



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969 (907) 279-2526 FAX (907) 276-5046
http://www.ajc.state.ak.us E-Mail: postmaster@ajc.state.ak.us

EXECUTIVE DIRECTOR
William T. Cotton

NON-ATTORNEY MEMBERS
Janice Lienhart
Mary Matthews
Vicki A. Otte

ATTORNEY MEMBERS
Geoffrey G. Currell
Paul J. Ewers
Robert H. Wagstaff

CHAIRMAN, EX OFFICIO
Warren W. Matthews
Chief Justice
Supreme Court

MEMORANDUM

TO: Judicial Council

FROM: Staff

DATE: May 26, 1998

RE: Recusal Records for Retention Judges

Alaska Statute § 22.20.020 and Canon 3C of the Code of Judicial Conduct describe the circumstances in which a judge should be disqualified from hearing a particular matter. Alaska Statutes § 22.20.020 prohibits a judge from acting in certain matters, for example, matters in which the judge is a party or material witness, matters in which the judge or a member of the judge's family has a direct financial interest, or matters in which the judge or the judge's former law firm represented either party in the case.

Judicial Canon 3C is a similar rule. It requires a judge to recuse (disqualify) him or herself from proceedings in which the judge's impartiality might reasonably be questioned. The Canon gives a number of examples of proceedings in which a judge's impartiality might be questioned: when the judge has a personal bias against a party, when the judge or the judge's former law partner served as a lawyer in the matter in controversy, or when the judge or a member of the judge's family has a financial interest in the case or in a party.

Canon 5 of the Code of Conduct advises judges to regulate their extra-judicial activities to minimize the risk of conflict with their judicial duties. For example, a judge should refrain from

financial and business dealings that tend to interfere with the proper performance of judicial duties or involve the judge in frequent transactions with lawyers or persons likely to come before the court.

The table on the next page shows the number of cases from which each trial court retention judge recused him or herself over his or her past term in office. In interpreting the information, understand that conflicts and the resulting recusals are sometimes unavoidable. In fact, in some cases, it would be unethical for a judge **not** to recuse him or herself from a case. Recusals can result from a number of different situations and do not necessarily indicate that the judge has failed to sufficiently regulate his or her extra-judicial activities.

Other problems with the information in the table concern accuracy and completeness. The figures, which are taken from court system records, are not necessarily correct. Nor are the necessarily complete. Please keep in mind these limitations when interpreting the data in the table.

RECUSAL RECORDS FOR RETENTION JUDGES					
Year	1993	1994	1995	1996	1997
Judge					
Jeffrey	4	2	3	5	4
Cutler	not avail.	16	8	9	4
Reese	--	0	0	0	not avail.
Steinkruger	0	6	0	0	not avail.
Collins	--		11	15	not avail.
Froelich	--	23	27	33	7
Lohff	--	0	0	0	not avail.
Motyka	--	1	0	0	not avail.
Murphy	--	0	0	0	not avail.
Neville	--	0	0	0	not avail.
Rhoades	--	4	3	2	1
Kauvar	--	0	0	0	not avail.