 85	Make available additional treatment programs, including substance abuse and sex offender treatment programs, particularly in rural areas.	Continue See also Recommendations B-9, B-11, B-13, B-16, B-17, C-5, C-6
E-3. FR p. 84 IR p. 31 FSR p. 85	Expand the DOC's Enhanced Probation Program to other large cities and to rural communities in partnership with other community organizations.	Continue

E-4. FR p. 84 IR p. 32 FSR p. 86	Provide a community-based program for probation and parole supervision that uses partnerships with other agencies, regional organizations and tribes and villages to expand services and treatment.	Continue See also Recommendation A-5
E-5. FR p. 85 IR p. 24 FSR p. 86	Supplement probation supervision with video supervision of offenders, particularly in small communities.	Continue
E-5a. FSR p. 87	Expand probation supervision in small communities.	New
E-6. FR p. 86 IR p. 25 FSR p. 87	Use volunteers where appropriate to help in the supervision and treatment of probationers and parolees.	Continue
E-7. FSR p. 87	Urge state agencies, treatment providers, tribal entities, and community organizations to collaborate to establish aftercare and re-entry programs and procedures. Emphasize the continued treatment and monitoring of defendants released from institutional custody, especially sex offenders and those with substance abuse issues, and mental disabilities.	New See also Recommendations A-5, B-16
<b>F. Sentencing and Prison Overcrowding Policy Recommendations</b>		
F-1. FR p. 86 IR p. 14 FSR p. 93	Amend AS 12.30.010(b) to allow judges to use performance bonds for offenders released on bail. Amend Criminal Rule 41 to allow judges to order forfeiture of a performance bond if an offender fails to comply with the conditions of release.	Successfully completed
F-2. FR p. 87 IR p. 14 FSR p. 94	Amend AS 12.55.025(c) to grant the sentencing judge authority to allow a defendant to report for service of sentence on a date other than the date the sentence is imposed.	Successfully completed
F-3. FR p. 87 IR p. 36 FSR p. 94	Double the dollar amounts that define the levels of property crimes.	Continue
F-4. FR p. 88 IR p. 14 FSR p. 94	Amend AS 33.05.070 to clarify the appropriate judicial district in which the adjudicative phase of a probation violation hearing shall be heard.	Continue
F-4a. FSR p. 95	Implement DOC's plan to relocate Alaskan prisoners from Arizona to Alaska.	New
F-5. FSR p. 95	Focus measures to alleviate prison overcrowding on increasing prevention measures and reducing crime.	New

F-6. FSR p. 96	Focus measures to alleviate prison overcrowding on increasing both Community Residential Center (CRC) capacity, and institutional capacity (hard beds) in existing facilities. Any new hard-bed facilities should be run by the state, whether or not built by the private sector.	New
F-7. FSR p. 96	Focus measures to alleviate prison overcrowding on reducing the amount of time an offender spends incarcerated. Reduce the amount of time an offender spends incarcerated by increasing the use of house arrest and electronic monitoring, both pre- and post-trial; using <i>Nygren</i> credit; and creating a special parole board for non-dangerous geriatric offenders and those with major medical or mental disability.	New See also Recommendations A-3, D-2, D-4
F-8. FSR p. 98	Focus future policy and legislative measures to alleviate prison overcrowding on improving the transition from incarceration to probation or parole as a priority.	New
F-9. FSR p. 98	Promote criminal justice responses and solutions that emphasize rehabilitation and deterrence.	New
F-10. FSR p. 99	Reexamine fines levied against those charged with DUIs.	New
F-11. FSR p. 99	Examine the utility and success of the City of Anchorage and State's vehicle forfeiture programs.	New
F-12. FSR p. 100	Increase the number of treatment opportunities available during incarceration, including alcohol and substance abuse treatment, and treatment for sexual offenders.	New See also Recommendations B-11, B-11a
F-12a. FSR p. 102	Increase the degree of assessment given each incarcerated defendant to include assessment of substance abuse, mental disabilities, HIV, and Hepatitis C treatment needs, and educational and vocational needs, and to provide periodic follow-up assessments as appropriate.	New See also Recommendations B-12a, B-12b
F-12b. FSR p. 102	Increase opportunities for educational and vocational advancement in correctional institutions.	New

## **Appendix L**

### **Alaska Felony Process: 1999**

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### **Executive Summary**

The Alaska Supreme Court's Advisory Committee on Fairness and Access recommended that the state assess the relationships between defendants' ethnicities and their treatment by the criminal justice system.<sup>1</sup> At the time of the request, the disproportionate numbers of ethnic minorities at all points in Alaska's criminal justice system were well-known.<sup>2</sup> The main purpose of this work was to identify whether those disproportions resulted from unjustifiable reasons and amounted to discrimination. Another purpose was to identify other unwarranted disparities, if they existed, based on the defendant's gender, the defendant's type of attorney, the location of the defendant's case, or other inappropriate characteristics. A third purpose was to update descriptive data about the criminal justice system.

The Judicial Council collected and examined data from Alaska felony cases from 1999, beginning from the time formal charges were filed through case dispositions by way of dismissal, acquittal, or sentencing. At the time charges were initially filed, the Alaska felony defendants in these cases included disproportionately large numbers of young males, Alaska Natives, and Blacks. The report showed that, after charges were filed, justice for felony defendants in Alaska was, in many respects, substantially equal.

A multiple regression analysis of sentencing practices found no systematic ethnic discrimination in the imposition of sentences. Presumptive felony sentences showed no disparities associated with ethnicity, gender, type of attorney or location in the state. In the area of non-presumptive sentencing, sentences were uniformly imposed among ethnic groups in all but Drug offenses. The disparity in this category was limited to Blacks in Anchorage and to Natives outside Anchorage. The isolated nature of these disparities appeared to be inconsistent with conscious discrimination in the imposition of non-presumptive sentences. The analysis also found other unexplained disparities in non-presumptive sentencing associated with defendants' gender, type of attorney, and location in the state.

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<sup>1</sup> ALASKA COURT SYSTEM, REPORT OF THE ALASKA SUPREME COURT ADVISORY COMMITTEE ON FAIRNESS AND ACCESS 43, 77-79 (1997).

<sup>2</sup> *See id.* at 65-73.

Phases of the felony process other than sentencing were analyzed: pre-disposition incarceration; charge reduction; and overall time of incarceration. At these stages the analysis found some disparities associated with ethnicity, gender, type of attorney, and location in the state that could not be explained by legally relevant criteria. The most widespread incidence of unexplained disparities occurred in predisposition incarceration. If more socioeconomic data about defendants had been available to the Council for this study, socioeconomic factors might have helped to explain some of the disparity findings. Although the report's disparity findings do not establish cause and effect relationships, they demonstrate that many variables in criminal cases have important statistical associations with the expected length of incarceration.

The Council was unable to review data about reported crime, arrests, and screening by prosecutors to learn whether disparate treatment of defendants occurred before charges were formally filed.<sup>3</sup> Some disparate treatment in these earlier stages was reported anecdotally.

Although the Council did not have the data needed to review the earlier parts of the criminal justice process for unwarranted disparities, it had some information about defendants' characteristics when charges were filed in court. Analysis of those characteristics showed that the felony defendants differed from the state's general population in many respects. Most had limited resources, represented by the fact that 80% of the sample qualified for public legal representation because of indigency. Substantial percentages of defendants came to court with an alcohol and/or a drug and/or a mental health problem. Most felony defendants had a prior criminal conviction.<sup>4</sup> These and other pre-charge disproportions were reported. The reasons for these disproportions were not addressed by this report, because they fell outside its scope. The magnitude of the pre-charge disproportions strongly suggests the need for further study to determine their origins and to explore potential solutions.

The Judicial Council recommends actions that the state could take to address unwarranted disparities once charges have been filed. An inter-branch collaborative approach, initiated by the court system,

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<sup>3</sup> To analyze whether disparate treatment occurred prior to defendants being charged requires additional data and resources. The Fairness and Access Committee's recommendation included the Judicial Council's estimate that a comprehensive report of Alaska's criminal justice process would cost \$300,000 to \$350,000. *Id.* at 25. The Council did not find additional funds from outside sources for this report, so scaled back the proposed work substantially and used its own funds. Other agencies assisted by providing data and mailing costs, and the legislature made a small amount of funding available through the budget process to carry out the analysis after the Council had collected the data.

<sup>4</sup> Reports from other jurisdictions have shown that people with certain characteristics were more likely to have reports filed against them (particularly in Drug crimes), were more likely to be arrested, and were more likely to be prosecuted. These reports did not show that the characteristics caused people to commit more crimes, but only showed that having those characteristics was associated with a higher likelihood of arrest and court processing. *See* Cassia C. Spohn, *Thirty Years of Sentencing Reform: The Quest for a Racially Neutral Sentencing Process*, 3 POLICIES, PROCESSES AND DECISIONS OF THE CRIMINAL JUSTICE SYSTEM 427, 431 (2000).

with meaningful input from community groups and those who work in the criminal justice system also is recommended. To rid the entire criminal justice process of unwarranted disparity, it is essential that data be compiled and that sufficient resources be made available to permit an analysis of what occurs before defendants are charged, and after they are sentenced.

In addition to identifying unexplained disparities in the justice system after defendants were charged, this report provides considerable information about the characteristics of felony defendants, predisposition incarceration, charge reductions and plea negotiations, sentencing, and case processing. The Council hopes that the information in this report will assist policymakers, attorneys, and judges to understand and improve the criminal justice process.

## **A. Summary of Major Findings**

Briefly, the most important findings were:

- By many measures, the report showed that justice for felony defendants in Alaska was evenhanded. Most of the disparities among groups of defendants were not uniformly found among all types of offenses or in all parts of the state. The lack of uniformity suggested that the disparities were not associated with systematic distinctions among defendants based on ethnicity or other inappropriate factors.
- Scattered disparities appeared for different ethnic groups in predisposition incarceration and total time incarcerated in a case. The only disparities associated with ethnicity in sentences occurred for Black defendants in Anchorage non-presumptive Drug cases, and for Native defendants in non-presumptive Drug cases outside Anchorage.
- At the time charges were filed, Alaska felony defendants included disproportionately large numbers of young males, Alaska Natives and Blacks. These disproportions did not change significantly among convicted defendants. Disproportions remained fairly constant between charged and convicted defendants.
- Presumptive sentences did not show any unwarranted disparities associated with ethnicity or other factors.
- Having a private attorney was associated with less time to serve in almost every type of offense, at every point in the process, and in every location in the state.

- Generally, fewer disparities of any sort appeared in Sexual and Driving offenses, suggesting that more emphasis was placed on the actual offense, and that there was more agreement in the criminal justice system about how those offenses should be handled.
- The frequency and degree of charge reductions for virtually all types of offenses have increased substantially since they were last reviewed in the mid-1980s.
- Men tended to receive longer times of incarceration in each of the analyses for Violent and Property crimes. There was generally little difference between men and women in Drug and Driving offenses.
- Eighty-five percent of defendants had prior criminal convictions; 25% had prior felony convictions.
- This was the first analysis done of Felony Driving While Intoxicated and other felony Driving offenses since statutory changes created the offense of Felony DWI in 1995. Most defendants convicted of a felony Driving offense were convicted of the original charge against them and almost none had all of the charges against them dismissed or acquitted.
- This was the first multivariate analysis of predisposition incarceration in Alaska. Most defendants (80%) charged with a felony in 1999 spent more than one day incarcerated before the disposition of their cases. The length of incarceration was significantly associated with a requirement for a third party custodian, the defendant's type of attorney, location of the case in the state, and the defendant's ethnicity and gender. More widespread unexplained disparities occurred in predisposition incarceration than at any other point in the criminal justice process.

## **B. Background of Report**

In 1995, the Alaska Supreme Court created the Advisory Committee to the Supreme Court on Fairness and Access. The Advisory Committee's 1997 report found "a perception that the criminal justice process is unfair to minorities. . . . Policy makers should determine the extent to which this perception is based in reality and should pinpoint specific problem areas."<sup>5</sup> The Committee went on to recommend that the state should study bail and that the Judicial Council should study sentencing,

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<sup>5</sup> REPORT OF THE SUPREME COURT ADVISORY COMMITTEE ON FAIRNESS AND ACCESS, *supra* note 1, at 25.



among other aspects of the criminal justice system process.<sup>6</sup> That recommendation led to this report about case processing and sentencing for felony charges filed in calendar year 1999.

## 1. Data Sample and Analysis

The Council chose a sample of felony cases from all of the state's courts. The sample included data from 2,331 felony cases, which constituted about two-thirds of all of the felony cases filed in 1999. The Council collected data from court files, presentence reports, the Department of Public Safety, and the Department of Corrections about defendant's characteristics, the nature of the charges and court processes, the type of attorney, and the outcomes of each case. The sample design and choices of variables were made by the Council after consultation with the Institute for Social and Economic Research (ISER) at the University of Alaska Anchorage who did the multivariate analysis, and after consultation with the Supreme Court Fairness and Access Implementation Committee.

After all the data were collected, the Council found that less information was available than had been in the past, especially about socioeconomic characteristics of defendants. Past socioeconomic data had often come from presentence reports, of which fewer were filed in 1999. Two changes in felony case processing since the 1980s accounted for much of the difference in the availability of the reports:

- Many more felony charges were reduced to misdemeanors before the disposition of the case, and presentence reports were rarely available for misdemeanor convictions; and
- Over a period of time, changes in state policies and practices have reduced the numbers of presentence reports requested for sentenced felony defendants.

The socioeconomic factors could have helped to explain the differences among defendants, both in predisposition incarceration and in sentences imposed. At bail hearings, judges might have taken into account the defendant's education, employment history, stability and other relevant socioeconomic factors when considering the defendant's likelihood of appearance and danger to the community. Judges might have relied on the same factors when weighing rehabilitation potential and other sentencing criteria. Data from previous reviews of felony sentencing suggested that having this information for the 1999 felonies would have helped explain some of the disparities by ethnicity and type of attorney but would not have accounted for all of them.

Other boundaries on the scope of the report included:

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<sup>6</sup> *Id.* at 77-80.

- The Council did not have information about actions in the case before it was filed in court. Two of the primary points at which disproportions might have occurred and been carried over into filed charges were arrests and screening of charges by prosecutors.
- The Council did not have enough defendants of Hispanic and Asian/Pacific Islander ethnicity to analyze possible disparities. The available analysis suggested that these defendants might, like other minority ethnic groups, be experiencing scattered disparities in incarceration times and charge reductions.
- Data were not available in the court case files to accurately track some factors that could have affected the amount of time that defendants spent incarcerated before the disposition of their cases. It was not possible to know how many defendants received credit for time served on other offenses, or credit for time spent in residential treatment programs, for example.
- The Council relied on information in court case files to decide whether a given case had negotiated charges, a negotiated sentence, or both. The high rate of reduction of felony charges to misdemeanors without recorded mention of plea negotiations suggested that plea agreements may have occurred much more frequently than the court case files showed.

Even with these considerations, the Council still had data on more than one hundred variables. These included: the felony charges filed against each defendant; the dates of the offenses; the relationship between the defendant and the victim; contemporaneous cases; the location of the case; the defendant's residence; birth date; ethnicity; prior criminal convictions; the defendant's problems with alcohol or substance abuse, or mental health; some information about the defendant's bail status; the type of attorney; the length of time taken to dispose of the case; the sentence for each charge; and requirements such as restitution, treatment, and fine associated with the sentence.

To see what factors about the defendant and the case were associated with possible disparities in treatment during the felony process, the Council chose to look at the amount of time that a defendant spent incarcerated before the case disposition, the charge reductions in the case, the length of the sentence and likelihood that the defendant would serve any amount of time, and the total time that a defendant was incarcerated during the case (pre- and post-disposition). Although the report was not structured to show cause and effect relationships,<sup>7</sup> it could show how different characteristics

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<sup>7</sup> Generally, to show cause and effect scientifically, the standard practice is to design a study in which some cases or defendants are randomly assigned to one or more special types of treatment or processing and other defendants are assigned to a control group. This is different from the purpose of the Council's review of the criminal justice system, which was to describe the characteristics of Alaska's system, the characteristics of the defendants in the system, and some of the ways in which the defendants' characteristics appeared to be associated with events in the criminal justice

of the defendant or the case were associated with the length of time that a defendant might spend incarcerated during the case. Incarceration is generally used as a measure of the severity of the case or of the defendant's history and qualities. Other measures could have been used, such as the amount of fine or restitution required, or the number of court hearings, but incarceration is the standard method of expressing the severity of offenses.<sup>8</sup>

The Council worked with the ISER at the University of Alaska Anchorage to design the review of the felony process. To provide an objective and independent analysis of the data, ISER performed all of the multivariate analyses on which most of the report's findings were based. The Council carried out most of the less complex analyses, and ISER reviewed them for accuracy and completeness of findings. Information on all of the methods used is available from the main report or from the Council.

## **2. Defendants and Cases in Alaska**

### **a. Alaska compared to other states**

Defendants' ages and genders in Alaska were similar to felony defendants in other states, but ethnicity distribution differed. Eighty-three percent of convicted felons in other states and 85% in Alaska were male. The mean age for convicted felons in other states was 31 years; it was 32 years in Alaska. Caucasians made up about 83% of the population in the other states reported on, and 76% of the adult Alaska population in 1999. In other states and in Alaska, Caucasian defendants made up a little more than half the defendants: 55% in other states and 52% in Alaska. The difference came in the ethnic minorities, with 44% of convicted felons in other states identified as Blacks and 1% as "Other." In Alaska, 12% of convicted felons were Black, and the "Other" included 30% Native, 3% Hispanic and 2% Asian/Pacific Islander.

Alaska offenses differed significantly from other states. Alaska's rate of reported crime per 100,000 defendants was only slightly higher than that for other states, but the rate of reported Violent offenses was 20% higher than the national rate. Violent offenses were a substantially larger part of overall convictions in Alaska, and Alaska rates for conviction after arrest on Robbery and Assault exceeded the national rates. The rate of reported Rape in Alaska was the highest of any state in the

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process.

<sup>8</sup> For example, the criminal code characterized the severity of the offense by the amount of incarceration that could be imposed – not more than one year for a misdemeanor, not more than five years for a Class C offense, and so forth. The code specified maximum fines and other sanctions that could be associated with the offense, but the amount of incarceration was the chief sanction described.

United States. Despite the very high rate of reported Rape, arrests for Rape were about 33% lower than in other parts of the country and convictions of Rape were about half the national average.

Alaska's criminal justice processes for handling felony cases resembled those throughout most of the United States. Defendants were arrested, had bail hearings, and were assigned public attorneys if they were indigent, in Alaska and in other states. A comparison of Alaska felony cases to those in other states' courts showed that in both Alaska and elsewhere about 80% of felony defendants had a public attorney assigned, and that it took about the same amount of time to dispose of cases (arrest or filing to sentencing) in Alaska as it did nationally. Conviction rates in Alaska closely resembled those in other parts of the country, as did times to disposition of the case. More Alaska defendants were sentenced to time to serve, and they were likely to serve more of the time imposed, balancing a finding that time imposed for sentences tended to be somewhat shorter than sentences in other states.

## **b. Cases within Alaska**

The Council sampled 1999 filed felony cases from every court location in the state and for all types of felonies. For this report, location and type of offense were the two primary variables used to define sub-analyses. In addition to their associations with each other, location and type of offense were closely related to the other variables in the report. Type of offense was more often related to defendant characteristics such as gender and age, and to type of attorney, while location of the case was more often associated with type of disposition, length of time to process the case, and predisposition incarceration. Both type of offense and location were related to the defendants' ethnicities.

### **1) Type of offense**

The types of offenses usually were defined as Murder/Kidnaping, Violent, Property, Sexual, Drug and Driving. A group of about 300 "other" offenses<sup>9</sup> was used in some of the analyses, but excluded from others. Drug offenses were more frequently associated with private attorney representation than were other types of offenses. Private attorneys represented about 16% of the defendants charged with Violent felonies, about 10% of those charged with Property offenses, and about 28% of those charged with Drug offenses.

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<sup>9</sup> "Other" offenses included Misconduct Involving Weapons, Perjury, Custodial Interference in the First Degree, and many others that were charged infrequently and were too different from each other and other more common offenses to make valid comparisons.

Type of offense and ethnicity showed important correlations. Caucasian defendants made up about one-half of all defendants, but were under-represented among Sexual offenses (only 32% of all defendants charged with Sexual offenses) and over-represented among Drug offenses (61% of all defendants charged with Drug offenses). Black defendants were 11% of all defendants, but only 6% of those charged with Sexual offenses. A larger percentage of Black defendants were charged with Other offenses and Drug offenses (16% of all the defendants who were charged with Drug offenses). Natives made up 30% of all defendants but were 55% of all defendants charged with Sexual offenses, 36% of those charged with Driving offenses, and 35% of those charged with Violent offenses.

## **2) Location of case**

Anchorage dominated the case sample, with about 40% of the cases in the sample. Fairbanks had 11%, Palmer had 10%, Bethel had 8%, and the remaining cases came from smaller court locations. Locations were defined as Anchorage, Fairbanks, Juneau, Southcentral (mainly the Matanuska-Susitna Valley (“Mat-Su”) and the Kenai Peninsula), Southeast (locations outside Juneau), and Other (the remainder of the courts) for much of the analysis. Broader groupings were defined for the multivariate analysis as “statewide,” “Anchorage” and “outside Anchorage.” Locations differed from each other by type of attorney, type of offense, the use of predisposition incarceration, ethnicities of defendants, and other variables. The multivariate analyses also showed differences in predisposition incarceration, charge reductions, and non-presumptive sentences by location.

A close association between location and type of offense appeared in the data. Robberies, for example, were more frequent in Anchorage than anywhere else in the state, as were drug sales (Misconduct Involving a Controlled Substance in the Third Degree, MICS 3) and Theft 2 offenses. Possession of drugs and marijuana sales (MICS 4) were substantially higher in Southcentral than elsewhere in the state. Felony DWI cases were more frequent in Southcentral and less frequent in Other (more rural) areas. In the smaller communities, Assaults were more common, as were the lower degrees of Sexual Abuse of a Minor offenses.

## **3) Other defendant variables: prior convictions and substance abuse/mental health problems**

Defendants' prior criminal convictions were related to their ethnicities and to the outcomes of their cases. Only about 15% of the defendants had no prior convictions.<sup>10</sup> A total of 25% of the defendants had been convicted of other felonies. Thirteen percent had one prior felony, 6% had two prior felonies and another 6% had three or more prior felonies. About one-quarter of all defendants (24%) had one to three prior misdemeanors and 21% had four or more misdemeanors (but no felonies) on their records. A prior felony conviction meant that conviction on a felony charge in the present sample of cases would result in a presumptive sentence for the defendant.

The defendants' ethnicities were associated with different types of prior convictions. If the defendant was Black, he or she was more likely to have a prior felony conviction (41% had at least one prior felony conviction, compared to 23% of Caucasians and 27% of Native defendants). Native defendants were more likely to have four or more prior misdemeanors (28% did, compared to 16% of Blacks and a statewide average of 21%).

The analysis showed significant differences in offense type when viewed in the context of defendants' prior criminal convictions. For example, Murder and Kidnaping defendants were somewhat more likely to have prior felonies or no prior convictions, but Violent offenders were more likely to have prior misdemeanor convictions. Sexual offenders were less likely to have prior felonies, and more likely to have no prior convictions. Defendants convicted of Other offenses and Driving offenses were significantly more likely to have prior felonies. Driving offenders were also more likely to have prior misdemeanors. Most of the Driving offenders were convicted of Felony DWI or Refusal, offenses that were defined by having prior convictions of the same offense.

Another important set of variables reviewed for 1999 felony charges was the defendant's experience with alcohol, drug, and mental health problems. Overall, more than two-thirds (69%) of the convicted defendants in the group had an alcohol problem, about half (49%) had a drug problem, and about one-third (31%) of convicted defendants were identified as having a mental health problem. Larger than average percentages of Native defendants were identified as having alcohol problems, and larger percentages of Hispanic and Black defendants were identified as having drug problems. Mental health problems appeared to be less associated with particular ethnicities. Although more of each of these problems appeared in Juneau and Southeast data, the finding may have been a result of different reporting practices in those areas, not actual differences among locations.

#### **4) Type of attorney**

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<sup>10</sup> For another 15% of the defendants, the criminal history could not be found.

Eighty percent of charged felony defendants were represented by a public attorney showed that judges determined that the great majority of felony defendants were indigent. Defendants charged with Driving, Other, and Drug offenses were somewhat more likely to be represented by private attorneys. Slightly higher percentages of ethnic minority defendants were represented by public attorneys compared to the percentage of Caucasian defendants represented by public attorneys. Similar percentages of defendants represented by public and private attorneys had substance abuse problems but a higher percentage of convicted defendants represented by public attorneys had a mental health problem (33%) than convicted defendants represented by private attorneys (20%).

Type of attorney was associated with prior convictions. Defendants with more serious prior criminal convictions were more likely to be represented by public attorneys. Twenty-two percent of defendants represented by private attorneys, but only 14% of those represented by public attorneys, had no prior criminal convictions. At the other end of the spectrum, 7% of the defendants represented by public attorneys, but only 3% of those represented by private attorneys, had three or more felony convictions.<sup>11</sup>

The relationships between type of attorney and other variables such as type of offense, ethnicity, substance abuse and mental health problems, and prior convictions did not explain the type of attorney disparities that were identified in this report. For example, the finding that defendants with private attorneys were less likely to have any prior criminal convictions did not explain findings that private attorney defendants were incarcerated for shorter times. The effects of these variables were taken into account in the multivariate analysis.

### **3. Case Processing Findings**

Cases varied by time to disposition, the likelihood that a defendant would plead to the original charge filed, the chance that the defendant would go to trial, and likelihood that all charges against the defendant would be dismissed. Each of these varied by type of attorney and the location of the case in the state. Although the court may have played a part in these variations, many of them were related to decisions made by the attorneys and defendants in the case. Charge reductions and dismissals were the province of the prosecutors and were often made after discussions with the defendants and defense attorneys. The defendants decided whether to plead to the charges without an agreement, or accept a plea agreement, or go to trial. These decisions, in turn, were related to the amount of time needed to dispose of a case.

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<sup>11</sup> This relationship between type of attorney and prior criminal convictions did not account for the multivariate findings that defendants with private attorneys were closely associated with better outcomes in their cases.

About 85% of charged felony defendants were convicted and about 15% had all the charges against them dismissed or were acquitted after trial. Statewide analysis showed that if all the charges against the defendant were dismissed, the case took about 81 days until its disposition. Fairbanks cases took about 66 days, and Southcentral cases took about 107 days.

Convicted defendants either pled guilty or no contest, or were convicted after trial. A defendant's choice to go to trial appeared to be associated with the location in the state. Fairbanks (7%) and Barrow (14%) defendants chose to take their cases to trial more often than defendants than the statewide average of 4%. Cases that went to trial averaged 312 days to disposition, with trial cases in Southcentral taking 417 days, and trial cases in northern and western Alaska taking 268 days.

If defendants entered a plea, the time to disposition, and their likelihood of pleading to a lesser charge also varied by location. The decisions about reducing charges were made by the prosecutor in the case, not the judge. Statewide, of all convicted defendants, 41% pled to the original charge against them, 41% pled to a misdemeanor, and 14% pled to a lesser felony.<sup>12</sup> In Fairbanks, however, 63% pled to the original charge, 21% pled to a misdemeanor and 8% were convicted after trial. Some smaller communities were associated with higher percentages of defendants who pled to misdemeanors (e.g., Dillingham, 60%; Kodiak, 58%; Sitka, 57%; Bethel, 50%) but for most communities, pleas to misdemeanors made up 40% or more of their dispositions.

Many more charges were reduced in 1999 than in the Council's previous analysis of data from 1984-1987. Many fewer defendants were convicted of the original charge against them in 1999. For most offenses, the difference came in substantially larger percentages of defendants convicted of a misdemeanor. For example, of the Burglary 1 convictions, in 1984-1987, 34% were convicted of a misdemeanor. In 1999, 65% were convicted of a misdemeanor.

Time to disposition also varied by location and the type of plea. Statewide, pleas to misdemeanors took substantially less time (average of 97 days) than did pleas to the most serious original charge (average 184 days). Pleas to lesser felonies averaged 226 days. Anchorage and Southeast defendants tended to have shorter times to case disposition and Fairbanks and Southcentral defendants tended to have longer times, especially for pleas to lesser felonies.

#### **4. Background Predisposition Incarceration Findings**

This review of 1999 felony cases compiled data about defendants' incarceration before the disposition of their cases for the first time since 1973. Most defendants (80%) spent one or more

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<sup>12</sup> As noted above, 4% were convicted after trial statewide. Appendix B, Table B-1 of the report shows the charge changes for each of the original felonies filed.



days incarcerated before the disposition of their case. A majority (58%) spent thirty or fewer days incarcerated before release. In 1999, the percentage of unsentenced prisoners among Alaska's inmate population was 36% (including defendants charged with misdemeanors and probation revocations). From 1997 to 2000,<sup>13</sup> the percentage of unsentenced prisoners in Alaska increased from 31% to 41% of the prison population. Analysis by DOC in 2001 suggested that the increase came not from more admissions to the institutions but from defendants spending longer times incarcerated before sentencing.<sup>14</sup>

Two of the major tools used by judges to assure the defendants' appearances for court hearings and to assure public safety were money bonds and the requirement of a third party custodian. These often were used together for a single defendant. Other conditions on release included unsecured bonds and the defendant's own recognizance (the defendant's promise to appear).

Overall, 39% of the defendants posted a money bond to secure their release. Fifty-six of those charged with a Driving felony posted a money bond, but only 24% of those charged with Murder or Kidnaping offenses did. Of the defendants who posted a money bond, 60% also were required to have a third party custodian.

Third party custodian requirements played an important part in defendants' predisposition incarceration. If the third party custodian was required as a condition of release, the defendants were likely to spend more time incarcerated. While 20% of all defendants charged with felonies spent less than one day incarcerated before disposition of the case, only 8% of defendants required to have a third party custodian spent less than a day incarcerated. The multivariate findings also showed a substantial association between the third party custodian requirement and the length of time incarcerated before disposition, even when prior convictions, type of offense, and many other variables were taken into account.

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<sup>13</sup> E-mail from Commissioner Marc Antrim, Alaska Department of Corrections (December 2003).

<sup>14</sup> E-mail from Margaret Pugh, former Commissioner, Alaska Department of Corrections (on file with Alaska Judicial Council) (November 2001).

## 5. Background Sentence Findings

Sentencing in Alaska could be either presumptive or non-presumptive. Defendants with a presumptive sentence (18% of the convicted defendants) were convicted of a more serious felony or had a prior felony conviction. The non-presumptive sentences included all sentences for defendants originally charged with a felony but convicted of a misdemeanor, and sentences for first-time felony offenders convicted of less serious Class B and C offenses. Forty-one percent of all convicted defendants were convicted of a felony with a non-presumptive sentence and another 41% were convicted of a misdemeanor and therefore also had a non-presumptive sentence.

Most defendants with a presumptive sentence received either the exact presumptive sentence or an aggravated (higher) sentence. The offenders convicted of the more serious Unclassified and Class A offenses had a much smaller chance of receiving a mitigated sentence (14% of the Unclassified and 16% of the Class A offenders). Class B and C offenders with presumptive sentences were, by definition, repeat felony offenders. Larger percentages of those offenders had mitigated sentences, especially in Property and Drug offenses,<sup>15</sup> than did the more serious offenders.

For all sentenced offenders, the Council calculated mean sentences and distribution of sentences by specific offense.<sup>16</sup> The mean sentence and distributions did not take into account the defendant's prior convictions, type of attorney, or any of the other characteristics that were included in the multivariate analyses. These calculations of mean sentence showed that sentences ranged from a mean of 87 years for the two defendants in the sample convicted of Murder 1, to two weeks for two defendants originally charged with a felony but convicted of the misdemeanor Vehicle Theft 2. A handful of defendants charged with felonies but convicted only of misdemeanors did not have any unsuspended incarceration to serve. For each category of Violent offense, the mean sentence included some unsuspended incarceration.

### C. Major Report Findings from Multivariate Analysis

This report relied upon a variety of analyses to make its findings. The less complex findings were reported in the earlier sections of this summary. In the multivariate analyses reported in this section, analysts looked at the associations among numerous independent variables (such as ethnicity, gender, and type of attorney) and dependent variables, mainly involving the amount of time that a defendant spent incarcerated at different points in the criminal justice process. The multivariate

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<sup>15</sup> Most Drug and all Property offenses were Class B and C offenses.

<sup>16</sup> See *infra* Appendix C.

analyses also considered the associations between the independent variables and the likelihood and degree of charge reductions.

The multivariate findings resulted from complex equations. The findings are described in the main report with substantial detail about the methods used to quantify the size of the associations between the dependent variable and the independent variables. The methodology discussion will not be repeated in this summary.

The analyses focused on differences in length of predisposition incarceration, post-disposition incarceration, total time to serve, and reductions in charges that were associated with gender, ethnicity, age, type of attorney, type of offense, location in the state, defendant's criminal convictions, number of charges, and so forth. In each of the analyses, the equations took into account all of the variables simultaneously. The analyses could be phrased as, "all other things being equal (treating the defendants as comparable in every respect except the variable (e.g., gender) being considered), the association between (e.g., gender) and predisposition incarceration is statistically significant." None of the findings represent cause and effect relationships; this report was not designed to find cause and effect relationships.

## **1. Lack of Systematic Disparity**

The overriding finding in the multivariate analyses was that none of the disparities found were systematic. Although type of attorney, ethnicity, gender, location in the state, and type of offense, among other variables, were associated with differences in incarceration times, the disparities differed substantially by location and type of offense. The variations suggested that a variety of factors could have been related to the disparities.

## **2. Disparities Associated with Ethnicity**

Disparities associated with ethnicity were found at all points in the process. The multivariate analysis measured the effect of ethnicity while simultaneously accounting for the effects of other variables such as age, gender, type of attorney, location in the state, number of charges, plea agreements, and mental health, alcohol and substance abuse problems. The sentencing disparities were limited to non-presumptive Drug offenses. Specifically, the data showed that being Black in Anchorage and being Native outside Anchorage both were associated with longer sentences for non-presumptive Drug offenses.

In predisposition incarceration, the report found that being Native was associated with longer times of incarceration for Natives statewide and Natives outside Anchorage for All Offenses Combined. Being Native was associated with longer time incarcerated for Violent offenses statewide, for

Property offenses statewide and outside Anchorage and for Driving offenses statewide. If Native defendants were experiencing systematic disparities, the analysis would have found differences in most types of offenses and in most locations. Similarly, being Black was associated with longer predisposition incarceration for All Offenses Combined statewide and for Drug offenses statewide.

The analysis also found ethnic disparities in charge reductions. The disparities in charge reductions appeared only for defendants of Other ethnicities (Hispanic and Asian/Pacific Islander), but there were too few defendants of those ethnicities to do further analysis.

The analysis also found ethnic disparities in “total time.” Some defendants may have spent more time incarcerated before the disposition of their cases than they were sentenced to serve after conviction. To determine the total time incarcerated in the case, the analysis used the longer of predisposition incarceration or sentenced time as the dependent variable. In this analysis, ethnicity continued to have a significant association with length of time required for some types of offenses. Being Native was associated with longer total time incarcerated in Violent and Drug offenses, and in All Offenses Combined at the statewide level. Being Black was associated with longer total time for Drug offenses in Anchorage and Violent offenses outside Anchorage.

### **3. Lack of Disparities in Presumptive Post-disposition Incarceration**

The report found no disparities in presumptive unsuspended post-disposition incarceration.<sup>17</sup> Presumptive post-disposition incarceration was analyzed using the same equations as those used for the non-presumptive post-disposition incarceration. The significant associations with days of unsuspended post-disposition incarceration were only for variables such as the defendant’s prior criminal convictions, sentenced charge, and the class of the convicted charge, that were expected to have an association with post-disposition incarceration. Those few variables accounted for more than 80% of the variation among defendants’ post-disposition incarceration, with no significant variation by type of attorney, ethnicity, gender or other demographic variables.

### **4. Type of Attorney Disparities**

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<sup>17</sup> The equations used to analyze the amount of time that was imposed on a defendant at the sentencing hearing were designed to account for all time served by the defendant before the disposition of the case, plus to account for the good time credit that the defendant would have received for any days of predisposition incarceration. A formula of 1½ times the actual number of predisposition days was used. For example, if a defendant had 30 days of predisposition incarceration, the defendant appeared in the regression equation with a “censor” of 45 days. For this reason, the variable was described as “post-disposition incarceration” rather than as “sentence.”

The report's findings showed more associations between the variable "type of attorney" and the outcomes of charge reductions and lengths of time incarcerated than were found with any other variable. In general, defendants with private attorneys spent less time incarcerated in all locations for All Offenses Combined, and for Violent and Property offenses. Having an OPA staff or contract attorney or public defender attorney was generally associated with less likelihood of beneficial charge reductions, except in Drug offenses.

For Driving offenses, having a private attorney was associated with significantly fewer days in predisposition incarceration, but was not associated with any differences in non-presumptive post-disposition incarceration or total time incarcerated. Likewise, for Drug offenses, having a private attorney was associated with fewer predisposition incarceration days, but was not associated with any significant differences in non-presumptive post-disposition incarceration or total time incarcerated. The one anomaly was non-presumptive Drug post-disposition incarceration in Anchorage, in which having a private attorney was associated with more estimated days. For Sexual offenses, having a private attorney was not associated with any significant difference in predisposition incarceration, but did appear associated with less non-presumptive post-disposition incarceration statewide and outside Anchorage, and with shorter total incarceration outside Anchorage.

The analysis found that type of attorney differences were independent of ethnicity, age and gender of defendants; defendants' prior convictions; alcohol, drug and mental health problems; and location in the state. Although the analyses reported earlier found associations among type of attorney and several of these factors, the equations held the associations with these variables equal for all defendants. This meant that when the other variables had been taken into account, defendants with private attorneys still spent less time incarcerated than defendants with public attorneys, or received more favorable charge reductions.

The Council reviewed the possibilities that information not available during the data collection such as the defendant's education, employment, economic status, marital status, and so forth could have accounted for the differences among defendants. It reviewed past Alaska reports in which data about those variables had been available to include in the equations. While socioeconomic data occasionally was associated with significant differences in length of incarceration, type of attorney often appeared to be important even when the socioeconomic factors were analyzed. The same held true for ethnicity. In earlier reports that included socioeconomic factors, ethnicity appeared to be associated, in scattered instances, with length of incarceration. For some of the analyses, both socioeconomic factors and ethnicity were simultaneously significant.

Another factor hypothesized to be associated with the type of attorney differences was the amount of resources available to public attorneys. Information from a legislative audit published in 2000 for

the year 1998 suggested that the Public Defender Agency had fewer resources with which to manage criminal cases than did the Department of Law.

## **5. Fewer Disparities in Sexual and Driving Offenses than Among Other Offenses**

Throughout the multivariate analyses, the two offense groups with the fewest significant associations between incarceration times and independent variables were Sexual and Driving offenses. Only a few disparity findings for Driving offenses occurred. Most were associated with type of attorney and drug or alcohol problems.

In Sexual offenses, the analysis showed that ethnicity had no association with either length of incarceration or charge reductions at any point in the process. Type of attorney was not associated with the length of predisposition incarceration in Sexual offenses, and had only a few associations with charge reductions and with non-presumptive post-disposition incarceration and total time incarcerated outside Anchorage. Location in the rural areas of the state appeared to be entirely unassociated with length of incarceration and charge reductions for Sexual offenses.

The lack of strong associations in Sexual and Driving offenses with the major multivariate variables suggested that those offenses were handled differently than other offenses. In the regression equations, defendants in both Sexual offenses and Driving offenses were estimated to have spent substantially more time incarcerated than other types of defendants, especially in non-presumptive post-disposition incarceration and total time incarcerated. Post-disposition incarceration, in Driving offenses in particular, may have been affected by mandatory minimum sentences applicable to most defendants convicted of Driving offenses. Attorneys, judges and others in the justice system may have informally arrived at a consensus about how Sexual and Driving offenses should be handled, a consensus that reduced the opportunities for disparities to arise among defendants charged with or convicted of these offenses.

Other sections of the analyses showed that very few charge reductions or dismissals occurred in Driving offenses,<sup>18</sup> in contrast to most other offense types. For example only 11% of Felony DWI offenders had their single most serious charge reduced or dismissed. Sexual offenses, in contrast, had some of the higher charge reduction rates. Ninety-one percent of Sexual Assault 1 single most serious charges ended in reduced charges, or dismissals or acquittals, as did 79% of Sexual Abuse of a Minor 1, and 83% of Sexual Assault 2 offenses. Offenses witnessed by police, like most Driving and Drug offenses, generally resulted in higher conviction rates on the most serious charge than offenses not witnessed by police.

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<sup>18</sup> See *infra* Appendix B, at p. B-10.

## 6. Changes in Charge Reduction Patterns Between 1984-1987 and 1999 Cases

The Council published its last major review of felony cases in 1991, using data from the years 1984-1987.<sup>19</sup> A comparison of the data from those years with the 1999 felony outcomes showed that many more charge reductions occurred in 1999. In the 1984-1987 data, a greater percentage of defendants were convicted of the most serious original charge against them in 1999 for all but one category of offense, MICS 4 (Misconduct Involving a Controlled Substance 4, a Class C felony). The percentage of defendants convicted of the same charge rose from 60% in 1984-1987 to 67% in 1999. For example, 43% of the Sexual Assault 1 defendants were convicted of Sexual Assault 1 in 1984-1987, as compared to 12% in 1999. Defendants charged with and convicted of Assault 1 dropped from 25% in 1984-1987 to 12% in 1999; those charged and convicted of Burglary 1 dropped from 45% to 17% in 1999.

The most striking finding was the greatly increased percentage of charges that started as felonies but ended as misdemeanors. In 1984-1987, 7% of the defendants charged with Sexual Assault 1 were convicted of a misdemeanor; in 1999, the percentage was 29%. The percent of Assault 1 offenses that were ultimately convicted of a misdemeanor rose from 18% in the mid-1980s to 27% in 1999, and for Burglary 1, the misdemeanor convictions increased from 34% in the mid-1980s to 65% in 1999. The pattern of changes in charge reduction practices was not as consistent among all offenses for reductions to misdemeanors as it was for reductions from the original felony charge.

The changes in charge reduction patterns could have been associated with changes in charging practices, or in the ways that attorneys handled plea negotiations and reductions. The changes also could have been related to reductions in resources available to the criminal justice system. The appearance of significant disparities in charge reductions based on ethnicity, type of attorney and location in the state suggested that further analysis of the frequency of and reasons for charge reductions is warranted.

## 7. Differences Associated with Gender

Men tended to receive longer times of incarceration in every context, for Violent and Property crimes. Relative to women in Violent and Property cases, being male was associated with more time spent incarcerated prior to disposition of the case, more days imposed for non-presumptive post-disposition incarceration, and more total time incarcerated. In Drug cases, being male was associated

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<sup>19</sup> Teresa White Carns & John Kruse, Alaska Judicial Council, ALASKA'S PLEA BARGAINING BAN RE-EVALUATED (1991).

with some less favorable charge reductions. Being male was associated with fewer estimated days of non-presumptive Drug post-disposition incarceration in Anchorage, but more estimated days outside Anchorage.

One variable that was unavailable for the analysis that could have influenced the gender disparity findings was whether the defendant had children for whom he or she cared. Judges could have been reluctant to impose more incarceration that could have disturbed a beneficial parental relationship. The gender disparities appeared primarily in Violent and Property offenses, with much less disparity in Drug offenses and none in Driving offenses.<sup>20</sup> The lack of gender disparity across the board suggests that presence of children was not the only possible explanatory factor for the findings.

## **8. Findings About Predisposition Incarceration and Third Party Custodians**

This was the first multivariate review of predisposition incarceration in Alaska. Disparities appeared much more consistently in predisposition incarceration than in post-disposition incarceration or total time incarcerated, and all types of offenses except Sexual. Ethnicity was associated with longer periods of predisposition incarceration for Natives in All Offenses Combined, and in Violent, Property and Driving offenses, and for Blacks in All Offenses Combined, and in Drug and Driving offenses. Defendants with private attorneys were associated with shorter predisposition times for all categories except Sexual. Being male was associated with longer predisposition incarceration for Violent and Property offenses, and being in a rural area was associated with shorter predisposition incarceration for Violent, Property and Driving offenses.

In addition to the factors in the equations, such as ethnicity, type of attorney, rural area, gender, age, presumptive charge, number of charges against the defendant, and so forth, reviewers of the data (including attorneys and judges) suggested that other factors could have affected the length of predisposition incarceration. They mentioned the possible influence of credit for time served in residential treatment programs, of the fact that the defendant could have been serving time on an unrelated charge, and of the importance of socioeconomic factors in shaping the judges' bail decisions. Having information about each of these factors, especially the socioeconomic factors, could have helped to understand the findings about predisposition incarceration.

The requirement of a third party custodian before a defendant could be released to await disposition of the case had a significant and unexpected association with the length of predisposition incarceration. Defendants for whom the third party custodian was required were likely to serve more time before the case was disposed of when compared to defendants without the requirement. The

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<sup>20</sup> There was only one woman charged with a Sexual offense in this sample; she was convicted of a non-Sexual misdemeanor. A valid comparison group for analysis of gender in the multivariate equations would have had to be larger.



finding held true in all types of cases statewide and for most types of cases in Anchorage and outside Anchorage. Holding all other factors equal, the third party requirement contributed substantially to the time incarcerated before disposition for most types of offenses. This association of third party custodian with longer incarceration predisposition occurred independently of the effects of the defendants' prior convictions, type of attorney, alcohol, drug and mental health problems, and all of the other factors in the equations.

## **9. New Felony Driving Offenses**

This report contains the first detailed statistical analyses of the new felony Driving offenses created by the legislature in 1995. They made up about 7% of all charged offenses in the 1999 sample. The defendants tended to be older, and were more likely to be Native or Caucasian than Black. Other findings related to the Driving offenses are found throughout the report.

## **D. Recommendations**

Based on the findings reported here, the Judicial Council made a series of recommendations. These included:

- The court should encourage criminal justice agencies to work together toward the elimination of unwarranted disparities throughout the criminal justice process. The inter-branch working group should meet with representatives of ethnic organizations, community groups, local law enforcement, and others to review policies and procedures that might be associated with disparities. It also should meet with professionals and staff from the agencies that make up the justice system.
- Appropriate agencies should look at current predisposition incarceration practices and consider other options.
- The state and local communities should consider greater use of therapeutic courts to resolve the pervasive problems with alcohol, substance abuse and mental health issues.
- The state should consider the need to increase resources available to public defense attorneys and other criminal justice agencies.
- The state should review charging and charge reduction practices.
- The state should consider better monitoring for defendants convicted of misdemeanors and should provide sufficient resources to carry out its decisions.
- The state should improve collection of data about ethnicity in agency files, court case files, and the court's new case management system for reporting offenses, arrests, prosecutorial screening, and subsequent court actions. Agencies should routinely review data to identify disparities, and the state should provide sufficient resources for independent comprehensive analyses.