



ALASKA'S JUDICIAL EVALUATION AND RETENTION SYSTEM



Alaska's judges are appointed by a merit selection system. After appointment, they periodically appear on the ballot to allow the voters to decide whether they should be retained in office. These procedures were established by the Alaska Constitution and statutes to assure the appointment of qualified judges and the accountability of judges to the public throughout their tenure. Retention elections for judges are both nonpartisan and unopposed. Each judge stands for retention based on his or her record of judicial performance. If a judge is not retained in office, the position becomes vacant and a new judge is appointed by the merit selection system.

The Alaska Judicial Council is charged under Alaska statutes with evaluating judges up for retention elections and making recommendations to the voters. The Judicial Council is created by the Constitution. Its six members are citizen volunteers, with the Chief Justice of the Alaska Supreme Court sitting as chair. Three of the six members are attorneys and three are not attorneys.

The Judicial Council is required by law to publish its evaluations and recommendations on judges standing for retention election in the Official Election Pamphlet. These evaluations and recommendations appear on the following pages. A biographical statement, provided and paid for by the judge if the judge wishes, is printed separate from the Judicial Council's evaluation of that judge's performance.

For the 1998 General Election, the Judicial Council evaluated twelve trial court judges and one supreme court justice. The Council found all thirteen judges to be **QUALIFIED**, and recommends all for retention in office.

JUDICIAL EVALUATION PROCEDURES

The Judicial Council's judge evaluation is the most comprehensive and sophisticated in the country. To evaluate the judges standing for retention in 1998, the Council sent written surveys to about 7,800 Alaskans, solicited written and oral comments from all interested members of the public, and reviewed various other public and private records.

Attorney & Peace Officer Surveys - The Council surveys all active members of the Alaska Bar Association and all peace and probation officers in the state who handle state criminal cases. In 1998, the Council asked 2,604 attorneys and 1,338 peace and probation officers to evaluate the judges. The survey asks about the judges' legal ability, fairness, integrity, temperament, diligence and administrative skills. An independent contractor carries out the surveys for the Judicial Council, to assure objectivity in the findings.

Social Worker, Guardian Ad Litem (GAL), CASA Volunteer Surveys - The Council surveyed this year for the first time 298 social workers and citizens who participate in helping Alaska's children as GALs and CASA volunteers. The views of these citizens are particularly relevant now that Alaska's child protection system has come under scrutiny.

Juror and Court Employee Surveys - The Council surveys all jurors (about 3,000) who have served with the judges up for retention, as well as all court employees (about 550). These surveys give varied perspectives on the judges' performance.

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 his or her most recent term in office. The Council sends a brief questionnaire to all of the attorneys in each case. The questionnaire asks about the judge's fairness, legal abilities, temperament and administrative handling of the case.

Other Records - Council staff review a series of other public records, including a questionnaire filled out by the judge, conflict-of-interest annual statements filed with the Alaska Public Offices Commission and separate 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 and the number of reversals on appeal. The Council scrutinizes performance-related data carefully, because the type of caseload or a 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 more challenges (and possibly more appellate reversals) than a judge handling 1,000 criminal and civil cases.

Public Hearings and Comment - The Council held statewide public hearings for all judges standing for retention in 1998, using the legislature's teleconference network and public meeting rooms. Statewide newspaper ads and public

service announcements on radio stations 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. The Council tries to balance all the information it receives from all sources.

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, to respond to concerns raised by attorneys, peace or probation officers, or citizens. Council staff also interviewed persons who had information about judicial performance.

Other Publicity and Input - The Council widely publicizes the evaluation process through frequent press releases, personal contacts with radio and television stations, speeches to public groups such as community councils, and feature articles in newspapers. The Victims for Justice courtwatchers' group provided information to the Council about the retention judges in Anchorage who had been evaluated by that group.

DISSEMINATION OF RESULTS

The summary of the Council's evaluation information for each retention judge that appears on the following pages presents the attorney, peace and probation officer, juror and court employee survey scores for several of the more significant categories. The graphs present five summary scores from the peace and probation officer and attorney surveys. The ratings are on a five-point scale with "1" as the least favorable score, "5" as the highest 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 will contain performance information about the judges on the ballot this fall. (<http://www.ajc.state.ak.us>)

1998 RETENTION ELECTION CANDIDATES

Supreme Court: Robert L. Eastaugh

Superior Court: Michael I. Jeffery (Barrow)
Beverly W. Cutler (Palmer)
John Reese (Anchorage)
Niesje J. Steinkruger (Fairbanks)

District Court: Patricia Collins (Ketchikan)
Peter Froehlich (Juneau)
John R. Lohff (Anchorage)
Gregory Motyka (Anchorage)
Sigurd E. Murphy (Anchorage)
M. Francis Neville (Homer)
Stephanie Rhoades (Anchorage)
Jane F. Kauvar (Fairbanks)

JUDICIAL COUNCIL MEMBERS

Warren Matthews is the chairperson for the Judicial Council by virtue of his position as Chief Justice of the Alaska Supreme Court. Justice Matthews was appointed to the Supreme Court in 1977. Before his appointment he was an attorney in private practice. (Term: 7/97-6/00)

Geoffrey Currall is an attorney member of the Council from Ketchikan. He is a partner in the law firm of Keene and Currall. Mr. Currall served many years as a prosecutor before entering private practice. (Term: 2/98-2/04)

Paul Ewers is an attorney member of the Council from Fairbanks. He is a Deputy City Attorney with the City of Fairbanks. (Term: 7/97-2/00)

Janice Lienhart is a non-attorney member of the Council from Anchorage. She is the director of *Victims for Justice*, a non-profit agency dedicated to supporting victims of crime and advancing their interests. Ms. Lienhart was appointed to the Council by Governor Hickel. (Term: 5/93 - 5/99)

Mary Matthews is a non-attorney member of the Council who resides in Fairbanks. She is the Executive Director of the Literacy Council of Alaska. Ms. Matthews was appointed by Governor Knowles. (Term: 5/97-5/03)

Vickie Otte is a non-attorney member of the Council who resides in Juneau. She is the President of the *Native Justice Center*, a non-profit agency dedicated to improving access to justice for Alaska Natives. Ms. Otte was appointed by Governor Knowles. (Term: 5/95 - 5/01)

Robert Wagstaff is an attorney member of the Council from Anchorage. He is a sole practitioner with a general civil trial practice. (Term: 3/96 - 2/02)