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alaska judicial council

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Alaska Judicial Council
Trial Judge Questionnaire

2024 Candidates for Judicial Retention

Deadline: November 17, 2023

Patricia L. Haines
Name

Fairbanks Superior Court
Court

1. Please estimate your workload during your present term.

a) 55 % civil cases
40 % criminal cases
5 % court administrative work
100 % Total

b) 5 # of jury trials/year
13 # of non-jury trials/year
2 # of administrative appeals/year

2. Please describe your participation on court/bar committees or other administrative activities during your current term of office.

I serve as a member of the Workplace Conduct Committee, the Appellate Rules Committee, and the Criminal Pattern Jury Instructions Committee.

3. Please describe any judicial or legal education you have undertaken or provided during your current term in office.

Attended the two-week general jurisdiction course at the National Judicial College in Reno, Nevada.

Attended a Zoom training titled "The Red Door Program: Evolve Experience."

Attended a child-in-need-of-aid enhanced resources training by the National Council of Juvenile and Family Court Judges.

Attended statewide judicial conferences in 2022 and 2023.

Attended "newer judges" training in 2022 and 2023, including shadowing more experienced judges in Anchorage.

Gave "off-the-record" educational presentations to courthouse staff on the topics of the grand jury process, motion practice, and victim's rights in criminal cases.

4. Please describe any public outreach activities during your current term in office.

Gave a presentation at Delta Junction High School to the student body regarding legal issues relevant to young adults.

Met with Tok high school students to answer questions about the court system and judiciary.

Addressed students participating in the Fairbanks District Attorney's Office's "Junior DA" program.

Interacted with children and teens who attended the court system's "open house" events for National Adoption Month and National Foster Care Month in 2022 and 2023.

5. This question pertains to Superior Court judges only.

State law requires the Council to conduct an evaluation of judges standing for retention, and to provide information to the public about the judges. Under a provision added in 2013, the information the Council provides to the public "shall include the judge's consideration of victims when imposing sentence on persons convicted of felony offenses where the offenses involve victims" (see AS 22.10.150).

Please submit a short statement about how you consider victims when imposing sentences in felony offenses.

My first question to the parties at every felony sentencing is whether the State has complied with its obligations under the Victim Rights Act to provide notice to the victim of the sentencing proceeding and informed any victim(s) of their right to participate and be heard. If the State has not complied with its obligations, I will continue the hearing and direct the State to notify the victim of the date and time of the continued hearing, as well as the victim's right to participate at sentencing if the victim wishes to do so. Ensuring a victim has the rights guaranteed by the Alaska Constitution to participate in the proceedings and be heard is the first step and a crucial step to considering victims when imposing sentence.

In imposing sentence, restoration of the victim is one of the factors the court is required to consider under AS 12.55.005. I weigh seriously the effect of the offense on the victim and the extent of the harm to the victim in determining an appropriate sentence, particularly if the victim chooses to give a victim impact statement or directly addresses the court. Unless the victim expressly declines restitution for loss suffered as a result of criminal conduct, I also order restitution as part of the sentence in an amount supported by credible evidence, as required by AS 12.55.045(a).

6. Please assess, in one or two paragraphs, your judicial performance during your present term. Appropriate areas of comment could include: satisfaction with your judicial role, specific contributions to the judiciary or the field of law, increases in legal knowledge and judicial skills, or other measures of judicial abilities that you believe to be important.

I was appointed in April 2021 and have been honored to serve as a superior court judge since that time. The caseload is substantial, but I work hard to try to ensure that all parties who come before the court receive a fair and impartial hearing and have an opportunity to be heard, recognizing the importance of each case to the parties involved.

I enjoy the great variety of cases that come before the superior court, including civil, criminal, probate, child-in-need-of-aid, and delinquency matters, as well as administrative appeals. The breadth of cases and issues makes the work intellectually challenging and rewarding. Understanding that most people want and need their cases decided as quickly as possible, I try to balance efficiency with making sure that decisions are grounded in the facts and law applicable to each case and are readily understandable to those who appear in court.

It would be an honor to continue to serve my community in this position.

7. During your most recent term as a judge, have you:

a) had a tax lien filed or other collection procedure instituted against you by federal, state, or local authorities? ☐ Yes ☑ No

b) been involved in a non-judicial capacity in any legal proceeding whether as a party or otherwise? ☐ Yes ☑ No

c) engaged in the practice of law (other than as a judge)? ☐ Yes ☑ No

d) held office in any political party? ☐ Yes ☑ No

e) held any other local, state or federal office? ☐ Yes ☑ No

f) had any complaints, charges or grievances filed against you with the Alaska Commission on Judicial Conduct, the Alaska Bar Association, the Alaska Court System, or any other agency that resulted in public proceedings or sanctions? ☐ Yes ☑ No

8. If your answer to any of the questions above is "yes," please give full details, including dates, facts, case numbers, and outcomes.

9. Please provide any other information which you believe would assist the Council in conducting its evaluations and in preparing its recommendations for the 2024 retention elections.

For questions 10 - 13, please do not list any cases that have pending issues in your court.

10. Please list your three most recent jury trials during your current term in office including case names and numbers. Please list the names and current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these trials. (Attach additional pages if necessary.)

Case Number 1

Case Name: State of Alaska *Case Number:* 4TO-19-00080CR

v. Michael Oman Boseman

Attorneys Involved:

Name: Andrew Baldock	Name: Justin Racette
Address: 510 2nd Ave, Suite 200	Address: 529 Fifth Ave, Suite 1
City, State, Zip: Fairbanks, AK 99701	City, State, Zip: Fairbanks, AK 99701
Name:	Name:
Address:	Address:
City, State, Zip:	City, State, Zip:

Case Number 2

Case Name: State of Alaska *Case Number:* 4FA-23-00042CR

v. Joshua Andre Hebert

Attorneys Involved:

Name: Dominic Plantamura	Name: Steven Miller
Address: 510 2nd Ave, Suite 200	Address: 529 Fifth Ave, Suite 1
City, State, Zip: Fairbanks, AK 99701	City, State, Zip: Fairbanks, AK 99701
Name:	Name:
Address:	Address:
City, State, Zip:	City, State, Zip:

Case Number 3

Case Name: State of Alaska *Case Number:* 4FA-22-02583CR

v. Jonathan James Norton

Attorneys Involved:

Name: Allison Baldock	Name: Patrick Roach
Address: 510 2nd Ave, Suite 200	Address: 529 Fifth Ave, Suite 1
City, State, Zip: Fairbanks, AK 99701	City, State, Zip: Fairbanks, AK 99701
Name:	Name:
Address:	Address:
City, State, Zip:	City, State, Zip:

11. Please list your three most recent non-jury trials during your current term in office including case names and numbers. Please list the names and current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these trials. (Attach additional pages if necessary.)

Case Number 1

Case Name: Reketta Peterson *Case Number:* 4FA-22-02537CI

v. Erick Jurna

Attorneys Involved:

Name: Taylor Thompson	Name: Alexis Howell
Address: 880 N Street Suite 101	Address: 645 G Street Suite 100 #558
City, State, Zip: Anchorage, AK 99501	City, State, Zip: Anchorage, AK 99501
Name:	Name:
Address:	Address:
City, State, Zip:	City, State, Zip:

Case Number 2

Case Name: Amber Bowdre *Case Number:* 4DJ-21-00046CI

v. James Bowdre

Attorneys Involved:

Name: Mila Neubert	Name: Craig Partyka
Address: P.O. Box 72270	Address: 714 Fourth Ave Ste 200
City, State, Zip: Fairbanks, AK 99707	City, State, Zip: Fairbanks, AK 99701
Name:	Name:
Address:	Address:
City, State, Zip:	City, State, Zip:

Case Number 3

Case Name: Heidi DeArmitt *Case Number:* 4FA-22-01321CI

v. Robert DeArmitt Jr.

Attorneys Involved:

Name: Margaret Rogers	Name:
Address: 100 Cushman St Ste 513	Address:
City, State, Zip: Fairbanks, AK 99701	City, State, Zip:
Name: Olivia Wells	Name:
Address: 100 Cushman St Ste 513	Address:
City, State, Zip: Fairbanks, AK 99701	City, State, Zip:

12. Please list your three most recent cases during your current term in office, including case names and numbers, which did not go to trial, but on which you did significant work (such as settlement conference, hearings, motion work, etc.). Please list the names and current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these cases. (Attach additional pages if necessary.)

Case Number 1

Case Name: Emily Trapp *Case Number:* 4FA-16-02178CI

v. Bradley Simanski

Attorneys Involved:

Name: Tom Hoffer
Address: 29 College Road, Suite 5
City, State, Zip: Fairbanks, AK 99701

Name:
Address:
City, State, Zip:

Name:
Address:
City, State, Zip:

Name:
Address:
City, State, Zip:

Case Number 2

Case Name: Kimberley Ann Sheldon *Case Number:* 4FA-20-02498CI

v. State of Alaska, Department of Health & Social Services

Attorneys Involved:

Name: Brian Starr
Address: 1031 W 4th Ave Ste 200
City, State, Zip: Anchorage, AK 99501

Name:
Address:
City, State, Zip:

Name:
Address:
City, State, Zip:

Name:
Address:
City, State, Zip:

Case Number 3

Case Name: Knik Construction Co., Inc. *Case Number:* 4FA-22-01761CI

v. State of Alaska, Department of Transportation and Public Facilities

Attorneys Involved:

Name: Aisha Tinker Bray
Address: 100 Cushman St Ste 400
City, State, Zip: Fairbanks, AK 99701

Name: Lindsay Taft Watkins
Address: 1325 4th Avenue Ste 1850
City, State, Zip: Seattle, WA 98101

Name:
Address:
City, State, Zip:

Name:
Address:
City, State, Zip:

13. *Optional:* If you deem it helpful to the Council, please list up to three other cases during your current term in which you believe your work was particularly noteworthy. Please list the names and current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these cases. (Attach additional pages if necessary.)

Case Number 1

Case Name: _____ ***Case Number:*** _____

v. _____

Attorneys Involved:

Name: _____ Name: _____

Address: _____ Address: _____

City, State, Zip _____ City, State, Zip: _____

Name: _____ Name: _____

Address _____ Address: _____

City, State, Zip _____ City, State, Zip _____

Case Number 2

Case Name: _____ ***Case Number:*** _____

v. _____

Attorneys Involved:

Name: _____ Name: _____

Address: _____ Address: _____

City, State, Zip: _____ City, State, Zip: _____

Name: _____ Name: _____

Address. _____ Address _____

City, State, Zip: _____ City, State, Zip: _____

Case Number 3

Case Name: _____ ***Case Number:*** _____

v. _____

Attorneys Involved:

Name: _____ Name: _____

Address: _____ Address _____

City, State, Zip: _____ City, State, Zip _____

Name: _____ Name: _____

Address: _____ Address _____

City, State, Zip: _____ City, State, Zip: _____

Table 43
Patricia L. Haines
Demographic Description of Respondents

		n	%
	All respondents	**85**	**100**
Experience with Judge			
	Direct professional experience	77	90.6
	Professional reputation	7	8.2
	Other personal contacts	1	1.2
Detailed Experience*			
	Recent experience (within last 5 years)	75	98.7
	Substantial amount of experience	31	40.3
	Moderate amount of experience	31	40.3
	Limited amount of experience	15	19.5
Type of Practice			
	No response	1	1.2
	Private, solo	8	9.4
	Private, 2-5 attorneys	12	14.1
	Private, 6+ attorneys	5	5.9
	Private, corporate employee	-	-
	Judge or judicial officer	23	27.1
	Government	27	31.8
	Public service agency or organization	2	2.4
	Retired	5	5.9
	Other	2	2.4
Length of Alaska Practice			
	No response	6	7.1
	5 years or fewer	14	16.5
	6 to 10 years	10	11.8
	11 to 15 years	10	11.8
	16 to 20 years	8	9.4
	More than 20 years	37	43.5
Cases Handled			
	No response	1	1.2
	Prosecution	6	7.1
	Criminal	14	16.5
	Mixed criminal & civil	37	43.5
	Civil	23	27.1
	Other	4	4.7
Location of Practice			
	No response	2	2.4
	First District	4	4.7
	Second District	2	2.4
	Third District	26	30.6
	Fourth District	51	60.0
	Outside Alaska	-	-
Gender			
	No response	2	2.4
	Male	39	45.9
	Female	43	50.6
	Another identity	+	+

*Only among those respondents reporting direct professional experience with the judge.
+Too few respondents to report.

Table 44
Patricia L. Haines
Detailed Responses

	n	Legal Ability *M*	Impartiality/ Fairness *M*	Integrity *M*	Judicial Temperament *M*	Diligence *M*	Overall *M*
All respondents	85	4.6	4.7	4.8	4.7	4.6	4.7
Basis for Evaluation							
Direct professional experience	**77**	**4.6**	**4.7**	**4.8**	**4.7**	**4.6**	**4.7**
Experience within last 5 years	75	4.6	4.7	4.8	4.7	4.7	4.7
Experience not within last 5 years	1	5.0	5.0	5.0	4.0	5.0	5.0
Substantial amount of experience	31	4.7	4.7	4.8	4.7	4.7	4.7
Moderate amount of experience	31	4.6	4.6	4.7	4.7	4.6	4.6
Limited amount of experience	15	4.5	4.7	4.7	4.7	4.6	4.6
Professional reputation	7	4.6	4.6	4.8	4.8	4.7	4.7
Other personal contacts	1	5.0	5.0	4.0	5.0	5.0	5.0
Type of Practice*							
Private, solo	8	4.6	4.5	4.8	4.5	4.4	4.6
Private, 2-5 attorneys	12	4.3	4.7	4.6	4.7	4.3	4.6
Private, 6+ attorneys	5	3.6	3.8	4.4	4.2	3.4	3.6
Private, corporate employee	-	-	-	-	-	-	-
Judge or judicial officer	21	5.0	5.0	5.0	5.0	5.0	5.0
Government	23	4.6	4.5	4.6	4.6	4.8	4.6
Public service agency or organization	2	5.0	5.0	5.0	5.0	5.0	5.0
Retired	4	5.0	5.0	5.0	4.8	4.8	4.8
Other	1	5.0	5.0	5.0	5.0	5.0	5.0
Length of Alaska Practice*							
5 years or fewer	11	4.4	4.3	4.7	4.6	4.5	4.4
6 to 10 years	9	4.6	4.7	5.0	4.8	4.9	4.8
11 to 15 years	9	4.9	4.8	4.7	4.8	4.8	4.8
16 to 20 years	8	4.6	5.0	4.9	5.0	4.5	4.8
More than 20 years	34	4.6	4.6	4.7	4.6	4.5	4.6
Cases Handled*							
Prosecution	6	3.8	3.8	4.6	4.2	4.4	4.0
Criminal	10	4.8	4.7	4.6	4.7	4.9	4.8
Mixed criminal & civil	35	4.9	4.8	4.8	4.8	4.7	4.8
Civil	22	4.4	4.5	4.7	4.6	4.4	4.6
Other	3	5.0	5.0	5.0	4.7	4.7	4.7
Location of Practice*							
First District	2	5.0	5.0	5.0	4.5	5.0	5.0
Second District	2	4.5	5.0	5.0	5.0	5.0	5.0
Third District	23	4.6	4.5	4.7	4.8	4.6	4.6
Fourth District	48	4.6	4.7	4.8	4.7	4.6	4.7
Outside Alaska	-	-	-	-	-	-	-
Gender*							
Male	37	4.8	4.8	4.8	4.8	4.7	4.8
Female	37	4.4	4.5	4.7	4.6	4.6	4.6
Another identity	+	+	+	+	+	+	+

*Ratings from only those respondents reporting direct professional experience with the judge.
+Too few respondents to report.

Table 37
Patricia L. Haines
Description of Respondents' Experience

		n	*%*
	All respondents	**43**	**100**
Experience with Judge			
	Direct professional experience	37	86.0
	Professional reputation	4	9.3
	Other personal contacts	2	4.7
Detailed Experience*			
	Recent experience (within last 5 years)	37	100.0
	Substantial amount of experience	9	24.3
	Moderate amount of experience	18	48.6
	Limited amount of experience	10	27.0

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

Table 38
Patricia L. Haines
Detailed Responses

	n	Impartiality/ Fairness *M*	Integrity *M*	Judicial Temperament *M*	Diligence *M*	Overall *M*
All respondents	43	5.0	5.0	5.0	5.0	5.0
Basis for Evaluation						
Direct professional experience	**37**	**5.0**	**5.0**	**5.0**	**5.0**	**5.0**
Experience within last 5 years	37	5.0	5.0	5.0	5.0	5.0
Experience not within last 5 years	-	-	-	-	-	-
Substantial amount of experience	9	5.0	5.0	4.9	5.0	5.0
Moderate amount of experience	18	4.9	5.0	5.0	5.0	5.0
Limited amount of experience	10	5.0	5.0	5.0	5.0	5.0
Professional reputation	4	5.0	5.0	5.0	5.0	5.0
Other personal contacts	2	5.0	5.0	5.0	5.0	5.0

Table 35
Patricia L. Haines
Demographic Description of Respondents

		n	%
	All respondents	**17**	**100**
Experience with Judge			
	Direct professional experience	16	94.1
	Professional reputation	1	5.9
	Other personal contacts	-	-
Detailed Experience*			
	Recent experience (within last 5 years)	16	100.0
	Substantial amount of experience	2	12.5
	Moderate amount of experience	9	56.3
	Limited amount of experience	5	31.3
Type of Work			
	No response	-	-
	State law enforcement officer	9	52.9
	Municipal/Borough law enforcement officer	3	17.6
	Village Public Safety Officer (VPSO)	-	-
	Probation/Parole officer	5	29.4
	Other	-	-
Length of Time as Alaskan Officer			
	No response	-	-
	5 years or fewer	3	17.6
	6 to 10 years	5	29.4
	11 to 15 years	2	11.8
	16 to 20 years	5	29.4
	More than 20 years	2	11.8
Community Population			
	No response	-	-
	Under 2,000	3	17.6
	Between 2,000 and 35,000	8	47.1
	Over 35,000	6	35.3
Location of Work			
	No response	-	-
	First District	-	-
	Second District	-	-
	Third District	2	11.8
	Fourth District	15	88.2
Gender			
	No response	-	-
	Male	12	70.6
	Female	5	29.4
	Another identity	-	-

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

Table 36
Patricia L. Haines
Detailed Responses

	n	Impartiality/ Fairness *M*	Integrity *M*	Judicial Temperament *M*	Diligence *M*	Overall *M*
All respondents	17	3.3	3.6	3.6	3.5	3.3
Basis for Evaluation						
Direct professional experience	**16**	**3.2**	**3.5**	**3.5**	**3.4**	**3.1**
Experience within last 5 years	16	3.2	3.5	3.5	3.4	3.1
Experience not within last 5 years	-	-	-	-	-	-
Substantial amount of experience	2	5.0	5.0	5.0	5.0	5.0
Moderate amount of experience	9	3.0	3.3	3.3	3.1	2.9
Limited amount of experience	5	2.8	3.0	3.3	3.0	2.8
Professional reputation	1	5.0	5.0	5.0	5.0	5.0
Other personal contacts	-					
Type of Work*						
State law enforcement officer	9	2.9	3.0	3.3	3.1	2.8
Municipal/Borough law enforcement officer	2	5.0	5.0	5.0	5.0	5.0
Village Public Safety Officer (VPSO)	-	-	-	-	-	-
Probation/Parole officer	5	3.5	4.0	3.8	3.5	3.5
Other	-	-	-	-	-	-
Length of Time as Alaskan Officer*						
5 years or fewer	3	3.0	3.0	3.3	3.3	2.7
6 to 10 years	5	2.5	2.7	3.0	2.7	2.5
11 to 15 years	2	3.5	4.0	3.5	3.5	3.5
16 to 20 years	4	3.5	3.8	3.8	3.5	3.5
More than 20 years	2	5.0	5.0	5.0	5.0	5.0
Community Population*						
Under 2,000	3	2.0	2.0	2.5	2.5	2.0
Between 2,000 and 35,000	7	3.0	3.2	3.2	3.0	2.8
Over 35,000	6	4.2	4.6	4.4	4.2	4.2
Location of Work*						
First District	-	-	-	-	-	-
Second District	-	-	-	-	-	-
Third District	1	5.0	5.0	5.0	5.0	5.0
Fourth District	15	3.1	3.3	3.4	3.3	3.0
Gender*						
Male	11	3.3	3.6	3.6	3.4	3.2
Female	5	3.0	3.3	3.3	3.3	3.0
Another identity	-	-	-	-	-	-

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

alaska judicial council

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

MEMORANDUM

TO: Judicial Council

FROM: Staff

DATE: April 03, 2024

RE: Juror Survey Report

The Alaska Judicial Council collected surveys from jurors who sat in trials during 2022, 2023, and the first part of 2024. The jurors sat before all of the 15 trial court judges eligible to stand for retention in 2024. A total of 456 jurors responded on Council-provided postcards that judges distributed to jurors at the end of each trial (see attached Juror Survey Card Example). Jurors completed the surveys on the postage-paid cards and mailed them to the Council.

Council staff entered the data from the surveys and ran basic descriptive statistics. This memorandum summarizes the findings. It is distributed to Council members and judges, and posted on the Council's website.

Table 1 shows the distribution of jurors by type of trial reported for each judge. Some jurors only wrote comments and did not rate the judge on the specific variables. Thus, there may be more respondents shown on Table 1 than appear on the judges' individual tables.

Table 1: Distribution of Jurors by Type of Trial, by Judge

Judge	Civil	Criminal	No Answer	Total
Ahrens, Rachel	1	38	1	40
Bahr, Maria Pia L.	2	46	5	53
Christian, Matthew	3	63	2	68
Dickson, Leslie	0	18	2	20
Franciosi, Michael	5	33	1	39
Haines, Trisha	1	44	3	48
Hanley, J. Patrick	9	34	1	44
Logue, Michael B.	1	23	6	30
McCrea, Kari	0	20	2	22
Pickrell, Kristian B.	4	3	0	7
Seifert, Bride	2	34	0	36
Walker, Herman G.	6	13	1	20
Wallace, David R.	6	11	1	18
Washington, Pamela	0	6	0	6
Zeman, Adolf	0	5	0	5

* Source: Alaska Judicial Council,
2024 Retention Juror Survey

Table 2 shows the distribution of number of days served, as reported by the jurors. Eighty-five percent of the jurors served fewer than five days.

Table 2: Distribution of Jurors by Type of Trial, by Judge

Number of Days Served	Percent	Count
1 - 2 Days	32.5	148
3 - 4 Days	52.2	238
5 - 7 Days	7.9	36
8 - 10 Days	0.9	4
11 - 20 Days	0.2	1
21 or More Days	0.9	4
No Answer	3.7	17
NA	1.8	8

* Source: Alaska Judicial Council,
2024 Retention Juror Survey

Individual Results

Table 3 shows each judge's mean rating for each question on the survey. Each judge's individual survey results are provided in separate tables. Jurors used a five-point scale, with excellent rated as five, and poor rated as one. The closer the jurors' ratings were to five, the higher that judge's evaluation by the jurors. The last column shows the total number of jurors who evaluated the judge on at least one variable.

Table 3: Mean Rating for each Variable and for "Overall Performance," by Judge

	Impartiality and Fairness	Respectful and Courteous	Attentive During Proceedings	Control During Proceedings	Intelligence and Skill as a Judge	Overall	Count
Ahrens, Rachel	4.9	4.8	4.9	4.8	4.7	4.8	40
Bahr, Maria Pia L.	4.9	5.0	4.9	5.0	4.9	4.9	53
Christian, Matthew	4.7	4.8	4.7	4.7	4.8	4.8	68
Dickson, Leslie	4.8	5.0	5.0	5.0	4.9	4.9	20
Franciosi, Michael	5.0	5.0	4.9	4.9	4.9	4.9	39
Haines, Trisha	4.9	4.9	4.8	4.9	4.9	4.9	48
Hanley, J. Patrick	5.0	5.0	5.0	5.0	4.9	5.0	44
Logue, Michael B.	4.9	4.8	4.9	4.9	4.9	4.8	30
McCrea, Kari	5.0	5.0	5.0	4.9	4.9	5.0	22
Pickrell, Kristian B.	4.4	4.6	4.6	4.4	4.9	4.6	7
Seifert, Bride	4.9	4.9	4.9	4.9	4.9	4.9	36
Walker, Herman G.	5.0	5.0	4.9	5.0	4.9	4.9	20
Wallace, David R.	4.9	5.0	5.0	4.9	4.8	4.9	18
Washington, Pamela	5.0	5.0	5.0	5.0	4.8	5.0	6
Zeman, Adolf	5.0	5.0	5.0	5.0	5.0	5.0	5

Source: Alaska Judicial Council,
2024 Retention Juror Survey

Table 4: Juror Survey Results 2024 Retention Evaluation: Ahrens, Rachel

Survey Category	Mean	Poor (1)	Deficient (2)	Acceptable (3)	Good (4)	Excellent (5)	Total Responses
Impartiality / Fairness	4.9	0	0	0	5	35	40
Respectful / Courteous	4.8	0	0	0	6	34	40
Attentive During Proceedings	4.9	0	0	0	5	35	40
Control Over Proceedings	4.8	0	0	1	8	31	40
Intelligence / Skill as a Judge	4.7	0	1	1	8	30	40
Overall Evaluation	4.8	0	0	1	6	33	40

Table 5: Juror Survey Results 2024 Retention Evaluation: Bahr, Maria Pia L.

Survey Category	Mean	Poor (1)	Deficient (2)	Acceptable (3)	Good (4)	Excellent (5)	Total Responses
Impartiality / Fairness	4.9	0	0	0	3	50	53
Respectful / Courteous	5.0	0	0	0	2	51	53
Attentive During Proceedings	4.9	0	0	0	4	49	53
Control Over Proceedings	5.0	0	0	0	2	51	53
Intelligence / Skill as a Judge	4.9	0	0	0	3	50	53
Overall Evaluation	4.9	0	0	0	4	49	53

Table 6: Juror Survey Results 2024 Retention Evaluation: Christian, Matthew

Survey Category	Mean	Poor (1)	Deficient (2)	Acceptable (3)	Good (4)	Excellent (5)	Total Responses
Impartiality / Fairness	4.7	0	0	2	18	48	68
Respectful / Courteous	4.8	0	0	2	12	54	68
Attentive During Proceedings	4.7	0	0	3	13	52	68
Control Over Proceedings	4.7	0	0	2	14	52	68
Intelligence / Skill as a Judge	4.8	0	0	1	12	55	68
Overall Evaluation	4.8	0	0	2	13	53	68

Table 7: Juror Survey Results 2024 Retention Evaluation: Dickson, Leslie

Survey Category	Mean	Poor (1)	Deficient (2)	Acceptable (3)	Good (4)	Excellent (5)	Total Responses
Impartiality / Fairness	4.8	0	0	0	3	17	20
Respectful / Courteous	5.0	0	0	0	1	19	20
Attentive During Proceedings	5.0	0	0	0	1	19	20
Control Over Proceedings	5.0	0	0	0	0	20	20
Intelligence / Skill as a Judge	4.9	0	0	0	2	17	19
Overall Evaluation	4.9	0	0	0	1	17	18

Table 8: Juror Survey Results 2024 Retention Evaluation: Franciosi, Michael

Survey Category	Mean	Poor (1)	Deficient (2)	Acceptable (3)	Good (4)	Excellent (5)	Total Responses
Impartiality / Fairness	5.0	0	0	0	0	39	39
Respectful / Courteous	5.0	0	0	0	0	39	39
Attentive During Proceedings	4.9	0	0	0	2	37	39
Control Over Proceedings	4.9	0	0	0	4	35	39
Intelligence / Skill as a Judge	4.9	0	0	0	2	37	39
Overall Evaluation	4.9	0	0	0	2	37	39

Table 9: Juror Survey Results 2024 Retention Evaluation: Haines, Trisha

Survey Category	Mean	Poor (1)	Deficient (2)	Acceptable (3)	Good (4)	Excellent (5)	Total Responses
Impartiality / Fairness	4.9	0	0	0	6	42	48
Respectful / Courteous	4.9	0	0	0	5	43	48
Attentive During Proceedings	4.8	0	0	2	5	41	48
Control Over Proceedings	4.9	0	0	0	5	43	48
Intelligence / Skill as a Judge	4.9	0	0	0	5	42	47
Overall Evaluation	4.9	0	0	0	6	41	47

Table 10: Juror Survey Results 2024 Retention Evaluation: Hanley, J. Patrick

Survey Category	Mean	Poor (1)	Deficient (2)	Acceptable (3)	Good (4)	Excellent (5)	Total Responses
Impartiality / Fairness	5.0	0	0	0	2	42	44
Respectful / Courteous	5.0	0	0	0	2	42	44
Attentive During Proceedings	5.0	0	0	0	2	42	44
Control Over Proceedings	5.0	0	0	0	1	43	44
Intelligence / Skill as a Judge	4.9	0	0	0	3	41	44
Overall Evaluation	5.0	0	0	0	2	42	44

Table 11: Juror Survey Results 2024 Retention Evaluation: Logue, Michael B.

Survey Category	Mean	Poor (1)	Deficient (2)	Acceptable (3)	Good (4)	Excellent (5)	Total Responses
Impartiality / Fairness	4.9	0	0	1	1	28	30
Respectful / Courteous	4.8	0	0	1	3	26	30
Attentive During Proceedings	4.9	0	0	0	2	28	30
Control Over Proceedings	4.9	0	0	0	4	26	30
Intelligence / Skill as a Judge	4.9	0	0	1	2	27	30
Overall Evaluation	4.8	0	0	1	3	26	30

Table 12: Juror Survey Results 2024 Retention Evaluation: McCrea, Kari

Survey Category	Mean	Poor (1)	Deficient (2)	Acceptable (3)	Good (4)	Excellent (5)	Total Responses
Impartiality / Fairness	5.0	0	0	0	0	22	22
Respectful / Courteous	5.0	0	0	0	0	22	22
Attentive During Proceedings	5.0	0	0	0	0	22	22
Control Over Proceedings	4.9	0	0	0	2	20	22
Intelligence / Skill as a Judge	4.9	0	0	0	2	20	22
Overall Evaluation	5.0	0	0	0	0	22	22

Table 13: Juror Survey Results 2024 Retention Evaluation: Pickrell, Kristian B.

Survey Category	Mean	Poor (1)	Deficient (2)	Acceptable (3)	Good (4)	Excellent (5)	Total Responses
Impartiality / Fairness	4.4	0	0	1	2	4	7
Respectful / Courteous	4.6	0	1	0	0	6	7
Attentive During Proceedings	4.6	0	0	1	1	5	7
Control Over Proceedings	4.4	0	0	1	2	4	7
Intelligence / Skill as a Judge	4.9	0	0	0	1	6	7
Overall Evaluation	4.6	0	0	1	1	5	7

Table 14: Juror Survey Results 2024 Retention Evaluation: Seifert, Bride

Survey Category	Mean	Poor (1)	Deficient (2)	Acceptable (3)	Good (4)	Excellent (5)	Total Responses
Impartiality / Fairness	4.9	0	0	0	3	32	35
Respectful / Courteous	4.9	0	0	0	2	34	36
Attentive During Proceedings	4.9	0	0	0	2	34	36
Control Over Proceedings	4.9	0	0	0	4	32	36
Intelligence / Skill as a Judge	4.9	0	0	0	4	32	36
Overall Evaluation	4.9	0	0	0	5	31	36

Table 15: Juror Survey Results 2024 Retention Evaluation: Walker, Herman G.

Survey Category	Mean	Poor (1)	Deficient (2)	Acceptable (3)	Good (4)	Excellent (5)	Total Responses
Impartiality / Fairness	5.0	0	0	0	1	19	20
Respectful / Courteous	5.0	0	0	0	0	20	20
Attentive During Proceedings	4.9	0	0	0	2	18	20
Control Over Proceedings	5.0	0	0	0	1	19	20
Intelligence / Skill as a Judge	4.9	0	0	0	2	18	20
Overall Evaluation	4.9	0	0	0	2	18	20

Table 16: Juror Survey Results 2024 Retention Evaluation: Wallace, David R.

Survey Category	Mean	Poor (1)	Deficient (2)	Acceptable (3)	Good (4)	Excellent (5)	Total Responses
Impartiality / Fairness	4.9	0	0	0	1	17	18
Respectful / Courteous	5.0	0	0	0	0	18	18
Attentive During Proceedings	5.0	0	0	0	0	18	18
Control Over Proceedings	4.9	0	0	0	1	17	18
Intelligence / Skill as a Judge	4.8	0	0	0	3	15	18
Overall Evaluation	4.9	0	0	0	2	16	18

Table 17: Juror Survey Results 2024 Retention Evaluation: Washington, Pamela

Survey Category	Mean	Poor (1)	Deficient (2)	Acceptable (3)	Good (4)	Excellent (5)	Total Responses
Impartiality / Fairness	5.0	0	0	0	0	6	6
Respectful / Courteous	5.0	0	0	0	0	6	6
Attentive During Proceedings	5.0	0	0	0	0	6	6
Control Over Proceedings	5.0	0	0	0	0	6	6
Intelligence / Skill as a Judge	4.8	0	0	0	1	5	6
Overall Evaluation	5.0	0	0	0	0	6	6

Table 18: Juror Survey Results 2024 Retention Evaluation: Zeman, Adolf

Survey Category	Mean	Poor (1)	Deficient (2)	Acceptable (3)	Good (4)	Excellent (5)	Total Responses
Impartiality / Fairness	5.0	0	0	0	0	5	5
Respectful / Courteous	5.0	0	0	0	0	5	5
Attentive During Proceedings	5.0	0	0	0	0	5	5
Control Over Proceedings	5.0	0	0	0	0	5	5
Intelligence / Skill as a Judge	5.0	0	0	0	0	5	5
Overall Evaluation	5.0	0	0	0	0	5	5

Juror Survey Card Example

Juror Survey - Superior Court Judge

In Alaska, judges must appear periodically on the ballot to allow voters the opportunity to decide whether they should be retained in office. The Alaska Judicial Council is a citizens' commission that must evaluate judges standing for retention and make recommendations to Alaska voters. The Council collects information from many sources, including jurors. The Council's evaluations, including the results of its juror surveys appear in the election pamphlet sent to every Alaskan household.

Type of Proceedings: ( ) Civil
( ) Criminal

Approximately how many days, including deliberations, did you serve as a juror for this judge? day(s)

Please complete this questionnaire to help the Council evaluate the judge who presided over your case. The Council and the public value your perspective. Thanks.

Please check the most appropriate response to each question.	Excellent	Good	Acceptable	Deficient	Poor
1. Was the judge fair and impartial to all sides in the case?	☐	☐	☐	☐	☐
2. Was the judge respectful and courteous?	☐	☐	☐	☐	☐
3. Was the judge attentive during the proceedings?	☐	☐	☐	☐	☐
4. Did the judge exercise appropriate control over the proceedings?	☐	☐	☐	☐	☐
5. How would you evaluate the judge's intelligence and skill as a judge?	☐	☐	☐	☐	☐
6. How would you evaluate the judge overall?	☐	☐	☐	☐	☐

Do you have any suggestions about how the judge could improve upon his or her performance?_____

_____

_____

_____

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MEMORANDUM

TO: Judicial Council

FROM: Staff

DATE: August 13, 2024

RE: Appellate Evaluation of Judges Eligible for Retention in 2024

I. Introduction

The Judicial Council staff has several ways of evaluating judges' performance. One way is to review how often each judge's rulings were affirmed or reversed by an appellate court. One must be careful when looking at this information because:

- Different types of cases are affirmed at different rates;
- Comparing judges is not always helpful because of different caseloads;
- Most judges eligible to stand for retention in 2024 had only a few cases decided on appeal during their term; the fewer the number of cases, the less useful the data are as a performance measure.

More information on how appellate affirmance rate information is analyzed can be found in the Methodology section, below. In 2024, the Council reviewed individual judicial affirmance rates in the context of typical past affirmance rate ranges, which voters may find helpful.

II. Analysis of Appellate Affirmance Rates

A. Superior Court Judges, 2018 - 2023

Generally, the trends of civil, criminal, and overall affirmance rates have been stable since the Council began reviewing them in 1994. Criminal affirmance rates have ranged within six percentage points, from 78% - 83%, over the past thirty years. Civil affirmance rates ranged between 62% to a high of 76%. Overall, the affirmance rate of all cases was stable at about 75% until the 2006 - 2011 period, when the rate began an upward climb to 78 - 79%, driven first by a rise in criminal affirmance rates, and then by a rise in civil affirmance rates. The overall rate has been falling gradually from a high of 79% in 2010 - 2017 to 76% in 2018 - 2023.

Overall Affirmance Rates Superior Court Judges			
Years	**Criminal**	**Civil**	**Overall**
1994-1999	83%	62%	74%
1996-2001	81%	63%	73%
1998-2003	81%	66%	74%
2000-2005	80%	70%	75%
2002-2007	79%	70%	75%
2004-2009	78%	71%	75%
2006-2011	81%	72%	77%
2008-2013	82%	72%	78%
2010-2015	82%	75%	79%
2012-2017	81%	75%	79%
2014-2019	80%	76%	78%
2016-2021	80%	73%	78%
2018-2023	79%	72%	76%

Note: Includes the appellate review information for all judges whether or not the judge is standing for retention. Judge level, in this case Superior, is determined by the level of the judge at the time of appellate review. Years, too, are determined by the year in which the appellate review occurred.

Affirmance rates for superior court judges who are standing for retention in 2024 are summarized in the following table. The table shows the number of civil cases appealed during the judge's term, the percent of issues in those cases that were affirmed by the appellate court, the number of criminal cases appealed during the judge's term, the

percent of issues in those cases that were affirmed by the appellate court, and the combined civil and criminal appeals information. Comparisons of final column figures should be made carefully. As discussed in the Methodology section, judges with higher percentages of criminal appeals will generally have higher overall affirmance rates than those with a higher percentage of civil appeals. Comparisons between the first two columns are likely to be more meaningful. Also, judges having fewer than ten cases reviewed should not be compared with other judges. The figures for those judges are provided for descriptive purposes only. To provide even more information for this evaluation, an overall affirmance rate (appearing in the last row) has been calculated for all superior court judges, including judges not standing for retention, and retired or inactive judges, for the evaluation period. This comparison provides a better performance measure than comparing retention judges against each other.

Judicial Affirmance Rates
2024 Superior Court Judges

	Criminal Affirmance		Civil Affirmance		Overall	
	Number Reviewed	Rate	Number Reviewed	Rate	Number Reviewed	Rate
First Judicial District						
No superior court judge from the First Judicial District will stand for retention in 2024						
Second Judicial District						
No superior court judge from the Second Judicial District will stand for retention in 2024						
Third Judicial District						
Ahrens, Rachel	--	--	2	50%	2	50%
Seifert, Bride	2	100%	1	100%	3	100%
Walker, Herman G. Jr.	2	75%	21	62%	23	63%
Zeman, Adolf	1	100%	8	57%	9	67%
Fourth Judicial District						
Haines, Patricia L.	--	--	1	100%	1	100%
Number and mean affirmance rates, superior court judges 2018 – 2023	935	79%	655	72%	1590	76%

Note: Includes only those judges who are standing for retention in 2024 – except for the final row in the table, which includes all opinions from superior court judges in our database for the time period. All appellate review information is included for the judges listed since appointment to their current position. Only appellate review decisions between 2018 and 2023 were used in the calculations. Data for judges having fewer than ten cases is provided for descriptive purposes only because too few cases are available for meaningful analysis.

Statistically, the smaller the number of cases in a sample, the less reliable the conclusions drawn from that are likely to be. Samples of fewer than ten cases are likely to be misleading. Judges with fewer than ten cases are likely to be new judges without sufficient time for a case to go through all the steps of trial court and appellate court processes.

In the past, we have taken alternative steps to help the reader evaluate appellate court review of decisions by judges with fewer than ten cases. To assist the reader, we describe individual cases that were not affirmed at 100%. For this retention cycle, only two of the five superior court judges eligible for retention had ten or more cases reviewed. Three had fewer than ten. These judges were all newly appointed to the superior court, and this is their first retention evaluation.

Judge Rachel Ahrens - Judge Ahrens had two cases appealed and decided during the evaluation period. One was reversed and one was affirmed.

Clark v. State of Alaska, Dept of Health and Children's Services (2021) - The Supreme Court reversed Judge Ahrens (0%) in this Child in Need of Aid case, finding that Judge Ahrens erred when she terminated a parent's rights. The court held that the Office of Children's rights failed to make active efforts at reunification for two years and Judge Ahrens erred when she found the agency had made active efforts.

Rosemarie P. v. Kelly B. (2021) - The Supreme Court upheld Judge Ahrens (100%) in a domestic relations case involving custody of a minor child.

Judge Bride Seifert - Judge Seifert had three cases appealed and decided during the evaluation period. The Alaska Court of Appeals affirmed Judge Seifert (100%) in each of two criminal cases: Landwehr v. State (2023) and Holt v. State (2023). The Alaska Supreme Court affirmed Judge Seifert (100%) in Benjamin C. v. Nalani S. (2021), a domestic relations case involving custody and child support issues.

Judge Tricia Haines - The Supreme Court upheld Judge Haines 100% in a Child in Need of Aid Case, Reed S. v. State of Alaska, Office of Children's Services, (2022).

Judge Adolf Zeman - Judge Zeman had nine cases appealed and decided during the evaluation period. He was affirmed by the Court of Appeals at 100% in one criminal case. He was also affirmed at 100% in each of two Child in Need of Aid cases, one domestic relations case, and two general civil cases. He was reversed in three cases:

LaPoint v. Watkins (2022) - The Supreme Court reversed Judge Zeman's decision to conclude a trial after a party removed himself from the courtroom but indicated that he

wished to return after a witness finished their testimony. The record did not reflect if Judge Zeman attempted to notify the party that they could rejoin the trial, so the Supreme Court vacated the property division order and remanded the case to give the party an opportunity to present their case.

In the Matter of the Necessity for the Hospitalization of Carl S. (2022) - The Supreme Court reversed an order committing an individual to psychiatric hospital for 30 days. The court held that Judge Zeman erred when he found the person was gravely disabled due to extreme neglect when the petitioner had marked a different basis, "distress and disorientation," for the grave disability on the petition form. The court found that the proceedings violated the individual's right to due process because they did not have notice or opportunity to be heard on the allegations of extreme neglect.

In the Matter of the Necessity for the Hospitalization of Sergio F. (2023) - The Supreme Court reversed another order committing an individual to psychiatric hospital for 30 days. In this case, the Supreme Court found that the standing court master recommended the hospitalization, and Judge Zeman entered the order, without analyzing whether the state showed by clear and convincing evidence that there was no less-restrictive treatment option available, as required by statute.

B. District Court Judges, 2020 – 2023

The mean criminal affirmance rate for all district court judges from 2020 - 2023 was 70%. District court criminal case affirmance rates have ranged from 70% - 85%. Civil appellate affirmance rates for district court judges are not provided. They are not meaningful because no district court judge regularly has ten or more civil cases appealed to the Supreme Court.

Criminal Affirmance Rates District Court Judges	
Years	**Mean**
1998-2001	83%
2000-2003	79%
2002-2005	79%
2004-2007	85%
2006-2009	83%
2008-2011	80%
2010-2013	80%
2012-2015	82%
2014-2017	78%
2016-2019	74%
2018-2021	75%
2020-2023	70%

Note: Includes the appellate review information for all judges whether or not the judge is standing for retention. Judge level, in this case District, is determined by the level of the judge at the time of appellate review. Years, too, are determined by the year in which the appellate review occurred.

Affirmance rates of district court judges eligible for retention are summarized in the following table. The table shows the number of criminal cases appealed to the Alaska Court of Appeals and Alaska Supreme Court during the judge's term, and the percentage of issues in those cases that were affirmed by the appellate court. **Please note that none of these judges had more than ten cases appealed and decided during their term in office.**

Judicial Affirmance Rates 2024 District Court Judges		
	Criminal Affirmance	
	Number Reviewed	Rate
First Judicial District		
Pickrell, Kristian B.	--	--
Third Judicial District		
Dickson, Leslie	4	88%
Franciosi, Michael	2	50%
Hanley, J. Patrick	5	80%
Logue, Michael	1	100%
McCrea, Kari L.	1	100%
Wallace, David	3	67%
Washington, Pamela	2	25%
Fourth Judicial District		
Bahr, Maria	--	--
Christian, Matthew	6	58%
Number and mean affirmance rates, district court judges 2020 – 2023	98	70%

Note: Includes only those judges who are standing for retention in 2024 – this is also true of the final row in the table. All appellate review information is included for judges listed since appointment to their current position. Only appellate review decisions between 2020 and 2023 are used in the calculations. Data for judges having fewer than ten cases is provided for descriptive purposes only because too few cases are available for meaningful analysis.

As discussed above, judges having fewer than ten cases reviewed should not be compared with other judges. In the current retention period, no district court judge had more than ten cases. Two of the judges, Judge Kristian Pickrell and Judge Maria Bahr, had no cases reviewed. To provide more context, the judges are discussed individually below.

Judge Kristian Pickrell - Judge Pickrell had no cases appealed and decided in the evaluation period.

Judge Leslie Dickson - Judge Dickson had four cases appealed and decided. Four were affirmed at 100%. The other was affirmed at 50%.

Kuzma v. Municipality of Anchorage (2023) - The Court of Appeals reversed Judge Dickson's dismissal of a petition for post-conviction relief, finding that the defendant's petition sufficiently alleged ineffective assistance of counsel when they alleged their attorney did not sufficiently explain a deferred sentencing agreement. The

Court of Appeals affirmed Judge Dickson's dismissal of the defendant's other claims of ineffective assistance.

Judge Michael Franciosi - Judge Franciosi had two cases appealed and decided. One was affirmed at 100% and the other was reversed in its entirety (0%).

Linden v. Municipality of Anchorage (2020) - The Court of Appeals reversed the district court's acceptance of a guilty plea because the defendant's purported condition of the plea was that he be able to appeal the dismissal of a motion to dismiss he had filed. The Court determined that neither the parties nor the judge (who was a different judge than the one who ruled on the motion to dismiss) articulated the issue that the defendant wished to preserve for appeal. The court therefore remanded the case back to the district court with instructions to allow the defendant to withdraw his plea, and negotiate a new plea or proceed to trial.[1]

Judge J. Patrick Hanley - Judge Hanley had five cases appealed and decided. Four were affirmed at 100% and the other was reversed in its entirety (0%). (See above discussion of Linden v. Municipality.)

Judge Michael Logue - Judge Logue had one case appealed and decided. It was affirmed at 100%.

Judge Kari L. McCrea - Judge McCrea had one case appealed and decided. It was affirmed at 100%.

Judge David Wallace - Judge Wallace had three cases appealed and decided. Two were affirmed at 100%. The other was reversed (0%).

Avras v. State of Alaska (2020) - The Court of Appeals reversed Judge Wallace's dismissal of a defendant's petition for post-conviction relief. The defendant argued that his guilty plea in the original case was involuntary because of mental health issues and his post-conviction attorney failed to pursue the claim by providing documentation to the court. The Court of Appeals agreed and remanded for further proceedings.

Judge Pamela Washington - Judge Washington had two cases appealed and decided. One was reversed (0%) and the other was affirmed at 50%.

[1] Both Judge Franciosi and Judge Hanley were listed as judges of record in this case. One ruled on the motion to dismiss, and the other accepted the plea at a change of plea hearing. The memorandum opinion did not state which judge took which action, so the affirmance score is attributed to both judges. Both judges were afforded the opportunity to review the data.

Katchatag v. State (2023) - The Court of Appeals reversed Judge Washington's dismissal of a defendant's petition for post-conviction relief. The Court of Appeals found that instead of dismissing the petition, Judge Washington should have appointed a different attorney for the defendant when their first one failed to provide competent representation, so that the defendant's due process rights to counsel were protected (0%).

Melseth v. State (2020) - The Court of Appeals affirmed Judge Washington's evidentiary decision to allow a witness to testify "a little bit" about his history as an undercover officer after the prosecutor objected, finding the judge did not erroneously restrict the defendant's right to cross-examination and in fact the cross examination was not restricted in any way. The Court of Appeals, however, rejected Judge Washington's imposition of a bail condition when the state conceded the condition was imposed erroneously (50%).

Judge Maria Bahr - Judge Bahr had no cases appealed and decided during the evaluation period.

Judge Matthew Christian - Judge Christian had six cases appealed and decided. Three were affirmed at 100%. Two were reversed (0%) and one was affirmed at 50%.

Gillis v. State (2023) - The Court of Appeals reversed Judge Christian's denial of a motion for a judgment of acquittal after a defendant was convicted of fifth degree weapons misconduct after the defendant failed to disclose his concealed weapon to law enforcement when "chit-chatting" with them after his friend was arrested for DUI. The Court of Appeals reviewed the legislative history of the statute and determined the legislature did not intend to include casual contacts with law enforcement within the prohibited conduct and reversed the conviction (0%).

Hillyer v. State (2023) - The Court of Appeals reversed Judge Christian's decision to deny the defendant's motion to destroy records of DNA material authorized by statute after dismissal of charges, when the assault charge against her was "reduced" to disorderly conduct, an offense not within the DNA collection statute authorization. The Court determined (and the State conceded) there was no functional difference between a "dismissal" and a "reduction" of charges and remanded the case for entry of the expungement order (0%).

Edwin v. State (2021) - The Court of Appeals reversed Judge Christian's failure to find a mitigating factor for "least serious conduct" when sentencing the defendant for first-degree robbery, even though it was not raised by counsel. The court, however, affirmed the defendant's conviction because the evidence was sufficient and the

prosecutor's closing arguments, although improper, did not rise to level of plain error due to the judge's non-interference (50%).

III. Methodology

The review process begins with a staff member, usually the staff attorney, reading every published appellate decision and every memorandum opinion and judgment released by the appellate courts. Staff first determines how many issues were on appeal and then decides whether the appellate court "affirmed" each of the trial judge's decisions on appeal. Decisions requiring reversal, remand or vacating of the trial court judge's ruling or judgment are not classified as "affirmed." Mooted issues and issues arising only upon appeal, which were not ruled on by the trial judge, are not taken into account. When the Alaska Supreme Court or Alaska Court of Appeals *clearly* overrules a prior statement of law upon which the trial court reasonably relied to decide an issue, that issue is not considered. These cases are rare.

After deciding how many issues in a case were affirmed, the case is given a score. For instance, if two of ten issues are affirmed, the case is given a score of "20% affirmed." This scoring system is different than the court system's methodology, which notes only whether the case was affirmed, partly affirmed, reversed, remanded, vacated, or dismissed. Also, the court system tends to attribute the appeal to the last judge of record rather than determine which judge's decisions were appealed. In this analysis, if a case includes more than one judge's decisions, an attempt is made to determine which judge made which rulings and to assign affirmance scores appropriate with those decisions. If it is not possible to make that determination from the text of the case, the overall affirmance score for that case is assigned to each judge of record.

After the case has been scored, another staff member enters information about the case into a database. The data fields include case type,[2] judge, affirmance score, date of publication or release, opinion number, and trial case number.

Before a retention election, staff cross-checks the cases in its database to make sure the database is as complete as possible. Staff then analyzes each retention judge's "civil," "criminal,"[3] and overall (combined) affirmance rates. Staff also calculates civil, criminal, and overall affirmance rates for all the judges in the database for the retention period. Staff then compares affirmance rates for that year against affirmance rates for

[2] Cases are classified as general civil, tort, child in need of aid ("CINA"), family law/domestic relations, administrative appeal, criminal, and juvenile delinquency. If a case has issues relating to more than one category, staff decides which category predominates.

[3] "Criminal" includes criminal, post-conviction relief, and juvenile delinquency cases. All other cases are classified as "civil." Because the Supreme Court reviews administrative appeals independently of the superior court's rulings, administrative appeals are not analyzed as part of the judge's civil affirmance rate, although they are included in the database.

prior years. Cases that are included in the calculation of these rates are only those cases that have been decided in the current retention term, which is a six-year span for superior court judges and a four-year span for district court judges.

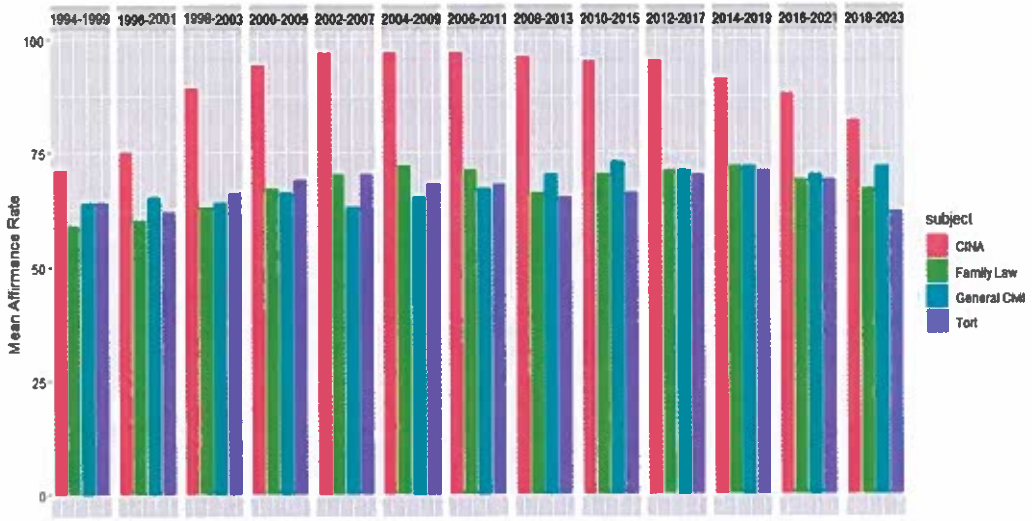
Several problems are inherent in this process. First, the division of an opinion into separate "issues" is sometimes highly subjective. Some opinions have only one or two clearly defined issues and are easy to categorize. Other opinions present many main issues and even more sub-issues. Deciding whether a topic should be treated as a "sub-issue" or an "issue" deserving separate analysis can be problematic and varies depending on the complexity of a given case. Generally, the analysis follows the court's outlining of the case; if the court has given a sub-issue its own heading, the sub-issue will likely have its own affirmed/not affirmed decision.

Second, each issue is weighted equally, regardless of its effect on the case outcome, its legal importance, or the applicable standard of review. For instance, a critical constitutional law issue is weighted equally with a legally less important issue of whether a trial judge properly awarded attorney's fees. Issues that the appellate court reviews independently of the trial court's decision (*de novo* review) are weighted equally with issues that are reviewed under standards of review that defer to the trial court's discretion. The Judicial Council staff has considered ways to weigh each issue to reflect its significance but has decided not to implement a weighted analysis.

Third, appellate courts tend to affirm some types of cases more often than others. For example, criminal cases are affirmed at a higher rate than civil cases. Many criminal appeals involve excessive sentence claims that are reviewed under a "clearly mistaken" standard of review that is very deferential to the trial court's action. Criminal appeals are more likely to include issues that have less merit than issues raised in civil appeals because, unlike most civil appeals, most criminal appeals are brought at public expense. The cost of raising an issue on appeal is therefore more of a factor in determining whether an issue is raised in a civil appeal than it is in a criminal appeal. Also, court-appointed counsel in a criminal appeal must abide by a defendant's constitutional right to appeal his or her conviction and sentence unless counsel files a brief in the appellate court explaining reasons why the appeal would be frivolous. This circumstance can result in the pursuit of issues in criminal cases that have a low probability of reversal on appeal. Accordingly, a judge's affirmance rate in criminal cases is almost always higher than that judge's affirmance rate in civil cases. Judges who hear a higher percentage of criminal cases tend to have higher overall affirmance rates than those who hear mostly civil cases. For this reason, staff break out each judge's criminal and civil appellate rates.

It should be noted that some types of civil cases are also affirmed more frequently than others, as the chart below demonstrates. Child in Need of Aid cases are affirmed

more frequently than tort, family law, and general civil cases. The assignment of cases to a particular judge is dictated by the location of the judge, and if there is more than one judge, assignment is usually random.[4] If a location has more of a certain type of case (e.g., Child in Need of Aid cases) the affirmance rate of the judge in that location could be affected.



Fourth, the analysis of appellate affirmance rates does not include any cases appealed from the district court to the superior court. Those decisions are not published or otherwise easily reviewable. Staff has reviewed all published decisions from the Alaska Supreme Court and Alaska Court of Appeals and unpublished Memorandum Opinion and Judgments (MO&Js) from the Alaska Supreme Court and the Alaska Court of Appeals since 2002. These decisions are published on the Alaska Court System's website and elsewhere and are easily reviewable.

Fifth, administrative appeals pose a problem. Administrative decisions are appealed first to the superior court, which acts as an intermediate appellate court.[5] Those cases may then be appealed to the Supreme Court, which gives no deference to the superior court's decision and takes up the case *de novo*. Because the Supreme Court evaluates only the agency's decision, and not the superior court judge's decision, there is little value to these cases as an indicator of a judge's performance and they can be

[4] Anchorage Superior Court judges are assigned to hear mostly criminal, or mostly civil cases but can be reassigned to a different docket during the middle of term.

[5] The Alaska Workers Compensation Appeals Commission hears appeals from Alaska Workers' Compensation Board decisions that were decided after November 7, 2005. Those cases may then be appealed to the Alaska Supreme Court. Because workers' compensation appeals are no longer reviewed by the superior court as an intermediate court of appeal, the Supreme Court decisions are no longer included in this database and are not included in the "administrative appeals" category.

misleading. We have excluded administrative appeals from this analysis for the past several retention cycles.

Sixth, the present analysis involves only a relatively small number of cases for some judges. The fewer the number of cases in a sample, the less reliable the analysis is as an indicator of a judge's performance. Affirmance rates for judges having fewer than ten cases reviewed on appeal can be more misleading than helpful. For descriptive purposes, appellate review records are included for all judges, regardless of the number of cases reviewed. Affirmance rates based on fewer than ten cases, however, are not considered by staff as a reliable indicator of performance.

alaska judicial council

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MEMORANDUM

TO: Judicial Council

FROM: Staff

DATE: August 13, 2024

RE: Peremptory Challenges of Judges Eligible for Retention in 2024

I. Introduction

In Alaska, a defendant has a right to a fair trial before an unbiased judge and the right to preempt a judge without proving bias or interest.[1] Two different authorities govern the challenge right. The legislature created the substantive right and defines its scope by statute.[2] The court regulates peremptory challenge procedures by court rules.[3] In general, each side in a case gets one peremptory challenge.[4]

This memo examines peremptory challenge records for judges who are eligible to stand for retention in November 2024. The tables display civil and criminal case challenges for each judge, by year. Because superior court judges' terms are six years, a six-year period is examined for them. Because district court judges' terms are four years, a four-year period is examined for them. Parties have no right to challenge an appellate judge, so those judges are not discussed.

[1] See Gieffels v. State, 552 P.2d 661 (Alaska 1976).
[2] See id.; AS 22.20.020.
[3] See Alaska R. Crim. P. 25(d); Alaska R. Civ. P. 42(c).
[4] See id.

II. Context for evaluating peremptory challenge data

Although the peremptory challenge provisions were designed to ensure each litigant's right to a hearing by a fair and impartial judge, in practice many factors prompt litigants or attorneys to challenge judges. Some parties might challenge a judge because they perceive the judge to be unfair in a certain type of case, while others might challenge a judge because they perceive the judge to be "too fair," and hope their case will be reassigned to a judge who they perceive as being more favorable to their case. Such a scenario can be especially relevant in smaller judicial districts and communities, where attorneys often can predict which other judge will receive the reassigned case. Other reasons parties might challenge judges include unfamiliarity with a new judge or seeking to avoid the demands of a judge who insists on high standards of practice or timeliness. Sometimes an attorney will use a peremptory challenge with the hope that a change of judge will result in additional time to prepare the case.

The Alaska Court System provides the Council with data regarding "disqualifications." The data are categorized into disqualifications brought in criminal cases by defense attorneys or prosecutors, those brought in civil cases by plaintiffs or defendants, and those initiated by the judges themselves. Judge-initiated disqualifications are discussed in a separate memorandum. Children's delinquency cases are included among criminal cases in this analysis because that is how they are accounted for in the court's case management system. Child in Need of Aid cases are included in the civil category.

Please note that in Child in Need of Aid cases, guardians ad litem and parents have the right to preempt the judge. These are noted as "other" on the following tables. Please also note that a CINA "case" that a judge may handle may include several consolidated cases because each child in a family is assigned a different case number. So if a judge receives a peremptory challenge in a consolidated CINA case, challenges are recorded for each individual child's case, magnifying the effect of challenges in CINA cases.

One system was used for compiling the disqualification data. Over the past fourteen years, the court has instituted a computerized case management system (CourtView) that has facilitated the collection and reporting of more detailed and accurate data for all court locations in the state. All of the CourtView data were compiled and reported by the Alaska Court System to the Alaska Judicial Council.

Care must be taken when comparing judges because they have different caseloads. Judges with higher-volume caseloads generally will have more peremptory challenges than those with lower-volume caseloads. Presiding judges sometimes ease one court's heavy caseload by assigning cases to judges from other venues within their judicial

district, and to *pro tem* judges. Moreover, superior courts with heavy caseloads may ease their burden somewhat by assigning the bulk of a case to masters and/or magistrates. Similarly, district court judges may have very different caseloads. Cases may be handled by magistrates as well as by district court judges. The court system's caseload data do not reflect when a judge regularly travels to another community to hear cases. Finally, consideration must be taken of judges who handle predominately criminal or predominately civil caseloads, as superior court judges in Anchorage do, versus those judges who handle all cases.

Parties who have not previously exercised their right of peremptory challenge may challenge a judge when one is newly assigned midstream, as if their case had been newly filed. Consequently, challenges often increase when a judge is assigned to a different caseload (e.g., from civil to criminal). Challenges also often occur when a new judge is appointed because those judges are newly assigned to existing cases and because that judge is "unknown" and thus less predictable. Another factor to consider is that some communities have only one or two assistant district attorneys or assistant public defenders. If an assistant DA or PD perceives a reason to categorically challenge a particular judge, that judge's criminal peremptory challenge rate will be high, even though just one or two attorneys might be responsible for virtually all of that judge's challenges. This may also occur in high-volume civil cases that involve only a few public attorneys, such as in Child in Need of Aid practice.

Care must also be taken when comparing judges across judicial districts. In 1995, the Anchorage Superior Court consolidated into civil and criminal divisions. Since then, all civil cases (including domestic relations, Child in Need of Aid, and domestic violence protective order cases) have been assigned equally to each of the Anchorage Superior Court judges in the civil division. Criminal division judges handle criminal and child delinquency cases, but do not routinely handle domestic cases. For this reason, it may be misleading to compare the peremptory challenges of a superior court judge in Anchorage with the rate of a superior court judge in another judicial district. Also, some judges in some judicial districts currently handle the therapeutic courts, such as the Wellness Court. The impact of those caseloads on a judge's challenge rate is unknown.

Because so many factors may potentially affect the number of peremptory challenges filed, these numbers should only be used as a signal of a potential issue with a judge. Once a high number of challenges is identified from the table, please refer to the explanatory text on the following pages which gives context for the judge's caseload and potential factors which may have affected his or her challenge rates.

Blank cells in the tables represent years that preceded the judge's appointment to his or her current position. "Other" signifies a parent, or guardian ad litem in a Child in Need of Aid case.

III. Peremptory Challenge Records - Superior Court Judges

Peremptory Challenges of Judges - Superior Court

Judicial District	Judge	Party	2018		2019		2020		2021		2022		2023		Summary		
			Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Total	Mean*	Median*
Third	Ahrens, Rachel L	Defendant	.	.	0	0	1	0	0	0	0	0	0	.	5	1	1
		Plaintiff	.	.	0	0	0	0	0	0	0	1	0	.			
		Other	.	.	0	0	0	0	1	0	0	0	2	.			
	Seifert, Bride A	Defendant	.	.	0	0	1	8	3	1	0	1	2	.	21	4.2	4
		Plaintiff	.	.	0	0	1	0	0	0	1	0	0	.			
		Other	.	.	0	0	0	0	0	0	0	0	0	.			
	Walker, Herman G	Defendant	8	1	17	0	13	0	15	0	9	0	12	8	105	17.5	17
		Plaintiff	3	0	10	0	5	0	3	0	7	0	2	3			
		Other	0	0	0	0	0	0	0	0	0	0	0	0			
	Zeman, Adolf V	Defendant	.	.	.	.	3	0	3	0	1	0	1	.	16	4	4
		Plaintiff	.	.	.	.	3	0	1	0	1	0	1	.			
		Other	.	.	.	.	0	0	0	0	2	0	0	.			
	Summary														**147**	**7.3**	**4**
Fourth	Haines, Patricia L	Defendant	.	.	.	.	.	.	0	0	0	0	1	0	19	6.3	2
		Plaintiff	.	.	.	.	.	.	1	0	0	0	1	14			
		Other	.	.	.	.	.	.	0	0	2	0	0	0			
	Summary														**19**	**6.3**	**2**
All	**Summary**														**166**	**7.2**	**4**

. = No value
Defendant = defendant in both criminal and civil cases
** Mean and median unit of analysis is judge year*
Plaintiff = plaintiff in civil cases and prosecutor in criminal cases
Other = Judge Disqualified for Cause; Peremptory Disqualification by Father/Mother/GAL/State

Overall: The average number of peremptory challenges for the superior court judges on the ballot for 2024, including the years of 2018 – 2023 (the years of their terms in office), was 7.2 per year, reflecting the recent trend of lower numbers of challenges. The mean number of peremptory challenges for superior court judges standing for retention from 2010 to 2021 was 21.4 per year and the median was 10 per year.[5] During that period, the mean ranged from a high of 34.9 per year (2010) to 9.4 per year (2021).

First and Second Judicial Districts: No judges are eligible for retention in the First or Second Judicial Districts in 2024.

[5] All data available at Alaska Judicial Council.

Third Judicial District: The judges eligible for retention in the Third Judicial District averaged 7.3 challenges per year. None of the superior court judges in the Third Judicial District received unusually high numbers of peremptory challenges.

Fourth Judicial District: The Fourth Judicial District judges averaged 6.3 challenges per year, a low number.

IV. Peremptory Challenge Records - District Court Judges

Peremptory Challenges of Judges - District Court

Judicial District	Judge	Party	2020		2021		2022		2023		Summary		
			Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Total	Mean*	Median*
First	Pickrell, Kristian B	Defendant	.	.	.	.	0	1	0	4	5	2.5	2.5
		Plaintiff	.	.	.	.	0	0	0	0			
	Summary										**5**	**2.5**	**2.5**
Third	Dickson, Leslie N	Defendant	0	0	0	0	0	0	1	0	5	1.2	0.5
		Plaintiff	0	0	0	0	1	3	0	0			
	Franciosi, Michael J	Defendant	0	0	0	0	0	0	0	0	0	0	0
		Plaintiff	0	0	0	0	0	0	0	0			
	Hanley, J. Patrick	Defendant	0	0	0	1	0	0	0	0	9	2.2	1
		Plaintiff	0	2	0	6	0	0	0	0			
	Logue, Michael B	Defendant	0	0	0	0	0	0	0	0	6	1.5	1.5
		Plaintiff	2	0	0	1	0	2	0	1			
	McCrea, Kari L	Defendant	0	0	0	2	0	1	0	0	16	4	5
		Plaintiff	0	6	0	2	0	5	0	0			
	Wallace, David R	Defendant	0	1	0	0	0	1	0	0	2	0.5	0.5
		Plaintiff	0	0	0	0	0	0	0	0			
	Washington, Pamela S	Defendant	1	0	4	0	2	0	1	0	35	8.8	9
		Plaintiff	9	0	9	0	5	1	2	1			
	Summary										**73**	**2.6**	**1**
Fourth	Bahr, Maria P	Defendant	.	.	0	64	1	26	0	6	160	53.3	66
		Plaintiff	.	.	0	3	1	38	0	21			
	Christian, Matthew C	Defendant	0	0	1	0	1	0	0	2	17	4.2	3
		Plaintiff	0	0	1	9	0	0	1	2			
	Summary										**177**	**25.3**	**11**
All	**Summary**										**255**	**6.9**	**1**

. = No value
Plaintiff = plaintiff in civil cases and prosecutor in criminal cases
Defendant = defendant in both criminal and civil cases
Other = Judge Disqualified for Cause; Peremptory Disqualification by Father Mother GAL State
** Mean and median unit of analysis is judge year*

Overall: The average number of peremptory challenges for the district court judges on the ballot for 2024, including the years 2020 – 2023 (the years of their terms in office), was 6.9 per year and the median was 1. The mean number of peremptory challenges for district court judges standing for retention from 2010 to 2021 was 1.3 and the median was 1. During that period, the mean ranged from the low of 0.9 per year (2010) to a high of 46.9 per year (2017). The means are highly variable and often reflect the bar's reluctance to try out a new judge.

First Judicial District: District court judges in the First Judicial District, like their superior court colleagues, typically receive fewer peremptory challenges than judges in other judicial districts. From 2020 to 2023, the average for the one judge eligible for retention in 2024 was 2.5 challenges per year, a low number.

Second Judicial District: The Second Judicial District has no district court judges.

Third Judicial District: District court judges in the Third Judicial District received an average of 2.6 peremptory challenges per year, a similarly low number.

Fourth Judicial District: Two district court judges in the Fourth Judicial District are elibible for retention. Judge Christian received an average of 4.2 challenges per year, a low number. Judge Bahr received an average of 66 challenges per year in her first three years on the bench, a relatively high number. She received a total of 67 challenges in her first year, 66 in her second year, and only 27 in her third year. Most of the challenges came in criminal cases, at first from the defense bar, and then more frequently from prosecutors. This pattern of frequent peremptory challenges and then diminishing over time is common for new judges.

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MEMORANDUM

TO: Judicial Council

FROM: Staff

DATE: August 13, 2024

RE: Recusal Records of Judges Eligible for Retention in 2024

I. Introduction

One tool that the Judicial Council uses for evaluating judges is a judge's record of self-disqualification from cases, or "recusals." Judges are required to disclose potential reasons for disqualification and then step down from cases when there is a conflict. If a judge's activities prevent them from sitting on an inordinate number of cases, however, that judge may not be as effective as other judges in handling their caseload.

This memo examines recusal records of those judges who are eligible for retention in 2024. The data show that no judge has a record of high recusals that requires further investigation. Although one judge recused himself an average of 125.5 times in his first two years, he was required to do so by Alaska law.

II. Context for interpreting recusal data

Conflicts and resulting disqualifications are unavoidable. Judges must recuse themselves when conflicts arise. Alaska law and ethics rules govern when judges must recuse themselves from cases. Sometimes high numbers of recusals can indicate that a judge is not regulating their extra-judicial activities appropriately. High numbers of recusals do not necessarily indicate that a judge has failed to do so. Only very high disqualification rates should trigger an inquiry about whether a judge is acting in a matter to perform their judicial duties effectively. The law and ethics rules are set forth below.

Alaska Statute 22.20.020 sets forth the matters in which a judge may not participate. Judges may not act in matters: when the judge is a party; when the judge is related to a party or an attorney; when the judge is a material witness; when the judge or a member of the judge's family has a direct financial interest; when one of the parties has recently been represented by the judge or the judge's former law firm; or when the judge for any reason feels that a fair and impartial decision cannot be given. Judicial officers must disclose any reason for possible disqualification at the beginning of a matter.

Alaska Code of Judicial Conduct Canon 3E presents even broader bases for recusal. The canon states that a judge is disqualified whenever the judge's impartiality might reasonably be questioned. The rule also requires a judge to disclose on the record any information that the parties or their lawyers might consider relevant to the question of disqualification, even if the judge believes there is no real basis for disqualification. The canon provides examples, including instances when the judge has a personal bias or prejudice concerning a party or an attorney, the judge has personal knowledge of the disputed facts, the judge or the judge's former law partner served as a lawyer in the matter in controversy, or when the judge knows that he or she, or the judge's spouse, parent, or child has an economic or other interest in the matter, or is likely to be a material witness in the proceeding.

Canon 4 requires judges to conduct their extra-judicial activities so as to comply with the requirements of the Code and so that the activities do not cast reasonable doubt on the judge's capacity to act impartially as a judge, demean the judicial office, or interfere with the proper performance of judicial duties. Canon 4 restricts a judge's activities so as to minimize the instances that would require disqualification.

The following tables list the number of instances each judge recused their self in the preceding six (for superior court judges) and four (for district court judges) years. Blank cells indicate that the judge had not yet been appointed to his or her current position.

III. Recusal Records - Superior Court Judges

Judge Recusals - Superior Court																
Judicial District	Judge	2018		2019		2020		2021		2022		2023		Summary		
		Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Total	Mean*	Median*
Third	Ahrens, Rachel L	.	.	0	0	0	0	0	0	0	0	1	0	1	0.2	0
	Seifert, Bride A	.	.	0	0	0	0	0	0	3	3	5	2	13	2.6	0
	Walker, Herman G	10	0	10	0	6	0	4	0	3	0	7	0	40	6.7	6.5
	Zeman, Adolf V	.	.	.	.	1	0	6	0	3	0	5	0	15	3.8	4
	Summary													**69**	**3.4**	**3**
Fourth	Haines, Patricia L	.	.	.	.	.	.	4	8	0	4	3	2	21	7	5
	Summary													**21**	**7**	**5**
All	**Summary**													**90**	**3.9**	**4**

. = No value
** Mean and median unit of analysis is judge/year*

The average number of recusals for superior court judges standing for retention was 3.9 per year.[1] The recusal rates for all superior court judges eligible for retention election in 2024 are unremarkable and within normal ranges.

(See next page for District Court)

[1] All data available from the Alaska Judicial Council.

IV. Recusal Records - District Court Judges

Judge Recusals - District Court												
Judicial District	Judge	2020		2021		2022		2023		Summary		
		Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Total	Mean*	Median*
First	Pickrell, Kristian B	.	.	.	.	0	93	2	156	251	125.5	125.5
	Summary									**251**	**125.5**	**125.5**
Third	Dickson, Leslie N	1	0	0	0	0	0	0	0	1	0.2	0
	Franciosi, Michael J	0	0	0	0	0	0	0	0	0	0	0
	Hanley, James Patrick	0	0	0	0	0	0	0	0	0	0	0
	Logue, Michael B	0	0	0	0	0	0	0	0	0	0	0
	McCrea, Kari L	1	0	0	0	0	0	0	0	1	0.2	0
	Wallace, David R	0	0	0	0	0	0	0	0	0	0	0
	Washington, Pamela S	0	0	0	0	0	0	0	0	0	0	0
	Summary									**2**	**0.1**	**0**
Fourth	Bahr, Maria P	.	.	0	0	0	0	1	0	1	0.3	0
	Christian, Matthew C	2	0	2	0	0	0	0	0	4	1	1
	Summary									**5**	**0.7**	**0**
All	**Summary**									**258**	**7.0**	**0**

. = *No value*
* *Mean and median unit of analysis is judge/year*

District court judges typically recuse themselves infrequently. The recusal data for all district court judges standing for retention in 2024 was unremarkable and within typical range, except for Judge Kristen Pickrell. Judge Pickrell recused himself an average of 125.5 times per year during his first two years on the bench. These recusals were required by law because he had previously worked in the Ketchikan District Attorney's Office and had represented the state in criminal cases, creating conflicts of interest.[2]

[2] *See* AS 22.20.020 (requiring disqualification if a judge, prior to appointment, represented a party or appeared against a party for a period of two years, if representing the state or a municipality); Alaska Code of Judicial Conduct 3E(b) (requiring disqualification if the judge served as a lawyer in the matter in controversy).

Alaska Judicial Council
Vote Tally Sheet
Retention 2024
May 22, 2024

Judges	Council Members						
	Babcock	Collins	DeWitt	Hansen	Katcher	Parker	Maassen*
Rachel Ahrens	Abstain	Yes	Abstain	Yes	Yes	Yes	
Marjorie K. Allard	Abstain	Yes	Abstain	Yes	Yes	Yes	
Maria Pia Bahr	Abstain	Yes	Abstain	Yes	Yes	Yes	
Dario Borghesan	Abstain	Yes	Abstain	Yes	Yes	Yes	
Matthew Christian	Yes	Yes	Abstain	Yes	Yes	Yes	
Leslie Dickson	Abstain	Yes	Abstain	Yes	Yes	Yes	
Michael Franciosi	Abstain	Yes	Abstain	Yes	Yes	Yes	
Patricia L. Haines	Abstain	Yes	Abstain	Yes	Yes	Yes	
J. Patrick Hanley	Yes	Yes	Abstain	Yes	Yes	Yes	
Jennifer S. Henderson	No	Yes	Abstain	Yes	Yes	Yes	
Michael Logue	Abstain	Yes	Abstain	Yes	Yes	Yes	
Kari McCrea	Abstain	Yes	Abstain	Yes	Yes	Yes	
Kristian B. Pickrell	Yes	Yes	Abstain	Yes	Yes	Yes	
Bride Seifert	Abstain	Yes	Abstain	Yes	Yes	Yes	
Timothy W. Terrell	Abstain	Yes	Abstain	Yes	Yes	Yes	
Herman G. Walker, Jr.	Abstain	Yes	Abstain	Yes	Abstain	Yes	Yes
David R. Wallace	Abstain	Yes	Abstain	Yes	Yes	Yes	
Pamela S. Washington	Yes	Yes	Abstain	Yes	Yes	Yes	
Adolf Zeman	No	Yes	No	Yes	Yes	Yes	

**The Chief Justice votes only when to do so would change the result.*