

**Thirtieth Report: 2019-2020
to the
Legislature and Supreme Court**

March 2021

The Alaska Judicial Council (2019-2020)

Members and Terms

Chairperson

Chief Justice Joel H. Bolger (2018-2021)

Attorney Members

James Torgerson (2014-2020)

Galen Paine (2016-2022)

Geraldine Simon (2018-2024)

Jonathon Katcher (2020-2026)

Public Members

Loretta Bullard (2015-2021)

Lynne Gallant (2017-2023)

Dave Parker (2013-2025)

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Part I

Introduction

The Alaska 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 thirtieth report to the Legislature and the supreme court summarizes the Council's activities in 2019 and 2020.

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 appointment to the position of Public Defender.

Second, the Council by law evaluates the performance of judges who appear on the ballot. Based on its evaluations, the Council recommends whether voters should retain each judge for another term. To help voters make informed decisions, the Council is required to publicize its judicial performance evaluations and its retention recommendations. The Council also assists with the evaluation of retired judges sitting pro tempore, as described in the Alaska Rules of Court.

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 staffing Alaska’s Criminal Justice Working Group, which collaborates on improvements to Alaska’s criminal justice system, and staffing the Alaska Criminal Justice Commission. Constitutional and statutory references to all mandated Judicial Council functions are posted on the Council’s website at www.ajc.state.ak.us.

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 and confirmed by the Legislature, 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 Chief Justice shall vote only when to do so could change the result, a situation which occurs rarely.

The Constitution provides that all appointments to the Council 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. They serve as volunteers and receive no compensation other than reimbursement for travel expenses.

The Council's membership has changed since the last report. Appendix A and the Council's website (www.ajc.state.ak.us) both contain a historical roster of the Council's membership. Current members include:

Chief Justice Joel H. Bolger will serve as chair ex officio of the Council until his three-year term as chief justice expires at the end of June 2021. Before his appointment to the Alaska Supreme Court in 2013 by Governor Sean Parnell, Chief Justice Bolger served on the Alaska Court of Appeals for four years. He was appointed to that position by Governor Sarah Palin in 2008. Prior to that, Chief Justice Bolger served as a superior court judge in Kodiak for five years and a district court judge in Valdez for six years.

Dave Parker is a public member from Wasilla. He is a retired Anchorage police officer who served for 17 years as a detective and public information officer. He is a former teacher and pastor. Governor Sean Parnell appointed Mr. Parker to the Council in 2013, and Governor Michael Dunleavy appointed him in 2019 to a second term.

Loretta Bullard is a public member from Nome. She served as president of Kawerak, Inc., the Alaska regional Native non-profit corporation, for more than two decades. She also served on the Alaska Rural Justice and Law Enforcement Commission. Governor Bill Walker appointed Ms. Bullard in 2015.

Galen Paine is an attorney member from Sitka. Ms. Paine was previously a public defender; currently, Ms. Paine is a private attorney in Sitka. Ms. Paine was appointed in 2016.

Lynne Gallant is a public member from Anchorage. Governor Bill Walker appointed her to the Council in 2017.

Geraldine Simon is an attorney member from Fairbanks. She serves as a Corporate Compliance and Risk Officer at the Tanana Chiefs Conference. She was appointed to the Council in 2018.

Jonathon Katcher is an attorney member from Anchorage. He is in private practice in Anchorage. Mr. Katcher was appointed to the Council in 2020.

C. Organization and Administration of the Council

The Judicial Council is governed by bylaws adopted pursuant to the constitutional provision that the Council shall act “according to rules which it adopts” (Article IV, Section 8). The current bylaws are in Appendix B and on the Council’s website at www.ajc.state.ak.us.

The Judicial Council staff currently includes the executive director, administrative attorney, special project coordinator, administrative/fiscal officer, research analyst, administrative assistant, and executive secretary.

D. Impact of COVID-19

The COVID-19 virus entered the United States in January 2020 through both European and Asian carriers. Starting in mid-March of 2020 and continuing for the next year, Alaska’s state government officials and local governments began issuing emergency orders to attempt to control the spread and impact of the virus.

The Judicial Council and most other government agencies, along with most private businesses allowed many employees to work remotely. The Council, like most other government and private organizations, replaced most personal interactions with video-conferenced meetings and presentations. The Council has increased its use of social media to communicate with the public. Because of continued presence of the virus and its variants, the Council will use remote work options, videoconferencing, and more communication via social media until it is safe to return to in-person activities.

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Part II

Judicial Selection 2019-2020

A. Nominations

1. Number of Vacancies

The Council's workload in terms of judicial vacancies has fluctuated over time. From 1984 through 2002, Alaska averaged around 4.2 vacancies per year. From 2003 through 2012, the number climbed to an average of 7.1 vacancies per year. The Council's workload decreased again from 2013 through 2016, to an average of 4.3 vacancies per year. From 2017 to 2018, Alaska experienced a significant increase in judicial vacancies, to an average of 9.5 vacancies per year.

During the most recent period, 2019-2020, Alaska continued to have a high number of judicial vacancies. During the past two years, the Council interviewed and nominated applicants for a total of 17 vacancies, an average of 8.5 vacancies per year.

2. Average Number of Applicants per Vacancy

The average number of applicants per vacancy continues to be high:

- 6.2 applicants per vacancy from 1984-1988;
- 8.5 applicants per vacancy from 1989-2002;
- 10.0 applicants per vacancy from 2003-2012;
- 8.6 applicants per vacancy from 2013-2014;
- 9.6 applicants per vacancy from 2015-2016;
- 7.9 applicants per vacancy from 2017-2018;
- 7.2 applicants per vacancy from 2019-2020.

3. Appointments in 2019-2020

During 2019 and 2020, Governor Michael Dunleavy appointed 16 judges from among the Council’s nominees.¹ The new appointees, their positions, and the dates of their appointments are listed in the chart below.

Judges Appointed in 2019 and 2020			
Position	Appointee	Date	Prior Judge
Utqiagvik Superior	Nelson Traverso	03/21/2019	Angela Greene
Palmer Superior	John C. Cagle	03/21/2019	Gregory Heath
Kodiak Superior	Stephen B. Wallace	03/21/2019	Steve Cole
Anchorage District	David A. Nesbett	03/21/2019	Gregory Motyka
Palmer Superior	Kristen C. Stohler	04/17/2019	Vanessa White
Anchorage Superior	Peter R. Ramgren	07/03/2019	Michael Corey
Fairbanks Superior	Brent Bennett	07/03/2019	Bethany Harbison
Fairbanks Superior	Earl Adrian Peterson	07/03/2019	Douglas Blankenship
Homer Superior	Bride Seifert	12/06/2019	Margaret L. Murphy*
Kenai District	Martin C. Fallon	12/06/2019	Sharon A. S. Illsley
Valdez Superior	Rachel Ahrens	12/06/2019	Daniel Schally*
Palmer District	Shawn Traini	12/06/2019	John W. Wolfe
Anchorage Superior	Adolf Zeman	04/15/2020	Michael L. Wolverton
Palmer District	Tom V. Jamgochian	07/01/2020	David Zwink
Supreme Court	Dario Borghesan	07/01/2020	Craig Stowers
Court of Appeals	Timothy W. Terrell	12/18/2020	New Position

* Previously a district court position

Appendix C contains a complete log of all applicants, nominees, and appointees for judicial vacancies that occurred in 2019-2020. A historical log of all judicial applicants, nominees, and appointees for all judicial vacancies since statehood is posted on the Council’s website at www.ajc.state.ak.us.

B. Selection Procedures

The Council uses procedures developed over the past six decades to select nominees for judicial vacancies. The Council compiles character references, detailed reference letters, and performance assessments from attorneys with direct, recent professional experience with each applicant. It 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

¹ There were fewer judges appointed during this period than vacancies because for one vacancy the Council was not able to nominate two applicants.

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. Applicants may choose whether to have a public or private interview.

In addition to the investigation discussed above, the Council asks attorneys and judges who have worked with or against the applicants or who have other contacts or knowledge to evaluate their qualifications for the bench. The Council sends a survey to every active bar member (including out-of-state) and every in-state inactive and retired member of the Alaska Bar Association asking about the applicants' professional competence, integrity, fairness, judicial temperament, suitability of experience, and overall qualifications. Respondents rate the applicants on a numeric scale, and the results from the surveys are compiled into a detailed written report, with an emphasis on ratings from respondents with direct professional experience with the applicants.

In addition to the numeric ratings, survey respondents may write narrative comments about the applicants. These comments are shared with applicants after the comments have been edited to preserve the anonymity of survey respondents. While the Council accepts unsigned comments on the Bar survey, Council members do not consider the unsigned comments unless they are substantiated, corroborated, or acknowledged by the applicant.

The Council periodically reviews its selection procedures to make improvements. A detailed description of the Council's selection procedures is in Appendix D and on the Council's website at www.ajc.state.ak.us.

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Part III

Judicial Performance Evaluations 2019-2020

A. Retention Election Evaluations

1. Introduction

Alaska's constitution and statutes require each judge periodically to stand for retention at the general election. The lengths of terms vary with the judicial position, with all judges serving a shorter initial term, and longer terms after the first retention election. Statutes passed in 1975 require the Judicial Council to evaluate the performance of each judge standing for retention. The Council recommends a "retain" or "do not retain" vote on each judge to the voters, and widely publicizes its decisions.

Appendix F contains the retention election history for current judges. A list of judges eligible to stand for retention in November of 2022 and 2024 is in Appendix G. A history of judges standing for retention from 1976 through 2020 is posted on the Council's website at www.ajc.state.ak.us.

2. 2020 Retention Evaluation

Twenty-two judges stood for retention in 2020: one supreme court justice, one court of appeals judge, two judges in the Second Judicial District (two superior court), fifteen judges in the Third District (eight superior court, seven district court), and three judges in the Fourth District (one superior court, two district court). The Council found all judges met performance standards, and recommended that all be retained.

The evaluation procedures used by the Council have been developed based on experience over the past forty-five years, and on national best practices. The Judicial Council's evaluation included specific feedback from individuals who had appeared in the judges' courtrooms or worked with them, general feedback from members of the public, and a thorough investigation of the judges' performances over their previous terms in office. The Council's investigation included letters, emails, verbal testimony, and public and confidential documents.

In January of 2020, surveys were sent to 3,481 active, inactive, and retired in-state members and active out-of-state members of the Alaska Bar Association; 1,584 Alaska peace and probation officers; and 430 social services professionals (social workers, guardians ad litem, and court appointed special advocates for Alaska's abused and neglected children and incapacitated

adults). An independent contractor handled the surveys for the Judicial Council to assure objectivity in the findings.

The Council also asked jurors who had served on cases with the judges to rate and comment on the judges' abilities to handle trials fairly and capably. Jurors completed survey cards immediately after the trial on which they sat. The Council also solicited feedback on judicial performance from court employees.

All survey respondents evaluated judges' fairness, integrity, temperament, diligence, and overall performance; attorney respondents in addition rated judges' legal abilities. A total of 2,376 surveys were returned: 907 from attorneys; 345 from peace and probation officers; 117 from social services professionals; 253 from court employees, and 754 from jurors.

In addition, each judge standing for retention returned a self-evaluation questionnaire to the Judicial Council. The judge identified a number 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.

Council staff reviewed a series of public records, including annual financial disclosure statements filed with the Alaska Public Offices Commission and separate conflict of interest disclosure forms filed with the court system; court case files; public disciplinary proceedings; and a report on any withheld salary warrants. The Council also reviewed performance-related data, such as the number of peremptory challenges filed against a judge, the number of times a judge recused himself or herself from presiding over a case, and how frequently a trial judge was reversed on appeal in civil and criminal cases. The Council also reviewed credit and criminal history records and personnel files for each judge.

The Council engaged with the public during the evaluation process, including a statewide public hearing via the legislative teleconference network. Council members and staff also made presentations to community organizations throughout the state. Print and electronic media published stories explaining the Council's evaluation process and the recommendations. The public also commented about judges on the Council's website.

Council staff investigated specific issues as needed. Additional investigation included case file review, interviewing people, and listening to court proceedings.

The Council considered and discussed all the performance information at a meeting in May of 2020. After deliberation, the Council unanimously found that all judges met or exceeded performance standards, and recommend that all judges be retained in office.

The Council made its retention evaluation information and its retention recommendation widely available to the public. The Official Election Pamphlet sent to each Alaska voter by the Division of Elections included a page summarizing the Council's performance evaluation of each judge. The Council published comprehensive materials, and posted most non-confidential information on its retention home page www.knowyouralaskajudges.com. The Council created a Facebook page to share information about the retention of judges, including notices of public hearings and events. Staff and Council members reached out to communities across the state through radio shows, video-conferenced presentations to Chambers of Commerce, Community Councils, local and tribal organizations, and print media. A detailed description of the Council's retention evaluation process is in Appendix E and on the Council's website at www.ajc.state.ak.us.

3. Retention Election Results

a. Summary

Two appellate judges and twenty trial court judges stood for retention in 2020. The Council found all of the judges met judicial performance standards and recommended their retention.

Voters retained all the judges standing for retention. Most judges were retained with "yes" vote percentages either equal to or slightly higher than percentages from previous election cycles.

b. "Yes" Vote Percentages for the Various Courts

1. Appellate Judges

Supreme Court Justice Susan Carney and Court of Appeals Judge Tracy Wollenberg stood for retention in a statewide vote. Judge Wollenberg's "yes" vote percentage of 64.8% was well within the range typical for Court of Appeals judges, despite some opposition to her candidacy. Justice Carney's "yes" vote percentage of 63% was among the highest received by a supreme court justice in the past twenty years, despite a substantial campaign against her retention undertaken by several groups.

2. First Judicial District

No judges from the First District appeared on the ballot in 2020.

3. Second Judicial District

Two judges stood for retention in the Second Judicial District. Both received the relatively high “yes” vote percentages typically received by judges standing in the Second Judicial District (around 70%).

4. Third Judicial District

Eight superior court judges and seven district court judges stood for retention in the Third Judicial District.

Superior Court Judges: Most of the “yes” vote percentages received by the superior court judges standing in the Third Judicial District were above 60.0%. This outcome contrasts with results in 2016 and 2018, where “yes” vote percentages for the Third District Superior Court judges fell below 60.0%. In 2020, only two superior court judges received “yes” vote percentages below 60%.

District Court Judges: All Anchorage District Court judges were retained by 60.0% or more “yes” votes, a pattern also seen in prior years. Four of the seven had stood for retention in 2016, and all four improved their results in 2020. However, the “yes” vote percentages tended to be lower than those received by other district court judges who stood for retention in 2014 and earlier.

5. Fourth Judicial District

One superior court judge and two district court judges stood for retention in the Fourth Judicial District. Two were from Bethel and one from Fairbanks. None had stood for retention before. For all three judges, “yes” vote percentages were above 68%, among the highest “yes” vote percentages posted in this district within the last decade or more.

B. Performance Evaluation of Pro Tem Judges and Other Judicial Officers

1. Pro Tem Justices and Judges

The Council’s role in judicial performance evaluation expanded in 1986, when the supreme court adopted Administrative Rule 23, requiring the Chief Justice to review the performance of all retired judges and justices who have served *pro tempore* based, in part, on performance evaluations

conducted by the Council. The rule contemplates that the Council will survey Bar members every two years, evaluate the judges' abilities to serve *pro tem*, and provide the evaluations to the Chief Justice. In early 2019, the Council surveyed attorneys about the performance of 24 retired judges who indicated their desire to be appointed for future *pro tem* service.

2. Newer Judges

In preparation for the evaluation of judges who would stand for retention for the first time in 2020, the Council conducted an interim evaluation of these newer judges' performance. The purpose of the evaluation was to provide new judges with performance feedback relatively soon after appointment to help them understand what they were doing well and where they could improve. In 2019, the Council surveyed attorneys about the performance of fourteen judges who were eligible to be on the ballot for the first time in 2020. Each newer judge received his or her own bar survey ratings, along with comments edited to preserve the anonymity of the survey respondents. The Council initiated follow up communications with any judges whose survey results indicated concerns. These judges were given information about the areas of concern and encouraged to develop plans to address the areas where performance could be improved.

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Part IV

Other Work to Improve the Administration of Justice

A. Introduction

The Alaska 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 Thirtieth Report summarizes the reports, committee service, and projects the Council completed in 2019 and 2020 to meet this mandate. It also describes the Council’s plans for on-going work and collaboration with others to improve the administration of justice.

The Council serves the public by providing a wide variety of information about different aspects of the justice system. Staff regularly respond to questions from the public about courts and judges, provide copies of its reports to agencies and the public, and refer people to other resources for their specific needs. The Council maintains a comprehensive website (see www.ajc.state.ak.us) with current information about judicial selection, retention, and the Council’s other work.

B. Criminal Justice Working Group

In 2007 the Legislature funded the Judicial Council to staff the inter-branch Criminal Justice Working Group (CJWG), which collaborates on ways to improve Alaska’s criminal justice system. The group meets regularly to resolve inter-branch issues, and to improve the system’s efficiency and effectiveness. Judicial Council staff provides the CJWG with meeting coordination, research, and investigation.

Membership on the CJWG includes commissioners and top policymakers from the state departments of Corrections, Health and Social Services, Labor and Workforce Development, Public Safety, Law, Education, and the Mental Health Trust Authority. Other members include the heads of the Alaska Public Defender Agency and the Office of Public Advocacy; the Administrative Director and the deputy director of the Alaska Court System; the Judicial Council Executive Director; the U.S. Marshal; the Anchorage Municipal Prosecutor; and the Director of the Office of Victims’ Rights. In 2019-2020, the CJWG was co-chaired by Alaska Supreme Court Justice Joel Bolger and the state’s Attorney General.

The Criminal Justice Working Group has partnered with the Alaska Criminal Justice Commission to compile and analyze data to evaluate the impact of criminal justice reforms in Alaska. The groups have considered what measures of effectiveness and other outcomes to develop from the data, which has been compiled and analyzed by the Judicial Council in cooperation with the University of Alaska Justice Information Center (AJiC). Guided by the requirements in AS 44.19.645, they decided what time periods the data should cover, what variables should be included, how they should be defined, and what forms the reports should take.

During 2019 and 2020, the Criminal Justice Working Group studied and reported on several inter-agency and inter-branch projects. These included research on pretrial and bail outcomes, the Department of Law's civil diversion of some criminal offenses to tribal courts, a pilot project in Anchorage to decrease unnecessary pretrial delay, enhancing the use of therapeutic courts, and court hearing notifications.

C. Alaska Criminal Justice Commission

The Alaska Judicial Council staffs the Alaska Criminal Justice Commission, a fourteen-member, multidisciplinary body created by the Alaska Legislature in July of 2014. The Commission may recommend legislative or administrative action to the Legislature and to the Governor to improve criminal laws and practices, consistent with the goals of enhancing public safety, offender rehabilitation, victim restitution, and reducing costs. The Commission is required annually to make recommendations to the Governor and the Legislature on how savings from criminal justice reforms should be reinvested to reduce recidivism. The Commission's term ends on June 30, 2021.

The Commission investigates, analyzes, and reports annually on the outcomes of criminal justice reforms in Alaska. The Commission has been tracking the results of criminal justice reforms enacted from 2016 - 2018. Its annual reports in 2019 and 2020 documented changes in the prison population, improvements to probation and parole outcomes, and an increase in re-entry and violence prevention services. The Judicial Council provides legal, logistical, research, and analytical support for all the Commission's activities.

As part of criminal justice reform, the Commission asked the Council to assist the City and Borough of Juneau prosecutors' office in designing and carrying out the Juneau Avert Chronic Shoplifting Program (JACS). JACS received federal funding at the recommendation of the Criminal Justice Commission, and in-kind local support. It aimed to reduce recidivism among people with significant shoplifting behaviors by offering case management, mental health assessments and services, and an educational program encouraging them to stop shoplifting. The project ended in December 2018, and the Council evaluated it during 2019.

Beginning in January 2019, the Commission held victim listening sessions in Juneau, Fairbanks, Ketchikan, Bethel, Anchorage, and at the Alaska Federation of Natives (AFN) Convention in Fairbanks. Attendance ranged from three to 30 people, with participants representing victims of a variety of crimes. To supplement these in-person sessions, in mid-May of 2019, Commission staff launched an online survey for victims of crime in Alaska. The survey asked respondents about their location, what helped or would have helped them immediately after the crime or long-term, what helped or would have helped them to understand the criminal justice process, whether they were able to access services, and anything else they thought the Commission should know. To respond to the concerns shared in both the listening sessions and the survey responses, the Commission convened a workgroup comprised of commissioners, victim advocates, and interested members of the public.

Information about the Commission’s activities, including its workgroups and meeting schedule, is posted in a separate section of the Judicial Council’s web page. In addition, to assist with the Commission’s work and public access to resources, the Council has created a page with articles, research papers, and other publications on criminal justice topics including rural and Alaska Native issues, alcohol, arrests, collateral consequences, drugs, DUI, economics, juvenile justice, law enforcement, mental health, court processes, restitution, restorative justice, and sentencing reform.

D. Bylaws Review

The Council’s bylaws state that they shall be reviewed every six years. During 2019 and 2020, the Council members conducted a comprehensive bylaw review, including solicitation of input from the public. Several changes were adopted at the end of that process, including the addition of a “meets or does not meet performance standards” criterion for review of judicial performance (in Article VIII), and the addition of the requirement for Council members to make every effort to promote diversity among judicial and public defender applicants (Article I).

E. Committee Service

The Judicial Council plays an important role in Alaska’s justice system by assisting the courts, Legislature, and executive branch agencies on committees and projects. The Council also works with other states and national groups on topics of shared interest, and is often called upon to contribute to best practices and research in the selection and evaluation of judges.

1. Court System Committees

Council staff participate on two Alaska Supreme Court committees: the Committee on Fairness, Diversity & Equality and the Access to Civil Justice Committee.

Council staff also serve on two of the court's committees for planning judicial training and education. One committee plans training conferences for newer judges, and the other committee plans the fall judicial conference for all judges. Council participation on these committees gives other members the benefit of the Council's perspective on judicial needs gained from the selection and evaluation processes.

2. Criminal Justice Information Advisory Board

The Council's Executive Director is a statutory member of the Criminal Justice Information Advisory Board (CJIAB), an inter-agency group chaired by the Department of Public Safety. The group was established by the legislature to advise the Department of Public Safety and other criminal justice agencies on matters pertaining to the development and operation of the central criminal history repository and other criminal justice information systems.

3. Alaska Justice Information Center

The Council's Executive Director is a member of the Steering Committee for the University of Alaska's Alaska Justice Information Center, formed in 2015 to compile, analyze, and report on criminal justice topics to policymakers and practitioners in order to improve public safety, to increase criminal justice system accountability, and to reduce recidivism. During 2019 and 2020, AJiC released reports on Alaska State Trooper staffing, homicides, Alaska trial court caseloads, and property crime. AJiC also released several factsheets and online dashboards during this time.

F. Publications

All Council research reports since 1974 and the Council's biennial reports from 2003-2004 to the present are on the Council's website, at www.ajc.state.ak.us/reports/admin.html.

In April 2019, the Council completed its evaluation of the Juneau Avert Chronic Shoplifting program. The program was in response to concerns raised after the Alaska Legislature restricted the ability of municipalities to use incarceration as the primary response to petty shoplifting. While the Alaska Legislature later amended the law, for a time no active or suspended jail was possible for first- and second-time offenders, although judges could impose a fine and

restitution. After completing a process evaluation, council staff presented findings to stakeholders and the Criminal Justice Working Group. These included program reach, implementation, and recommendations for similar programs in the future.

In April 2019, the Council published *Sex Offenses: An overview on the data, research, law and policies relating to sex offenses in Alaska*. This report presents data on sex offenses in Alaska, and explains how reported cases are investigated and charged. The report describes sentencing laws and practices, recent changes to these, and how those convicted receive treatment and reentry services. The report describes victims' challenges, and the services and support systems for them. The Alaska Criminal Justice Commission prepared the report at the request of the Alaska Legislature.

In January 2020, the Council published *A Study of Risk Factors Related to Criminal Activity*. This report, requested by the Alaska Legislature, looks at Department of Corrections risk assessments administered to people after their conviction and incarceration for more than 30 days, and to people on probation or parole. Most respondents convicted of crimes and sentenced reported the same major risk factors: substance abuse, and having criminal acquaintances and friends. The report also reviewed information about the prevalence of ACES (Adverse Childhood Experiences, which are associated in other studies with a variety of physical and emotional issues, and with increased likelihood of criminal behavior in people who live in Alaska). The report recommends that the legislature follow up its interest in primary prevention by looking a variety of programs including parenting skills, building resilience for children at risk of high ACEs, and ways to prevent substance abuse and association with antisocial peers.

In January 2020, the Council completed a re-offense study of individuals served by Partners for Progress, a re-entry non-profit in Anchorage. Following incarceration for a criminal conviction, Partners for Progress offers in-person training, skill development and support, housing, vouchers for goods and services, and bus passes. Each of these are designed to meet the needs of re-entrants and prevent re-offense. These services, along with demographic characteristics, were evaluated but, without a comparison groups, results were descriptive only.

In February 2020, the Council completed an analysis of pretrial detention practices and outcomes in Alaska before and after changes to pretrial procedures implemented between December 2017 and June 2018. It also documented outcomes for a group of Alaska defendants arrested during the last quarter of fiscal year 2018. This analysis showed the percentage of defendants released at any time before disposition of their cases increased significantly after bail reform. This increase appeared to be related to the adoption of a new statewide bail schedule, and the statutory reforms.

G. Reports in Progress

The Council will complete an update to *Selecting and Evaluating Alaska's Judges*. This report will build on three previous reports, published in 1999, 2008, and 2013 that identified the characteristics most closely associated with judicial applicants, nominees, and appointees. The 2021 report will document the substantial changes that have occurred in the characteristics of the Alaska Bar and judicial applicants in the years between 1984 and 2020, and will note changes in the numbers of vacancies and applications during that period. It also will update information about characteristics of retention evaluations of judicial performance, and shows how qualities demonstrated during the selection process are associated with evaluations during the retention process.

At its 2018 Convention, the Alaska Federation of Natives passed a resolution asking the Judicial Council to research charging and sentencing in cases involving non-Native offenders and Native victims compared to Native offenders and non-Native victims. The Council is talking with the Alaska Justice Information Center at the University of Alaska about possible approaches to that work as well as establishing a steering committee in early 2021 to guide the project.

Part V

A Guide to the Alaska Judicial Council Website

The Alaska Judicial Council maintains a comprehensive website, www.ajc.state.ak.us, to inform the public of its activities and to solicit public input about judges and judicial applicants. The Council has received national recognition for the amount of the information available to the public about the judicial selection process, the performance of Alaska's judges, and Council studies to improve the administration of justice in Alaska.

A. About the Alaska Judicial Council

The Council's website includes information about the history of the Alaska Judicial Council. Also posted are minutes from Alaska's Constitutional Convention in which the delegates discussed Alaska's merit selection and retention system and the Judicial Council's role, a roster of all current and past members of the Judicial Council, current Judicial Council bylaws, and references to all current laws regarding the Council.

B. Judicial Selection

The Council posts a detailed description of its judicial selection procedures on its website. To preserve the integrity and transparency of Alaska's judicial selection process and the public's confidence in it, the Council posts a copy of Alaska Judicial Applicant Guidelines, a manual prepared jointly by the Council and the Alaska Commission on Judicial Conduct. The manual discusses the statutes, court rules, and ethical considerations governing the permissible areas of activity by judicial applicants.

Attorneys may download applications for judicial positions from the Council's website. Members of the public may comment about judicial applicants using a form on the Council's website. To keep the public informed about all active judicial vacancies, the Council posts:

- A press release announcing the vacancy;
- A list of all applicants with biographical information about each applicant;
- A complete technical analysis of bar survey data;
- Notice of the Council's public hearing to receive comments about applicants;
- A list of the Council's nominees for the vacancy;
- Notice of the person appointed to the position with a copy of the public portion of their application.

The Council posts a historical log of all applicants, nominees, and appointees for judicial positions since statehood in 1959. The log contains links to additional information for all sitting judges.

C. Judges and Other Judicial Officers

So Alaskans can make informed decisions about whether to retain the judges on the ballot, Alaskan law requires the Council to evaluate the performance of judges, and authorizes the Council to make recommendations to the public about whether judges should be retained in office. The Council also is required to publicize its performance evaluations. Voters can directly access the Council's retention recommendations and information about the performance of the judges from its website. The public may submit comments about the performance of judges via the Council's website, by letter, by email, or in person at a public hearing. The Alaska Judicial Council publishes as much or more information about the performance of judges than anywhere in the country, and perhaps the world.

The website includes a description of the procedures the Council uses to evaluate the performance of judges who appear on the ballot, including an explanation of the criteria it uses to determine whether a judge met or did not meet performance standards. Detailed summaries of all of the Council's retention evaluations since 1996 are posted.

The website includes information about all of Alaska's current judges and a list of former judges. Information posted includes:

- each judge's date of appointment and the years that the judge appeared on the ballot;
- for current judges, the next date that the judge will be on the ballot;
- historical election results for each judge appearing on the ballot since 1976; and
- performance evaluation information from each judge's most recent retention.

D. Publications

All Council biennial reports since the 2003-2004 report, and all other Council publications since 1974 are posted.

E. Links to Other Websites

The Council's website makes it easier for members of the public to access other information of interest by including links to websites maintained by the Governor, the Legislature, the Alaska Court System, the Commission on Judicial Conduct, the Alaska Bar Association, the Child Support Enforcement Division, the Office of Victims' Rights, the Division of Elections, the University of Alaska Justice Center and Institute of Social and Economic Research, among others. The website also links to federal courts and justice agencies, and to national justice organizations.

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Appendix A
Judicial Council Membership

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Appendix A

Judicial Council Membership

Members of the Alaska Judicial Council 510 L Street, Ste 450 Anchorage, AK 99501		
Council Members	Appointment Effective Date	Expiration Date
Chief Justice Joel H. Bolger	07/01/18	06/30/21
Loretta Bullard (Public Member)	10/06/15	03/01/21
Galen Paine (Attorney Member)	02/24/16	02/23/22
Lynne Gallant (Public Member)	03/01/17	03/01/23
Geraldine Simon (Attorney Member)	02/24/18	02/23/24
Dave Parker (Public Member)	03/01/19	03/01/25
Jonathon Katcher (Attorney Member)	02/24/20	02/23/26

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

Historical Roster of Alaska Judicial Council Members			
Council Member Name	Residence	Appointment Effective Date	Expiration Date
Chairperson¹			
Chief Justice Buell A. Nesbett	Anchorage	11/29/59	06/18/70
Chief Justice George F. Boney	Anchorage	06/18/70	11/16/72
Chief Justice Jay A. Rabinowitz	Fairbanks	11/16/72	11/16/75
Chief Justice Robert Boochever	Juneau	11/16/75	11/16/78
Chief Justice Jay A. Rabinowitz	Fairbanks	11/16/78	11/16/81
Chief Justice Edmond W. Burke	Anchorage	11/16/81	09/30/84
Chief Justice Jay A. Rabinowitz	Fairbanks	10/01/84	09/30/87
Chief Justice Warren W. Matthews	Anchorage	10/01/87	09/30/90
Chief Justice Jay A. Rabinowitz ³	Fairbanks	10/01/90	09/30/92
Chief Justice Daniel A. Moore, Jr.	Anchorage	10/01/92	09/30/95
Chief Justice Allen T. Compton ³	Anchorage	10/01/95	07/01/97
Chief Justice Warren W. Matthews	Anchorage	07/02/97	06/30/00
Chief Justice Dana Fabe	Anchorage	07/01/00	06/30/03
Chief Justice Alexander O. Bryner	Anchorage	07/01/03	06/30/06
Chief Justice Dana Fabe	Anchorage	07/01/06	06/30/09
Chief Justice Walter L. Carpeneti	Juneau	07/01/09	06/30/12
Chief Justice Dana Fabe	Anchorage	07/01/12	06/30/15
Chief Justice Craig Stowers	Anchorage	07/01/15	06/30/18
Chief Justice Joel H. Bolger	Anchorage	07/01/18	06/30/21
Attorney Members			
E.E. Bailey ²	Ketchikan	02/24/59	02/24/62
E.E. Bailey	Ketchikan	02/24/62	02/24/68
Frank M. Doogan ³	Juneau	10/15/68	04/73
Michael L. Holmes ⁴	Juneau	05/73	02/24/74
Michael L. Holmes	Juneau	02/24/74	02/24/80
Walter L. Carpeneti ⁵	Juneau	02/24/80	02/81
James B. Bradley ⁴	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
Douglas Baily ³	Juneau	04/27/04	07/18/07
Louis James Menendez ⁴	Juneau	07/19/07	02/23/10
Julie Willoughby	Juneau	04/27/10	02/23/16
Galen Paine	Sitka	02/24/16	02/23/22
Robert A. Parrish ²	Fairbanks	02/24/59	02/24/64
William V. Boggess ⁵	Fairbanks	02/24/64	04/64
Michael Stepovich ⁴	Fairbanks	05/64	02/24/70
Michael Stepovich	Fairbanks	02/24/70	02/24/76
Michael Stepovich ³	Fairbanks	02/24/76	08/78
Marcus R. Clapp ⁴	Fairbanks	08/78	02/24/82
Mary E. Greene ³	Fairbanks	02/24/82	04/82
Barbara L. Schuhmann ⁴	Fairbanks	07/82	02/24/88
Daniel L. Callahan	Fairbanks	02/24/88	02/24/94
Christopher E. Zimmerman ⁵	Fairbanks	04/14/94	07/17/97
Paul J. Ewers	Fairbanks	07/18/97	02/23/00
Robert B. Groseclose	Fairbanks	04/05/00	02/23/06
James H. Cannon	Fairbanks	02/24/06	02/23/12
Aimee Oravec	Fairbanks	04/10/12	02/23/18
Geraldine Simon	Fairbanks	02/24/18	02/23/24

Historical Roster of Alaska Judicial Council Members - <i>continued</i>			
Council Member Name	Residence	Appointment Effective Date	Expiration Date
Attorney Members - <i>continued</i>			
Raymond E. Plummer ^{2,3}	Anchorage	02/24/59	09/26/61
Harold Butcher ⁴	Anchorage	11/61	02/24/66
George F. Boney ⁵	Anchorage	02/24/66	09/68
Lester W. Miller, Jr. ⁴	Anchorage	10/15/68	02/24/72
Eugene F. Wiles ³	Anchorage	02/24/72	03/75
Joseph L. Young ⁴	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
Susan Orlansky	Anchorage	03/14/02	02/27/08
Kevin Fitzgerald	Anchorage	04/28/08	02/23/14
James E. Torgerson	Anchorage	02/24/14	02/23/20
Jonathon Katcher	Anchorage	02/24/20	02/23/26
Non-Attorney Members			
Elmo LeRoy "Roy" J. Walker ²	Fairbanks	05/18/59	05/18/61
John Cross	Kotzebue	05/18/61	05/18/67
Thomas K. Downes ³	Fairbanks	05/18/67	Mid-1968
V. Paul Gavora ⁴	Fairbanks	10/15/68	05/18/73
Thomas J. Miklautsch ³	Fairbanks	05/28/73	12/10/74
Robert H. Moss ⁴	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. Dapceovich	Sitka	05/19/91	05/18/97
Mary Matthews ³	Fairbanks	05/19/97	08/23/98
Sandra Stringer ⁴	Fairbanks	08/24/98	07/12/99
Katie Hurley	Wasilla	07/13/99	05/18/03
Bill Gordon	Fairbanks	05/19/03	03/01/09
Kathleen Tompkins-Miller	Fairbanks	03/01/09	03/01/15
Loretta Bullard	Nome	10/06/15	03/01/21
Jack E. Werner ²	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
Gigi Pilcher	Ketchikan	03/21/00	05/18/05
Christena Williams	Ketchikan	05/19/05	03/01/11
Donald Haase ⁶	Valdez	03/01/11	04/07/11
Ken Kreitzer	Juneau	07/29/11	03/01/17
Lynne Gallant	Anchorage	03/01/17	03/01/23

Historical Roster of Alaska Judicial Council Members - <i>continued</i>			
Council Member Name	Residence	Appointment Effective Date	Expiration Date
Non-Attorney Members - <i>continued</i>			
Dr. William M. Whitehead ^{2,3}	Juneau	05/18/59	12/06/62
Charles W. Kidd ^{3,4}	Juneau	04/63	01/64
H. Douglas Gray ⁴	Juneau	04/64	05/18/65
H.O. Smith ⁶	Ketchikan	05/18/65	06/65
Pete Meland ⁴	Sitka	01/66	05/18/71
Oral Freeman ³	Ketchikan	11/22/71	01/73
Lew M. Williams, Jr. ⁴	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 ³	Anchorage	09/01/89	02/14/91
Dr. Paul Dittrich, M.D. ^{3,4}	Anchorage	04/06/91	10/03/91
Jim A. Arnesen ⁴	Anchorage	10/04/91	05/18/95
Vicki A. Otte ³	Juneau	05/31/95	11/21/00
Eleanor Andrews ⁴	Anchorage	11/15/00	05/18/01
Eleanor Andrews	Anchorage	05/18/01	03/01/07
Charles M. Kopp ³	Kenai	03/02/07	07/13/08
William F. Clarke ⁴	Chugiak	10/16/08	03/01/13
Dave Parker	Wasilla	03/01/13	03/01/19
Dave Parker	Wasilla	03/01/19	03/01/25

Notes

¹ 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.

² Appointed to initial staggered term.

³ Resigned during term.

⁴ Appointed to complete unexpired term.

⁵ Resigned during term to apply for judicial office.

⁶ Denied legislative confirmation.

Appendix B

Bylaws of the Alaska Judicial Council

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Appendix B

Bylaws of the Alaska Judicial Council

Article I Policies

Section 1. Concerning Council Member Duties

Members of the Judicial Council hold positions of public trust. Council members shall conduct themselves in a manner that reflects positively upon the selection and evaluation processes and shall avoid partisanship or partiality in the performance of their constitutional and statutory duties. Council members shall not be influenced other than by facts or information relevant to the qualifications of applicants or judges eligible for retention. Council members shall display courtesy and respect to all applicants and those commenting on applicants, as well as to other Council members.

Council members shall consider each applicant and evaluate each judge in an impartial and objective manner. In considering each applicant and evaluating each judge, a Council member shall not discriminate on any basis prohibited by law.

Section 2. Concerning Selection of Justices, Judges, and Public Defender

The Judicial Council shall nominate for judicial office and for public defender those judges and members of the bar who stand out as most qualified based on the following criteria: professional competence, including written and oral communication skills; diligence and administrative skills; integrity; fairness; temperament; judgment, including common sense; legal and life experience; demonstrated commitment to public and community service, and demonstrated commitment to equal justice and the legal needs of the diverse communities of Alaska. In making its nominations for the most qualified applicants, the Council shall also consider the following criteria: other candidates who have applied; the position applied for; and the community in which the position is located. The Council shall actively encourage qualified members of the bar to seek nomination to such offices, making every effort to promote diversity, including gender and ethnic diversity, and shall strive to inform the public of Alaska's judicial and public defender selection process.

Section 3. Concerning Retention of Judges

Pursuant to the provisions of the Alaska Constitution and Alaska Statutes Titles 15 and 22, each judge is subject to approval or rejection by the voters.¹ The Legislature has provided by statute that the Council shall conduct an evaluation of each judge eligible for retention before the retention election, shall provide to the public information about the judge, and may provide a recommendation regarding retention or rejection. When making a recommendation, the Council shall consider the results of its evaluation, as described in Article VIII of these bylaws, to determine whether the judge meets qualification and performance standards.

Section 4. Concerning Administration of Justice

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.

Section 5. Concerning Council Support of Merit Selection and Judicial Retention System, and Recommendations Relating to the Administration of Justice

(A) Education. Council members and staff may speak publicly to inform the public about the Alaska Constitution's merit selection and retention system and the Council's research and other programs designed to improve the administration of justice.

(B) Recommendations. The Council shall make recommendations to the Supreme Court and to the Legislature to improve the administration of justice.² Council members, or staff, may speak publicly about its recommendations at the direction of the Council by a vote of four or more members.

(C) Individual Council member speech. If an individual Council member speaks about matters concerning the Council or matters relating to the administration of justice not at the direction of the Council, the Council member is encouraged to carefully consider how their remarks would affect public confidence in the Council's process, the Council's internal comity, and other Council members. The Council member shall stress that their viewpoint is their own and not that of the Council. The member shall not misrepresent the Council process or divulge confidential communications or documents.

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 a 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 before that date; or the date of or specified in the gubernatorial letter of appointment, if appointed after that date. Non-attorney members shall have full voting rights effective upon the appointment date, unless and until denied confirmation by the Legislature.

(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 before that 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 that date.

(C) Chief Justice. When the Supreme Court elects a new chief justice, the newly elected chief begins serving as a member and chair of the Council immediately upon assuming the office of chief justice.

Section 3. Oath of Office

The chair 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 vacancy.

Section 5. Disqualification of Member from Application

Any member of the Council who seeks appointment to a judicial office or the office of public defender should resign at least a year in advance of their application and 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 after their resignation.

Section 6. Disqualification for Public Office

No member of the Council, except the Chief Justice, may hold any other office or position of profit under the United States or the State pursuant to Article IV, Section 8, of the Alaska Constitution. Service in the armed forces of the United States or of the State is not an office or position of profit.³

Section 7. Duties and obligations of members

A member has the following duties and obligations:

(A) Attendance. Council members shall attend all meetings of the Council unless excused by the chair for good cause. If a member is absent without good cause for two consecutive meetings, the chair shall formally request the resignation of that member.

(B) Preparation. Council members shall complete all necessary preparation for each meeting.

(C) Compliance. Council members shall comply with Council bylaws and published selection and retention procedures.

Section 8. Disability, Dereliction of Duty, or Misconduct

If a member is unable or unwilling to perform the duties and obligations of a member, or has committed serious misconduct, the chair, upon a vote of four or more members, may take appropriate action to protect the integrity of the Council's work. Actions may include, but are not limited to, the following: restricting the member from receiving confidential materials; limiting or restricting the member from participating in meetings; reprimanding the member; contacting the appropriate appointing authority; and requesting the member's resignation.

Section 9. 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) Officers. The officers of the Council shall be the chair, vice-chair and executive director.

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

(C) Vice-Chair. The vice-chair is 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) Chair. The chair 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 chair will serve as acting director.

(B) Vice-Chair. The vice-chair shall preside at meetings of the Council in the absence of the chair. The vice-chair shall perform such other duties as usually pertain to the office of the chair when the chair 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 chair 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, including committee meetings, shall be open to the public, except as specifically provided. At least three days before any meeting, public notice of the date, time, and place of the meeting and of general topics to be considered shall be given by the appropriate means necessary to provide adequate notice to the public including the state on-line public notice system, the Council's website and social media, and digital and traditional media. Absent sufficient funding or 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 forms of public notice as it deems reasonable under the circumstances and which are consistent with the Council's legal obligations.

Section 2. Remote Participation

The Judicial Council shall meet in person when practicable. When not practicable, the Council may meet remotely using phone and/or video technology. The Council may meet remotely between regularly scheduled meetings with the consent of the chair. A remote meeting conducted between regularly scheduled meetings is subject to the notice requirements in Article IV, Section 1 and Article IV, Section 8.

A member may participate remotely in a regularly scheduled meeting only if the chair has found good cause to excuse the member from attending in person. A member may participate and vote remotely only if the member has had a substantially equal opportunity to evaluate all meeting materials, participate in proceedings, and evaluate all testimony, and other evidence related to the meeting.

Teleconferencing or videoconferencing may be used to receive public input and to establish a quorum.

Council members and staff shall ensure the confidentiality of meetings held with remote participation.

Section 3. Regular Meetings

The Council shall hold two or more meetings per year, at times designated by the Council, to consider problems that may affect the Council and concern the administration of justice in the State of Alaska. Regular meetings may be held in conjunction with special meetings.

Section 4. Special Meetings

When a vacancy in the office of justice, judge, or public defender actually occurs or is otherwise determined to be impending, the chair shall call a special meeting of the Judicial Council within the time-frame required by law. The chair shall also call a special meeting of the Council upon the request of four or more members to consider business specified in the request; at that meeting, the Council may also consider other business that may come before the Council with the consent of four or more of the members present. The chair shall fix the time and place of such meeting not more than thirty 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. The chair may limit public comment due to time constraints, or to matters relevant to the purpose of the meeting, in their discretion and as necessary to ensure the efficient conduct of business.

Section 6. Executive Sessions

The Council may decide as permitted by law whether its proceedings will be conducted in executive session. The Council may make this decision by concurrence of four or more members in a session open to the public. 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. The Council may not vote in an executive session.

Section 7. Place of Meeting

To the extent practicable, meetings should be held in the area of the state most directly affected by the subject matter under consideration.

Section 8. Notice of Meeting: Waiver

Notice of each meeting and teleconference shall be sent to all members of the Council as far in advance as practicable but in any event not less than five days before the date of the meeting or teleconference. Presence at a meeting or teleconference without objection shall constitute waiver of notice. When this notice requirement is determined by the chair to be unreasonable, the Council may meet on shorter 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 as provided in Section 2 of this Article and except that the chair 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. A member who wishes to abstain shall indicate the intention

to do so prior to the question being called and shall disclose the reasons for the proposed abstention.

Section 2. Conflict of Interest: Disclosure and Disqualification

(A) Disclosure. At any Council meeting where the qualifications of applicants, or the performance of judges or justices will be considered, Council members shall disclose to the Council any current or former relationship with an applicant or judge or justice (business, personal, and/or attorney-client). Council members shall also disclose the existence of any other possible cause for conflict of interest, bias, or prejudice and recuse themselves if required by (B).

(B) Disqualification. A Council member shall recuse themselves from consideration of an applicant or judge or justice, or from nominations for an entire vacancy, or from consideration of any other matter, if their ability to consider the person, vacancy, or matter impartially and objectively might reasonably be questioned by anyone.

Section 3. Quorum

Four members of the Council shall constitute a quorum for the transaction of business at any meeting. The chair is a member of the Council for all purposes, including the establishment of a quorum.

Section 4. Rules of Order

Robert's Rules of Order Newly Revised, 11th ed., will govern the meetings of the Council to the extent that they do not conflict with these bylaws. The chair may, in their discretion, establish time limitations, call members to order, and take other actions intended to further the work of the Council during a meeting.

Article VI Committees

The Council may establish committees when it finds them useful to conduct Council business. The chair may make committee assignments as needed. Each committee shall include at least one attorney and one non-attorney member. Committees shall report to the Council on their activities and may make recommendations for Council action.

Article VII 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, 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 nomination 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. If a Council member encourages a person to apply, in no circumstance shall a Council member make any representation regarding an applicant's future chances of nomination, or an individual Council member's or any other Council member's intentions regarding future votes. A Council member shall disclose to the Council that they have encouraged an applicant to apply when that applicant is first considered by the Council.

Section 2. Application Procedure

Each applicant for a judicial or the 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 for the purpose of identifying possible conflicts of interest; bar and/or judicial discipline history; criminal record; involvement as a party in litigation; credit history; physical and mental ability to perform the duties of the office; community activities; academic and employment history; legal and litigation experience; military record; representative clientele; and possible conflicts of interest.

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. The poll should be relevant to criteria listed in Article I, Section 2 of these bylaws. 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 interviews with one, some, or all applicants for any judicial or public defender vacancy. The Council will conduct interviews in person but when a candidate is unable to attend the in-person interview, the Council may arrange for a telephonic or other alternative interview. The Council may conduct interviews by a committee of the Council at other times and places when necessary. A candidate may choose to be interviewed publicly or in executive session, to protect the candidate's privacy interests consistent with Alaska law. The choice to interview publicly or in executive session will have no bearing on the Council's evaluation of the candidate's qualifications.

A candidate's interview 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 or other alternative interview requested by the Council shall be paid by the Council.

Section 4. Nomination Procedure; Recommendation of Most Qualified Candidates

As required by the Alaska Constitution Article IV, Section 5, and Alaska law,⁴ the Council shall select two or more candidates who stand out as the most qualified under the criteria set out in Article I, Section 2 of these bylaws. The names of the selected candidates shall be submitted to the governor in alphabetical order; but if the Council's vote does not result in selecting at least two applicants who are sufficiently qualified, the Council shall decline to submit any names and will re-advertise the position.

Section 5. Multiple Vacancies

(A) Same position. In the case of multiple vacancies at a single court location on the same court, the Council may accept applications for all positions, and interview and vote on nominees during the course of one meeting. Applicants may apply and be considered for more than one vacancy. The Council shall endeavor to nominate at least one more applicant than there are vacancies, to provide the governor with a choice of at least two nominees for each vacancy.⁵ If the Council is unable to nominate sufficient applicants for all vacancies, considering the most qualified standard in Article I, Section 2, and Article VII, Section 4, the Council may decline to send any nominees, or may send nominees to fill a specific vacancy while declining to send nominees for another. If the Council does not submit names for a vacancy or vacancies due its inability to nominate sufficient applicants, it shall re-advertise the position(s).

(B) Different positions. In the case of multiple vacancies at different court locations, and/or on different courts, the Council may accept applications for all positions, and interview and vote on nominees during the course of one meeting. Applicants may apply and be considered for more than one vacancy. The Council shall endeavor to nominate sufficient applicants to provide the governor with a choice of at least two nominees for each vacancy. An applicant who is nominated for more than one vacancy shall be considered a nominee for each vacancy separately for the purpose of submitting two nominees for each vacancy.

Section 6. Reconsideration

The Council will not reconsider the names submitted to the governor after the nominees are submitted unless the disability, death, withdrawal, or unavailability due to appointment to another position of one or more nominees leaves the governor with fewer than two names for filling a judicial vacancy. If the governor requests additional nominees in such a situation, the Council may 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 or re-advertise the position.

Section 7. Publication and Review of Procedures

The Council shall establish and follow written forms and procedures for the nomination of attorneys who apply to be justices, judges, and public defender. The Council shall publish the bylaws and procedures in its biennial report to the Alaska Supreme Court and Legislature, post

them on its website, and provide them to applicants. The Council shall review these procedures at intervals not to exceed three years.

Article VIII Review of Judicial Performance

Section 1. Retention Election Evaluation

The Council shall conduct evaluations of the qualifications and performance of justices and judges eligible for retention and shall make the results of evaluations public. Evaluations may include the following: a survey of members of the Alaska Bar Association; surveys of court employees and other court users; interviews; records of any disciplinary action from the Alaska Commission on Judicial Conduct and the Alaska Supreme Court; data from the Administrative Office of the Alaska Court System; records of any salary withholding by the Department of Administration for untimely decisions; review of a judge's record on appeal; credit reports; any other investigation of matters brought to the Council's attention, and public comment. The Council shall encourage expanded public participation and comment regarding judicial retention candidates' qualifications and performances.

Section 2. Criteria and Performance Standards

The Council shall determine whether a judge has met performance standards by examining a judge's performance against the following criteria:

1. Legal Ability. The judge demonstrates knowledge of substantive law, evidence, and procedure, and clarity and precision in their work.

2. Impartiality/Fairness. The judge demonstrates a sense of fairness and justice and treats all parties equally.

3. Integrity. The judge's conduct is free from impropriety or the appearance of impropriety, and the judge makes decisions without regard to possible public criticism.

4. Judicial Temperament. The judge is courteous and free from arrogance, and the judge manifests human understanding and compassion.

5. Diligence and Administrative skills. The judge is prepared for court proceedings, works diligently, and is reasonably prompt in making decisions.

Section 3. Recommendation and Evaluation Information

Based upon the evaluation and its determination whether a judge has met performance standards, the Council may provide a recommendation regarding retention or rejection. 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 be rejected. The Council shall publicize its evaluation information and recommendations at least 60 days before the election. The Council shall also provide the information and any recommendation to the office of the lieutenant governor in time for publication in the election pamphlet under AS 15.58.050.

Section 4. Other Judicial Performance Evaluations

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 may make the results of such additional evaluations public.

Section 5. Misconduct or Disability of a Judge or Justice

(A) Notification. If the Council has reason to believe that a judge suffers or may be suffering from a disability that is or may become permanent, or has violated the Judicial Code of Conduct, the Council shall notify the Alaska Commission on Judicial Conduct.

(B) Independent investigation. If any complaint against a judge, or petition for disability from the judge, is pending with the Commission on Judicial Conduct during the judge's evaluation, the Council may independently investigate the facts of the complaint or petition and may take its investigation findings into consideration when recommending for or against retention of that judge. In the event the Council concludes that it is unable to adequately evaluate the performance of a judge, it will inform the public about its decision.

Section 6. Publication and Review of Procedures

The Council shall establish and follow written forms and procedures for the evaluation of justices and judges. The Council shall publish the procedures in its biennial report to the Alaska Supreme Court and Legislature, post them on its website, and provide them to justices and judges. The Council shall review these procedures at intervals not to exceed four years.

Article IX Confidentiality

Neither Council members nor Council staff shall discuss or disclose, except among themselves, any matters or materials classified as confidential under these bylaws, or information discussed in executive session. This mandate of confidentiality survives Council terms of office and must be observed in perpetuity.

Article X External Council Communications

Section 1. Prior to Council decisions

(A) Communications with applicants or judges. Council staff shall conduct all pre-application communications with an applicant about the application or the process. Individual Council members should as much as possible avoid substantive communications pertaining to the process with applicants or with judges eligible for retention from the time the applications or judge questionnaires are submitted until completion of the nomination or retention recommendation vote. "Substantive" communications include communications about the nature of the vacancy, and the applicant's or other applicant's qualifications.

(B) Communications with the public. Members of the public may wish to communicate their thoughts about the qualifications of applicants and the performance of judicial officers to individual Council members. All written communications between a Council member or Council staff and any other person or organization regarding the qualifications of any applicant 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. Council members may encourage people to communicate with the Council in writing or at a public hearing.

Section 2. After Council Decisions

(A) Individual Council member viewpoints. Council members may discuss their individual views about the qualifications of applicants and the performance of judicial officers with members of the public, including the applicants and judicial officers. Council members may not disclose the views of other Council members about the qualifications of applicants and the performance of judicial officers. Communications and deliberations among Council members that occur in executive session, including discussion about the qualifications of an applicant or the performance of a judicial officer shall be kept confidential in accordance with the law and Council bylaws. In no circumstance shall a Council member make any representation regarding an applicant's future chances of nomination, an individual Council member's intentions regarding future votes, or any other topics held confidential by these bylaws. The Council may designate a Council member or staff person to convey recommendations to applicants regarding steps they could take to improve their qualifications and to judges to convey recommendations regarding steps they could take to improve their judicial performance.

(B) Communication of Council decisions. The Council may designate one or more Council members and/or staff members to communicate the Council's votes on nominees to applicants and on retention recommendations to judges.

(C) Communications with the Governor. After the list of nominees has been submitted to the governor, no Council member, either directly or indirectly, shall initiate contact with the governor or any member of the governor's office or staff for the purpose of influencing the governor's decision. However, if contacted by the governor or a member of the governor's office or staff, Council members may discuss their own views about the qualifications of applicants as well as publicly available information.

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 40.25.110. The public shall have access to all public records in accordance with AS 40.25.120. 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, including confidential comments received by the Council in response to its surveys, responses to counsel questionnaires, responses to solicited reference letters, and other investigative materials;
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. Although not public, the confidential sections of nominees' judicial applications may be provided to the governor;
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 Bylaw Review and Amendment

The Council shall review these bylaws at intervals not to exceed six years. 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; September 22, 2005; November 28, 2005; January 31, 2006; October 14, 2006; January 22, 2012; August 18, 2020; December 10, 2020.

¹ Alaska Const. Art. IV, § 6; AS 22.05.100 (Approval or rejection of supreme court justices); AS 22.07.060 (Approval or rejection of court of appeals judges); AS 22.10.150 (Approval or rejection of superior court judges); AS 22.15.195 (Approval or rejection of district court judges); see also AS 15.15.030(10) (specifying that “the question of whether the justice shall be approved or rejected shall be set out in substantially the following manner: (A) Shall . . . be retained . . .?”).

² Alaska Const. Art IV, § 9. (“The judicial council shall conduct studies for 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 judicial council shall perform other duties assigned by law.”)

³ Alaska Const. Art. XII, § 3. See Begich v. Jefferson, 441 P.2d 27, 32. (“[W]e conclude that the term was intended to prohibit all other salaried nontemporary employment under the United States or the State of Alaska.”)

⁴ See AS 22.05.080 (Supreme Court Vacancies), 22.07.070 (Court of Appeals Vacancies), 22.10.100 (Court of Appeals Vacancies), and 22.15.170 (Selection of District Court Judges).

⁵ See Delahay v. State of Alaska, 476 P.2d 908, 914 (Alaska 1980) (holding that the Judicial Council’s sending one more nominee than the number of positions to be filled constituted compliance with the statutory requirements).

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Appendix C

Judicial and Public Defender Appointment Log 2019 - 2020

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Appendix C

Judicial and Public Defender Appointment Log 2019 - 2020

Judicial and Public Defender Appointment Log 2019 - 2020			
Vacancy	Candidates	Nominated	Appointed
2019 Utqiagvik Superior Court - Angela Greene	Erin White Bradley ¹ Robert J. Campbell ¹ David L. Roghair Dianne Thoben Nelson Traverso	David L. Roghair Nelson Traverso <i>Meeting date 1/2019</i>	Nelson Traverso <i>3/21/2019 by Governor Michael J. Dunleavy</i>
2019 Palmer Superior Court - Vanessa White and Gregory Heath	Richard Kenneth Allen ¹ John C. Cagle Tara Logsdon Erin M. McCrum ¹ Douglas C. Perkins Peter R. Ramgren Christina Rankin Daniel Schally ² Nicholas Spiropoulos Kristen C. Stohler Shawn Traini Andrew Weinraub Melissa Winger-Howard	John C. Cagle Christina Rankin Kristen C. Stohler <i>Meeting date 1/2019</i>	John C. Cagle <i>3/21/2019 by Governor Michael J. Dunleavy</i> Kristen C. Stohler <i>4/17/2019 by Governor Michael J. Dunleavy</i>
2019 Kodiak Superior Court - Steve Cole	Elizabeth W. Fleming Andrew Ott ¹ Daniel Schally ² Stephen B. Wallace Dawson Williams Jill C. Wittenbrader ¹	Stephen B. Wallace Dawson Williams <i>Meeting date 2/2019</i>	Stephen B. Wallace <i>3/21/2019 by Governor Michael J. Dunleavy</i>
2019 Anchorage District Court - Gregory Motyka	Samantha Cherot Craig S. Condie Serena Green Doug Kossler Donna J. McCready Jack McKenna David A. Nesbett Peter R. Ramgren Shawn Traini	Samantha Cherot Craig S. Condie Serena Green Donna J. McCready Jack McKenna David A. Nesbett Peter R. Ramgren <i>Meeting date 1/2019</i>	David A. Nesbett <i>3/21/2019 by Governor Michael J. Dunleavy</i>
2019 Anchorage Superior Court - Michael Corey	Roberta C. Erwin Donna J. McCready Douglas C. Perkins ¹ Peter R. Ramgren Michael R. Smith Shawn Traini	Donna J. McCready Peter R. Ramgren <i>Meeting date 5/2019</i>	Peter R. Ramgren <i>7/3/2019 by Governor Michael J. Dunleavy</i>

Judicial and Public Defender Appointment Log 2019 - 2020 – continued			
Vacancy	Candidates	Nominated	Appointed
2019 Fairbanks Superior Court - Douglas Blankenship and Bethany Harbison	Brent Bennett JB Brainerd Earl Adrian Peterson David L. Roghair Kirk Schwalm Amy J. Tallerico Matthew A. Tallerico ¹ John Foster Wallace	Brent Bennett Earl Adrian Peterson John Foster Wallace <i>Meeting date 5/2019</i>	Brent Bennett Earl Adrian Peterson <i>7/3/2019 by Governor Michael J. Dunleavy</i>
2019 Public Defender - Quinlan Steiner	Linda R. Beecher Laurel Bennett ¹ Kevin Boots Samantha Cherot Beth Goldstein ¹ Dan Lowery Renee McFarland Julia D. Moudy Ben Muse Regan Williams	Samantha Cherot Dan Lowery Renee McFarland <i>Meeting date 8/2019</i>	Samantha Cherot <i>9/17/2019 by Governor Michael J. Dunleavy</i>
2019 Homer Superior Court - Margaret L. Murphy	Craig S. Condie Martin C. Fallon Andrew V. Grannik Jürgen Jensen Kelly J. Lawson Russell G. Leavitt David L. Roghair Bride Seifert Gary Soberay ¹ Colin A. Strickland William W. Taylor ¹ Nicholas Richard Torres Lance Christian Wells ¹	Craig S. Condie Kelly J. Lawson Bride Seifert <i>Meeting date 11/2019</i>	Bride Seifert <i>12/6/2019 by Governor Michael J. Dunleavy</i>
2019 Kenai District Court - Sharon A.S. Illsley	Amanda Browning Craig S. Condie Martin C. Fallon Michelle D. Higuchi ¹ Kelly J. Lawson Colin A. Strickland William W. Taylor ¹ Nicholas Richard Torres	Amanda Browning Craig S. Condie Martin C. Fallon Kelly J. Lawson <i>Meeting date 11/2019</i>	Martin C. Fallon <i>12/6/2019 by Governor Michael J. Dunleavy</i>
2019 Valdez Superior Court - New Position	Rachel Ahrens Craig S. Condie Andrew V. Grannik David L. Roghair Nicholas Richard Torres Lance Christian Wells ¹	Rachel Ahrens Craig S. Condie David L. Roghair <i>Meeting date 11/2019</i>	Rachel Ahrens <i>12/6/2019 by Governor Michael J. Dunleavy</i>

Judicial and Public Defender Appointment Log 2019 - 2020 – continued			
Vacancy	Candidates	Nominated	Appointed
2019 Palmer District Court - John W. Wolfe	Amanda Browning Craig S. Condie Martin C. Fallon Lars Johnson Ariel Toft Klugman Trina Sears Bride Seifert Gary Soberay ¹ Shawn Traini Andrew Weinraub	Amanda Browning Craig S. Condie Lars Johnson Bride Seifert Shawn Traini <i>Meeting date 11/2019</i>	Shawn Traini <i>12/6/2019 by Governor Michael J. Dunleavy</i>
2020 Anchorage Superior Court - Michael L. Wolverton	Sidney Kay Billingslea Elizabeth Brennan Jack R. McKenna Christina Rankin Michael R. Smith Ian Wheelles Adolf Zeman	Sidney Kay Billingslea Jack R. McKenna Christina Rankin Adolf Zeman <i>Meeting date 2/2020</i>	Adolf Zeman <i>4/15/2020 by Governor Michael J. Dunleavy</i>
2020 Palmer District Court - David Zwick	Craig S. Condie Tom V. Jamgochian Eric Senta	Craig S. Condie Tom V. Jamgochian <i>Meeting date 5/2020</i>	Tom V. Jamgochian <i>7/1/2020 by Governor Michael J. Dunleavy</i>
2020 Alaska Supreme Court - Craig Stowers	Dario Borghesan Dani Crosby Kate Demarest Jennifer Stuart Henderson Yvonne Lamoureux Margaret Paton Walsh Paul A. Roetman Jonathan A. Woodman	Dario Borghesan Dani Crosby Jennifer Stuart Henderson Yvonne Lamoureux <i>Meeting date 5/2020</i>	Dario Borghesan <i>7/1/2020 by Governor Michael J. Dunleavy</i>
2020 Fairbanks District Court - Patrick S. Hammers	Andrew Patrick Baldock JB Brainerd Heather M. Brown ¹ David Eugene Buettner Jennifer Page Hite Tom V. Jamgochian ³ Mike Kenna ¹ Sandra K. Rolfe ¹ Spenser J. Ruppert ¹ Kirk Schwalm Amy J. Tallerico ¹ John Foster Wallace ¹	Jennifer Page Hite <i>Meeting date 8/2020</i>	No names forwarded to the Governor because only one applicant was nominated.
2020 Court of Appeals - New Position	Brooke Berens Trisha Haines Ben Hofmeister Paul J. Miovas, Jr. Chris Peloso ¹ David L. Roghair ¹ Kevin M. Saxby Michal Stryszak Timothy W. Terrell	Brooke Berens Trisha Haines Timothy W. Terrell <i>Meeting date 11/2020</i>	Timothy W. Terrell <i>12/18/2020 by Governor Michael J. Dunleavy</i>

¹ Withdrew

² Appointed to Juneau Superior Court

³ Appointed to Palmer District Court

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Appendix D

Judicial Selection Procedures

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Appendix D

The following information is given to each applicant for a judicial position. The Council updates this description as its selection procedures change, so the information below should not be relied upon as the most current. The most current information is posted on the Council's website at www.ajc.state.ak.us.

Alaska Judicial Council Procedures for Nominating Judicial Candidates

The Alaska Judicial Council is a constitutionally created state agency that evaluates the applications of persons seeking judicial appointment and nominates two or more qualified applicants to the governor for appointment to fill existing or impending vacancies.¹ This paper 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 are taken by the Judicial Council to ensure that applicants are fairly evaluated and that the most qualified are nominated. These procedures are published in the Council's biennial reports to the supreme court and to the legislature and are posted on the Council's website. Every applicant is directed to the Council's website to review the most current version of these procedures.

I. Application Procedures

A. Notice of Vacancy; Recruitment

i. Notice of Vacancy

As soon as possible after learning that a vacancy exists or is about to occur in the supreme court, court of appeals, superior court, or district court, the Council issues a press release announcing the vacancy, posts a notice on its website, and sends notice of the vacancy to all active members of the Alaska Bar Association. The notice describes the judicial vacancy, states the statutory requirements for the position, invites all qualified attorneys to apply, tells interested attorneys how to obtain applications, and sets the deadline for applying. The notice may also state that the Council has the discretion to use applications to make nominations for other pending or impending vacancies at the same level of court in the same location. The application deadline is typically four to five weeks after the Council announces the vacancy.

ii. Recruitment

Council members and staff may actively encourage qualified persons to apply for a judicial position. The Council may cooperate with selection committees of the state bar or local bar associations, or other appropriate organizations to identify and recruit potential applicants. The Council may extend an application deadline to encourage more applications.

¹ Article IV, Section 5 of the Alaska Constitution; Titles 15 and 22 of the Alaska Statutes.

B. Application Forms

Application forms for open judicial positions may be requested from the Council's office and are also available on the Council's website. Each applicant seeking to be considered for nomination by the Council to an open judicial position must file a completed Judicial Council application form and must comply with all requirements described in the form.

i. Background Information

The application form asks for information that may be relevant to determine qualifications for office, including but not limited to: academic and employment history; bar and/or judicial discipline history; community service and pro bono activity; community activity and non-legal interests; involvement as a party in litigation; criminal record; credit history; military record; the addresses of all of the applicant's residences in the past five years; and the applicant's ability to perform essential job functions with or without reasonable accommodation. The Council asks each applicant to provide a photograph to assist members in recalling the interviews. The Council also asks whether an applicant prefers to be interviewed in public session or in executive session.

ii. References

The Council requires an applicant to submit the names of three professional references and two character references. The Council asks the applicant to submit the names of attorneys and judges involved in three of the applicant's cases in the past three years that went to trial and three of the applicant's cases in the past three years that did not go to trial but in which the applicant did substantial work. If an applicant does not have three recent cases that have gone to trial, the applicant may submit additional non-trial cases, or may submit less recent trial cases. An applicant must submit the names of persons who can verify and comment about the applicant's past and present employment.

iii. Nature of Law Practice

An applicant is asked to provide detailed information about the applicant's practice of law, including the percentage of practice in state versus federal court, the percentage of practice in civil versus criminal matters, and the percentage of practice at the appellate versus trial court level. An applicant must describe how often the applicant appears in court and must provide an estimate of how many jury and non-jury trials, appellate matters, and administrative hearings the applicant has handled.

iv. Writing Sample

The Council requires a sample of the applicant's writing ten to twenty pages in length, prepared solely by the applicant within the past five years. The Council also asks the applicant to provide a list of any legal publications the applicant has authored. Writing samples must be from closed cases, and any confidential information should be redacted.

v. Information Needed to Determine Potential Conflicts

An applicant is asked to provide the amount and source of the applicant's income for the past three years and the names and occupations of the applicant's immediate family members. The applicant is asked to identify any public or political office the applicant has held. The applicant is asked to provide information about his or her membership in legal and non-legal organizations and other information bearing on potential conflicts of interest.

vi. Short Biography to Post on Council Website

Each applicant submits a brief written summary of his or her background, legal education, and legal experience. The Council posts these summaries on its website and invites attorneys to review them when responding to Council surveys. Applicants may choose to have their photograph posted on the website with their biographical summary.

vii. Submission of Application; Re-Use of Applications

Applicants must submit the completed application (including the writing sample) and one photograph to the Council on or by the date set forth in the notice of vacancy. An applicant who recently submitted a photo for a prior application may ask to re-use the earlier photo.

An applicant who applies for another judicial position within six months of a prior application may request to rely on his or her most recent application to apply for the new vacancy. The request must be submitted to the Council in writing. The Council may approve the request, but will require the applicant to update the application with any supplemental information.

C. Confidentiality of Application

i. Non-Public Materials

The Council maintains the confidentiality of sensitive and highly personal information in applications, including but not limited to: home and e-mail addresses; home and mobile telephone numbers; social security number; income; names and occupations of immediate family members; formal disciplinary or ethical complaints, charges or grievances brought against the applicant as an attorney or judge that did not result in public discipline; medical and health history; and the financial interests of the applicant. The Council maintains as non-public material all solicited counsel questionnaires, reference letters, and employment verifications. A solicited reference, questionnaire, or employment verification is provided to the governor only if the author states in writing that it can be provided to the governor, and only if the subject of the solicited item is nominated. The Council maintains as non-public material all unsolicited comments and letters for which the author requests confidentiality or which the Council in its discretion believes should remain confidential to protect third parties.

ii. Public Materials

Information not described above as non-public material is set forth in a separate part of the application and is available to the public.

II. Initial Review of Applications; Background Investigation

A. Initial Review for Completeness and Compliance with Statutory Requirements

As soon as possible after applications are received, Council staff review the applications for completeness and may reject non-conforming applications. Staff review applications to determine whether the applicant meets the minimum statutory requirements for the position, including active practice of law and residency requirements. Staff may request additional information from an applicant to resolve any potential problems in meeting statutory requirements. If the additional information does not resolve the problem, staff will refer the issue to the Council to make the determination. The Council may choose to determine the applicant's eligibility immediately, to request further investigation, or to defer a decision pending completion of the interview process. In deciding whether an applicant meets an active practice requirement, the Council will consider whether the applicant has substantially complied with the requirement.

B. Background Investigation

i. Reference Check

Council staff investigate information provided by the applicant. The Council contacts all the applicant's references and former employers. References and prior employers are asked to comment on the applicants' qualifications under the criteria set forth in Article 1, Section 2 of the Council's bylaws and Section VI of these procedures, among other things. Attorneys and judges identified by the applicant as having had recent experience with the applicant are asked to complete questionnaires. The questionnaires ask about the applicant's qualifications and the respondent's opinion of the applicant's suitability for nomination. Questionnaires may be submitted electronically via the Council's website or returned to the Council through the mail. Questionnaire respondents are provided with the option of signing their name or commenting anonymously. The Council does not share with applicants the materials it solicits, including reference letters, employment verification letters, or questionnaires. However, the Council may share with applicants the substance of a solicited comment. The Council does not reveal the identity of the respondent unless the respondent waives anonymity. The reference check takes about six weeks to complete.

ii. Background Investigation

Council staff review bar files for the applicant's history with and standing in the bar, and fee arbitration and grievance histories, whether action was taken or not. It further investigates the allegations if necessary. An applicant's credit report is obtained. Staff investigate whether the applicant has been a party to any civil litigation and if so, what the applicant's involvement was in that litigation and how it was resolved. Staff investigate whether the applicant has had any criminal history, traffic violations, or administrative actions against his or her driver's license. Staff review the applicant's potential conflicts of interest as indicated on the application, or from attorney or public comment or other sources that could pose a significant problem for the proper functioning of the courts if the applicant were appointed. Staff members obtain and/or verify information on pro bono or other legal service activity. Staff members may otherwise investigate any specific verifiable information obtained from any source about an applicant's fitness for office. This may include speaking with the source of that information, researching the internet, newspapers, court files, transcripts, hearing records, or otherwise attempting to ascertain the veracity of the

information. In the event this research reveals an issue of concern, Council staff may contact the applicant to offer the opportunity to provide a more detailed written explanation of the issue.

The background investigation normally takes about two months to complete. Because the Council continually solicits and receives public feedback about applicants, a background investigation can extend until the time the Council votes on its nominations.

iii. Evaluation of Writing Samples

After the application deadline, staff evaluate applicant writing samples for organization, use of language, correct grammar and syntax and other characteristics of good writing. Staff also review the samples for the quality of the applicant's legal research and analysis.

III. Bar Survey; Public Comment

A. Bar Survey

i. Form of Survey

The Council surveys all active in-state members of the Alaska Bar Association. The Council also surveys inactive in-state members and in-state retired members and active out-of-state members if those members have made their e-mail addresses available.

The survey asks attorneys to rate each candidate on a five point scale [1 (Poor) to 5 (Excellent)] on six criteria: professional competence, integrity, judicial temperament, fairness, suitability of experience, and overall professional qualifications. Survey respondents indicate whether they based their numerical ratings on direct professional experience, other personal contacts, or professional reputation, or whether they are declining to evaluate a particular candidate due to insufficient knowledge. Respondents with direct professional experience with an applicant are asked to specify whether that experience includes experience within the past five years and whether that experience is substantial, moderate, or limited. Respondents are asked to provide demographic information including their length, location, and type of law practice, and their gender.

The Council asks respondents to write narrative comments about an applicant on the bar survey. Respondents are not required to provide their names with each comment but are encouraged to do so. Respondents are reminded of their ethical obligation to be truthful in all comments submitted. Respondents are assured that their names, if provided, will not be given to applicants and will not be used by the Council to identify the respondent's survey ratings. Sample pages of a bar survey are appended (Attachment A).

ii. Method of Polling

The Council uses an electronic survey and a paper survey to poll attorneys. Surveys are distributed within one week after the application deadline. Attorneys have three to four weeks to respond to the survey.

The Council maintains an updated list of active members, in state inactive members and retired members of the Alaska Bar Association. Immediately after the application deadline, the

Council sends the complete list to an independent contractor. The contractor receives paper surveys, administers the electronic survey, analyzes all survey data, and writes a report on the results.

a. Electronic Bar Survey

The contractor sends an email invitation to participate in the bar survey to attorneys on the Council's email list. The invitation provides an attorney with an encoded link to access the survey. The link is specific to the particular attorney's email address, so it cannot be used by anyone other than the intended recipient to access the survey. Attorneys receiving electronic surveys are sent an email reminder before the response deadline, if they have not yet responded to the survey. The contractor ensures the confidentiality and anonymity of the responses. Confidentiality is preserved by encrypting electronic survey data during transmission. To preserve anonymity, the contractor strips each response of its e-mail address, and identifies the electronic survey response by a randomly assigned control number for each selection. The same ID number is assigned for contemporaneous surveys.

b. Paper Bar Survey

The Council sends paper surveys to in-state active members who have indicated a preference for paper surveys. The paper survey reminds an attorney not to respond to the electronic survey if the attorney responds to the paper survey. Respondents are instructed to place the completed survey inside a plain envelope that is provided by the Council and marked "confidential." That envelope then is placed inside a pre-paid postage return envelope addressed to the Council's contractor, on which the respondent puts his or her name, address, and signature. Upon receipt, the contractor separates the outside envelope from the survey form. Thereafter, the contractor identifies the paper survey response by its control number.

iii. Method of Evaluating Survey Results

a. Review of Duplicate Responses

The contractor eliminates the possibility of duplicate responses by comparing the control numbers of paper and electronic survey responses. If the contractor identifies duplicate responses, the contractor discards the survey that is less complete.

b. Numerical Ratings

The contractor prepares a report containing statistical analyses of all survey responses, including average ratings for each quality for each candidate by range. Ratings based on personal contacts or professional reputation are not included in most average ratings. The report provides detailed information about ratings by different demographic groups. The Council may use these data to identify patterns in survey results. The Council may ask the contractor to analyze the report for statistical or other anomalies in the data. The report includes a discussion of methodology and data management procedures. The Council publishes the report of numerical ratings on its website.

c. Bar Survey Comments

The contractor also prepares a separate report that includes a transcription of all respondent survey comments about applicants. If a respondent signed a comment, the respondent's name is transcribed with the comment. If a respondent did not sign a comment, the comment is associated with the new control number assigned by the contractor. The assignment of a new control number precludes the Council from identifying the author of a bar survey comment from a survey respondent who wants to remain anonymous. Staff may investigate substantive comments submitted in the bar survey.

iv. Distribution of Bar Survey Results

The contractor provides the Council with its draft analysis and a transcript of all bar survey comments two to three weeks after the survey response deadline. Shortly thereafter Council staff inform applicants of their draft survey results.

a. Numerical Ratings

Staff inform each applicant of his or her draft ratings and give a general idea of the spectrum of ratings received by other applicants. Staff do not identify the ratings of other applicants.

About one week after staff have contacted all applicants about their ratings, the Council finalizes the draft report and publicly announces the numerical ratings received by applicants who have not withdrawn. An applicant's ratings are not released publicly if the applicant withdraws sufficiently in advance of publication. All applicants who have not withdrawn receive a copy of the complete survey rating analysis. The Council posts the survey rating analysis on its website. The survey rating analysis remains on the Council website for six months after a judicial vacancy has been filled.

b. Bar Survey Comments

Council staff edit the transcribed bar survey comments to remove information that might compromise the identities of respondents. When staff send an applicant his or her numerical ratings, staff include the edited comments pertaining to that applicant. The edited comments indicate whether the comments were signed or unsigned, but all identifying information about the survey respondent is removed. Bar survey comments about applicants are not released publicly, and applicants are not permitted to share them outside the interview room.

To ensure the confidentiality of the written bar survey comments, an applicant is asked to destroy or return to the Council his or her edited comments at the conclusion of the selection process. Comments may be returned at or after the interview, or when the applicant withdraws his or her application.

B. Solicitation of Public Comment

Immediately after the application deadline has passed, the Council issues a press release announcing the names of applicants; it also publicizes and posts on its website the place and approximate date of the Council meeting to interview candidates and vote. In its press release

and on its website, the Council invites comments from the public about applicants. The public is invited to write, telephone, email, or fax comments to the Council. The public is also invited to submit comments via the Council's website. The Council also publishes the names of the applicants and information about the public hearing on its Facebook page.

The Council holds a public hearing to receive public comments, normally in the community where the judge will sit. The hearing typically coincides with the meeting to interview applicants. Subject to available funding, the Council advertises its public hearing through paid advertisements in major newspapers in Anchorage, Fairbanks, and Juneau, and in the location of the vacancy if it is outside of these communities. The Council may take public comments telephonically at the Council's expense.

IV. Distribution of Applicant Materials to Council Members

Council staff compile all solicited materials and any unsolicited materials about applicants. Approximately one month before the Council's meeting to interview applicants, Council staff send a packet of materials to each Council member about the applicants. This packet includes:

1. copies of the written applications
2. applicant writing samples and a memo prepared by staff analyzing the samples
3. a staff memorandum summarizing the applicant's discipline files, credit, civil, and criminal history, and conflicts of interest
4. memoranda concerning any other matters investigated by staff
5. a report of the complete bar survey numerical ratings and statistical analysis
6. an unedited transcription of attorney comments submitted in the bar survey, and the edited version received by each applicant
7. if applicable, bar survey ratings received by the applicant in prior applications or judicial retention elections
8. all letters of reference
9. all responses to questionnaires solicited by the Council from attorneys and judges with recent experience with the applicant
10. all public comments
11. any unsolicited materials concerning the applicant

These materials typically exceed one hundred pages of written materials per applicant. Council members review all of these materials before meeting to interview applicants. Staff may supply Council members with electronic versions of these materials instead of, or in addition to, paper copies.

V. Interview Procedures

A. Before the Interview

i. Scheduling

Within a few days after bar survey results are publicly released, the Council schedules specific interview times for applicants. The Council sends letters to applicants notifying them of the date, time, and location of their interview. Applicants are given about four to six weeks' notice of their specific interview time. The Council posts a schedule of interview times on its website. In its notices about the Council meeting to interview applicants, the public is invited to contact the Council or review the Council's website for an interview schedule.

The Council typically interviews all applicants. If an applicant applies for multiple judicial openings that are simultaneously pending, the applicant is interviewed only once for all vacancies.

Interviews usually occur in the location of the vacancy. The Council interviews applicants in person or may arrange an interview by telephone or other electronic means, at its discretion. Expenses incurred by the applicant are the applicant's responsibility, although the Council has the discretion to reimburse applicants for travel expenses or the cost of a telephone interview.

ii. Public and Private Interviews

The application gives applicants a choice between an interview in public session or an interview in executive session. Applicants may change their request at any time before the interview starts. An applicant's choice of a public or private interview has no bearing on the Council's determination of the applicant's qualifications or on the questions the Council may ask. The Council notes on its schedule which interviews are expected to be in public session and which are expected to be in executive session. To the extent possible, the Council schedules public interviews consecutively.

iii. Communicating Comments about Applicants

Without identifying the source, staff inform an applicant of comments about the applicant that were not included in the bar survey comments forwarded to the applicant.

iv. Disclosures by Council Members

Immediately before interviewing an applicant, the Council convenes briefly in executive session and each Council member discloses to other Council members any relevant information known or communicated to the Council member about the applicant. Members disclose conversations the member has had with an applicant about a past or present judicial application.

B. The Interview

i. Length of Interview

An interview usually lasts about forty-five minutes.

ii. The Interview Process

The interview is preceded by an introduction of the applicant to all Council members and any Council staff present. The chief justice typically begins the interview by asking the applicant to provide an opening statement concerning the applicant's interest in and qualifications for the position(s). Each Council member is then given an opportunity to question the applicant. After all Council members have completed the first round of questioning, any Council member may ask additional questions. The chief justice also has an opportunity to ask questions. At the conclusion of the interview, and when time permits, applicants may make a brief closing statement and address any matters not raised during the interview.

iii. Focus of Interview Questions: Selection Criteria

The Council's interview questions will focus on matters relevant to determining the applicant's qualifications under the criteria set out in Article I, Section 2 of the Council's bylaws. Council members may inquire about any relevant concerns raised in the materials provided to the Council, any issues raised at the public hearing, or any issues arising from the applicant's testimony before the Council.

Members will not ask questions designed to elicit views on issues likely to be litigated before the applicant, if appointed. Nor will Council members ask about an applicant's political affiliations, religious beliefs, or other "prohibited considerations" listed in its bylaws, except when reliable evidence or the applicant's own testimony suggests that questions relating to these topics may be reasonably necessary to address specific concerns about the applicant's qualifications. Thus, for example, if the Council received credible and specific information indicating that an applicant's actions on the bench might be influenced by religious bias, Council members could ask questions about the applicant's ability to act fairly and impartially as a judge. Similarly, if an applicant made statements about having strong political affiliations or views, Council members could ask follow-up questions to confirm that these affiliations and views would not carry over to the applicant's judicial performance.

iv. Questions Based on Confidential or Anonymous Sources

When questioning an applicant about information received from a source who was promised confidentiality, Council members phrase their questions to avoid revealing the confidential source's identity, and the Council will not otherwise disclose the source to the applicant during the interview or at any other time. When a Council member asks a question concerning unfavorable information received from a confidential or anonymous source and it appears that the confidentiality or anonymity of the Council's source might impair the applicant's ability to answer the question, the applicant's inability to respond fully will be taken into account. If the applicant can shed any light on the allegation, the Council will consider the applicant's explanation; if not, the applicant's failure to explain will have no negative effect on the Council's decision. An applicant who is asked such a question has no "burden" to defend against the confidential or anonymous allegation; and the mere fact that a Council member asks about a confidential or anonymous allegation does not imply that the Council member or the Council as a whole assume that the allegation is true. Although Council members may ask such questions to determine if the applicant might be able to shed light on the issue, members always bear in mind that, ultimately, anonymous allegations cannot be held against an applicant unless they are corroborated, independently substantiated, or acknowledged by the applicant.

VI. Nomination Procedures

A. Criteria for Evaluating Qualifications of Individual Applicants

Article I, Section 2 of the Council's Bylaws requires Council members to determine the qualifications of individual judicial applicants by considering the following selection criteria:

- Professional Competence, Including Written and Oral Communication Skills. When addressing professional competence, Council members consider intellectual capacity, legal judgment, and substantive and procedural knowledge of the law, and the ability to work well with a variety of types of people. Because communications play a vital role in any judge's work, Council members assess an applicant's ability to communicate in writing and speaking. Members consider the applicant's ability to discuss factual and legal issues in clear, logical, and accurate legal writing. They also consider the applicant's effectiveness in communicating orally in a way that will readily be understood and respected by people from all walks of life.
- Diligence and Administrative Skills. Council members consider the applicant's diligence and organizational and administrative skills.
- Integrity. In evaluating integrity, Council members consider whether the applicant has demonstrated a consistent history of honesty and high moral character in the applicant's professional and personal life. Members also consider the applicant's respect for professional duties arising under the codes of professional and judicial conduct, as well as the applicant's understanding of the need to maintain propriety and the appearance of propriety.
- Fairness. To assess an applicant's fairness, Council members examine whether the applicant has demonstrated the ability to be impartial to all persons and groups of people. Members look for applicants who have shown themselves to be open-minded and capable of deciding issues according to the law, even when the law conflicts with their personal views.
- Temperament. In assessing an applicant's temperament, Council members consider whether the applicant possesses compassion and humility; whether the applicant has a history of courtesy and civility in dealing with others; whether the applicant has shown an ability to maintain composure under stress; and whether the applicant is able to control anger and maintain calmness and order.
- Judgment, Including Common Sense. To determine an applicant's judgment and common sense, Council members look for a sound balance between abstract knowledge and practical reality: members consider whether, in making decisions in the legal arena or in other spheres of life, the applicant has demonstrated the ability to make prompt decisions that resolve difficult problems in a way that makes practical sense within the constraints of any applicable rules or governing principles.
- Legal and Life Experience. Council members consider both legal and life experience. They evaluate the amount and breadth of an applicant's legal experience and the suitability of that experience for the position sought, including trial and other courtroom experience and

administrative skills. At the same time, Council members look for broader qualities reflected in the applicant's life experiences, such as the diversity of the applicant's personal and educational history, exposure to persons of different ethnic and cultural backgrounds, and demonstrated interests in areas outside the legal field.

- Demonstrated Commitment to Public and Community Service. In assessing an applicant's commitment to public and community service, Council members consider the extent to which an applicant has demonstrated a commitment to the community generally and to improving access to the justice system in particular.
- Demonstrated Commitment to Equal Justice and the Legal Needs of the Diverse Communities of Alaska. Council members consider each applicant's demonstrated commitment to equal justice and the legal needs of the diverse communities of Alaska.

B. Initial Discussion of Individual Applicant's Qualifications

Immediately after concluding an individual applicant's interview, the Council discusses that applicant to enable each Council member to evaluate the applicant's qualifications under the selection criteria described above and in Article I, Section 2 of the Council's Bylaws. The Council holds the discussion in executive session to promote candid discussion about the qualifications of applicants. Each Council member is given an opportunity to comment on that member's assessment of the applicant; the order of discussion follows the order in which Council members questioned the applicant.

At this stage, the discussion centers on the individual applicant's strengths and weaknesses under the selection criteria. Council members do not decide which applicants rank as most qualified among all the applicants. Each Council member independently assesses the individual applicant's qualifications. The Council does not attempt to reach a consensus, and no vote occurs.

After each member has spoken, all members have an opportunity to make further comments. The discussion then ends, and the Council turns to the next applicant interview, if any is scheduled. The Council repeats the same procedure until all candidates have been interviewed and their individual qualifications have been discussed.

C. Deliberation to Determine Most Qualified Applicants

After all applicants have been interviewed, the Council deliberates on the entire slate of candidates. By this time, each Council member has evaluated the individual qualifications of all applicants under the criteria described in Article I, Section 2 of the bylaws; the deliberations now turn to comparing and ranking all applicants so that each member can identify the candidates whose overall qualifications, in that member's view, make them most qualified to be nominated. The procedure for making this determination is spelled out in Article VII, Section 4 of the Council's bylaws. This section requires Council members to select the candidates who are most qualified under the criteria described in Article I, Section 2 by considering:

- All Candidates Who Have Applied. Each Council member compares the relative standing of all applicants, relying on that member's independent judgment as to each candidate's individual qualifications according to Article 1, Section 2's selection criteria.

- The Position Applied For. Each Council member takes into account the specific level of judgeship applied for and considers the ability of each candidate to serve at that level.
- The Community in Which the Position is Located. Each Council member considers the needs of the particular community where the new judge will serve.

In all cases, then, each Council member's final choice of the most qualified applicants will reflect a relative determination that depends in part on the strength of the entire slate of applicants, the nature of the open position, and the needs of the community to be served.

With these procedures in mind, the Council begins its deliberations. It deliberates in executive session to promote candid discussion about the qualifications of applicants in order to determine the most qualified applicants. The order of discussion usually follows the order in which Council members questioned the first applicant for the position; any comments from the chief justice come last. After each Council member has spoken, all members may engage in additional discussion until no member wishes to make further comments.

Although all members consider the views of other members and strive for consensus if possible, each ultimately makes an independent decision as to which candidates are most qualified under the Council's selection standards, voting on the basis of the member's personal judgment and conscience. No vote is taken in executive session. The Council has no policy regarding the ideal or "target" number of applicants who should be named as most qualified — either generally or for any given judicial position. In each case, the number of candidates nominated is simply determined by how many candidates receive four or more affirmative votes — a determination that occurs in the public session after the Council ends its deliberations.

D. Vote to Nominate Most Qualified Applicants

As soon as practicable after the Council completes its deliberations in executive session, it goes into public session and takes its formal vote to nominate the most qualified applicants. Each Council member votes according to that member's personal assessment of the applicants' qualifications as determined under the criteria and procedures set out in this statement of procedures. The vote consists of a roll call vote taken for each applicant individually, in alphabetical order. The Council's executive director ordinarily calls the roll. After the roll call is completed as to all applicants for a vacancy, the person administering the voting confirms that no further voting by regular members is needed and declares voting by regular members closed. At any time during the voting on a vacancy until the person administering the voting declares voting by regular members closed, Council members may change their vote for or against any applicant. Once voting by regular members is closed, the chief justice votes if the vote might affect the outcome.

To be nominated, a candidate must receive four or more affirmative votes. If the Council votes to nominate fewer than two applicants, it will decline to submit any names. Typically, the Council will re-advertise the position immediately.

E. Prohibited Considerations in Determining Qualifications and Voting

i. Anonymous Comments

Council members do not rely on anonymous comments unless they are corroborated, independently substantiated, or acknowledged by the applicant.

ii. Discrimination

The Council refrains from any form of discrimination prohibited under state and federal law.

iii. Religious and Political Beliefs

The Council does not consider an applicant's political or religious beliefs, but will consider whether the applicant's personal beliefs indicate a substantial bias or conflict of interest that could impede the proper functioning of the courts or show that the applicant would be unable to apply the law impartially.

iv. Likelihood of Appointment

The Council does not consider an applicant's likelihood of appointment by the governor.

VII. Post-Nomination Procedures

A. Notification of Applicants

At the interview, applicants are asked for contact numbers where they can be reached immediately after the Council's vote. As soon as possible after the Council completes its vote, the Council's executive director or designee telephones applicants about the Council's vote. The Council also sends each applicant written notice of its decisions. Nominations are posted on the Council's website as soon as possible after the meeting. The Council issues a press release about its nominations.

B. Council Member Materials

Each Council member returns all meeting materials to staff at the conclusion of each meeting. Any member who received an electronic copy of the meeting materials, deletes the electronic copy.

C. Transmittal to the Governor

i. Preparation of List of Nominated Candidates and Press Release

As soon as possible after the Council meeting, staff prepare a list of nominated candidates compiled in alphabetical order. Staff also prepare a press release listing the Council's nominees.

ii. Call to Governor's Office

Except for cause, as soon as possible after individual applicants are notified, Council staff contact the governor's office to communicate the Council's nominations.

iii. Written Notification to Governor

Except for cause, on the first business day after the Council's vote and the conclusion of the meeting, the Council sends the governor a letter listing the nominees in alphabetical order, accompanied by the following materials: the Council's vote tally; each nominee's application, including the confidential sections; the results of any qualification surveys, without comments provided to the Council in confidence; written responses solicited by the Council from persons identified by the nominee in his or her application as references, former employers, and attorneys and judges who had recent experience with the nominee, but only if these persons gave written permission to send their responses to the governor; and any unsolicited materials received by the Council about the nominee, unless the source requested, in writing, that the material be kept confidential. The Council also sends an electronic recording of the public hearing, if one is available.

D. Requests for Additional Names; Reconsideration

The Council does not reconsider its nominees after the names are submitted except in the case of death, disability, or withdrawal of a nominee. If the death, disability, or withdrawal of one or more nominees leaves the governor with fewer than two names for filling a vacancy, the Council may, upon request of the governor, submit enough additional names so that the governor has at least two nominees for the vacancy. The Council will vote to determine if there are additional applicants who can be nominated from the original list of applicants. If no candidate receives sufficient votes to be nominated, the Council will re-advertise the position.

Effective date: October 3, 2005, amended October 17, 2009, amended June 20, 2012, amended October 9, 2013, amended January 16, 2015, amended January 15, 2019, amended January 28, 2021.

Attachment A
Sample Judicial Council selection survey document



alaska judicial council

510 L Street, Suite 450, Anchorage, Alaska 99501-1295
<http://www.ajc.state.ak.us>

(907) 279-2526 FAX (907) 276-5046
E-Mail: postmaster@ajc.state.ak.us

November 3, 2020

Dear Member of the Alaska Bar Association:

Ten attorneys applied to the Fairbanks District Court and nine attorneys applied to the Fairbanks Superior Court. The Alaska Judicial Council is required by law to evaluate applicants for judicial positions. Applicant biographies can be accessed on the Council's website: <http://ajc.alaska.gov/selection/bios.html>.

The Council is seeking your help in rating and providing comments about the applicants' professional competence, integrity, and suitability to serve in the position. Given your experience as an attorney in Alaska and the potential that you know and/or have worked directly with one or more applicants, your input is highly valued. Participation from as many attorneys as possible will ensure that the survey findings are representative. As part of the merit-based selection process, the Council relies on survey findings as an important part of its review of each applicant's qualifications.

The survey is short; we estimate that it will take 2-3 minutes per applicant to complete. In addition to requesting numerical ratings, the Council encourages narrative comments. Please refer to Professional Conduct Rule 8.2 concerning your obligation to provide truthful and candid opinions on the qualifications and integrity of these applicants.

It is possible you may have rated these applicants in the past. The Council can only consider responses obtained through the current survey. Therefore, we ask that you rate any applicant for whom you have basis, even if you may have rated the individual in a previous survey.

We ask that you complete and return the survey no later than **November 30, 2020**. You may also receive an email invitation to complete the survey online. If you respond to the electronic survey, please do not respond to this paper survey.

On behalf of the Council, thank you for your time. The Council appreciates your willingness to share your opinions and experience.

A handwritten signature in black ink that reads "Susanne DiPietro".

Susanne DiPietro
Executive Director

Attachment A - Continued

Sample Judicial Council selection survey document

Introduction

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

Confidentiality. All responses will be aggregated 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.

The Council gives attorneys the option of identifying their written comments to the Council by signing comment pages. While optional, providing your name tends to give comments more credibility with the Council. The Council does not consider unsigned comments unless they are corroborated, independently substantiated, or acknowledged by the applicant. Your name will not be provided to the applicant, and it cannot be used by the Council to identify your ratings or your unsigned comments on other applicants. Survey comments will be shared with an applicant only after the comments have been edited to remove information that might identify the respondent. Note that you must write your name on each comment page for which you wish to identify yourself to the Council.

Return Date. Please complete and return this survey no later than **November 30, 2020**, to:

UAA - Institute of Social and Economic Research
P.O. Box 230952
Anchorage, AK 99523

Questions. If you have questions about the survey, please contact Ashley Hannigan at UAA Institute of Social and Economic Research at (907)786-5441 or ahannigan@alaska.edu. If you have questions for the Alaska Judicial Council, please contact Susanne DiPietro at postmaster@ajc.state.ak.us.

Attachment A - Continued
Sample Judicial Council selection survey document

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 attorney
 3. Private, office of 6 or more attorney
 4. Private corporate employee
 5. Judge or judicial office
 6. Government
 7. Public service agency or organization (not government)
 8. Retired
 9. 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. Criminal
 3. Mixed criminal and civil
 4. Civil
 5. Other (specify) _____

5. Location of Practice. In which judicial district is most of your work conducted? (CIRCLE ONE)
 1. First District
 2. Second District
 3. Third District
 4. Fourth District
 5. Outside Alaska

Certificatio

I certify that I will answer this survey truthfully in accordance with Professional Conduct Rule 8.2.

Yes **No**

Attachment A - Continued
Sample Judicial Council selection survey document

Court

APPLICANT

****REQUIRED A-B** Basis for Evaluation**

- A. Which of the following best describes the basis for your evaluation of this applicant? Direct professional experience is limited to direct contact with the applicant's professional work. This includes working with or against the applicant on a legal matter (i.e., a case, arbitration, negotiation. . .) or as a judicial officer or other dispute resolution role. (check one)
- Direct professional experience Professional reputation Other personal contacts Insufficient knowledge to evaluate this applicant (go to next applicant)
- B. If you selected direct professional experience:
1. Does your experience with this applicant include experience within the last five years? Yes No
2. Please describe the amount of your experience with this applicant. Substantial Moderate Limited
- C. Please rate the applicant on each of the following qualities by circling the number that best represents your evaluation. Applicants should be evaluated on each quality separately. Use the ends of the scales as well as the middle. The tendency to rate an applicant "excellent" or "poor" on every trait should be avoided since each person has strengths and weaknesses. If you cannot rate the applicant on any one quality, leave that one blank.

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

Attachment A - Continued
Sample Judicial Council selection survey document

APPLICANT

Comments

Please add any comments you believe would aid the Judicial Council in its evaluations. The Council is particularly interested in your assessment of the applicant's professional competence, including written and oral communication skills; integrity; fairness; temperament; diligence; judgment, including common sense; legal and life experience and demonstrated commitment to public and community service. Please refer to Professional Conduct Rule 8.2 concerning your obligation to provide truthful opinions. If you need more space, please attach additional pages. Write the applicant's name on each additional page.

Please use the pages provided at the end of the survey, or another sheet of paper, for additional comments.

Print Name (Optional)

Anonymity

To promote a candid response, your comments remain anonymous to the applicant whether or not you sign your name. Providing your name is optional but does give your comments added credibility with Council members. The Council does not consider unsigned comments unless they are corroborated, independently substantiated, or acknowledged by the applicant. Your name will not be given to the applicant. Survey comments will be shared with an applicant only after the comments have been edited to remove information that might identify the respondent. The survey contractor provides the Council with a separate comment section on each applicant. Thus, you will have to write your name on each comment page for which you wish to identify yourself to the Council. Survey comments are not released publicly.

Appendix E

Retention Evaluation Procedures

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Appendix E

Alaska Judicial Council Retention Evaluation Procedures

Summary of Procedures¹

Alaska's constitution and statutes require judges to periodically appear on the ballot to allow the voters to decide whether the judges should continue in office. Judges' terms vary from 4 to 10 years depending on the court on which the judge serves. When judges appear on the ballot, they are said to "stand for retention," and the election is referred to as a "retention election" or a "judicial retention election."

The legislature first authorized evaluations of judges standing for retention in 1976. This page explains the information collected and the procedures used by the Alaska Judicial Council to evaluate judges' performance.

About a year before the retention election, the Council's staff begins collecting extensive information and feedback about each judge's performance during his or her most recent term in office. About six months before the retention election, the Council meets to review the information and determine whether the judge met or did not meet specific performance standards outlined in the Council's bylaws. The Council tries to balance all the information it receives from all sources. At the conclusion of the meeting, the Council takes a public vote on whether to recommend another term in office for each judge, based on whether the judge met performance standards. The Council's recommendation to retain or not retain each judge, along with a summary of the information collected, is reported to the public starting about three months before the retention election.

Information Collected

Judge's Questionnaire - About a year before the retention election, each judge is asked to fill 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 be related to the judge's ability to perform their duties, among other things. The questionnaire also asks the judge to describe how satisfied they are with their work during the previous term and to make any comments that would help the Council in its evaluations. The Council uses the information in the questionnaires in its evaluation, and posts the completed questionnaires on its website.

Attorney and Law Enforcement Surveys - About eight months before the retention election, the Council surveys all active and all in-state inactive and retired attorneys who are members of the Alaska Bar Association, and all peace and probation officers in the state who handle state criminal cases. The survey asks about the judges' fairness, integrity, temperament, diligence, and

¹ Please review the Council's website at www.ajc.state.ak.us for updates to the procedures.

administrative skills. Attorneys are also asked to assess the judges' legal abilities. An independent contractor carries out the surveys for the Council, to assure objectivity in the findings. The survey results are incorporated into the Council's evaluation, and the survey ratings are shared with the public via the Council's website and in the Lieutenant Governor's Official Election Pamphlet.

Social Services Professionals Surveys - The Council also surveys social services professionals who participate in helping Alaska's children (protective service specialists at the Office of Children's Services, Guardians ad Litem, and Court Appointed Special Advocate volunteers). Social services professionals rate only the judges whose caseloads include child welfare matters. The survey asks about the judges' fairness, integrity, temperament, diligence, and administrative skills. An independent contractor also carries out this survey for the Council. The survey ratings from social services professionals are incorporated into the Council's evaluation and shared with the public via the Council's website and in the Lieutenant Governor's Official Election Pamphlet.

Juror and Court Employee Surveys - The Council surveys all court employees who are not attorneys of the Alaska Bar Association. Additionally, the Council sends survey cards to all district court and superior court judges up for retention, to pass out to jurors who serve in trials before them. The Council members use these surveys to gain varied perspectives on the judges' performance. The survey ratings from jurors and court employees also are shared with the public via the Council's website and in the Lieutenant Governor's Official Election Pamphlet.

Counsel Questionnaires - In addition to the general survey of attorneys, the Council sends detailed questionnaires to attorneys who have in-depth experience with the judge on a particular case. The Council uses this information to gain a more detailed understanding of the judge's performance, including whether the judge was attentive, familiar with the case, timely with motions and decisions, and respectful. The questionnaire also asks about the judge's case management skills, legal analysis, thoroughness, and the quality of the judge's written decisions.

Other Records - Council staff review a series of other public records to investigate all aspects of a judge's performance in office:

- financial disclosure statements from the Alaska Public Offices Commission, and separate conflict-of-interest forms filed with the court system, to evaluate whether a judge's financial interests may present a conflict of interest;
- any court cases involving the judge as a party or witness;
- public files from the Commission on Judicial Conduct, to determine whether the judge was the subject of any disciplinary proceedings;
- peremptory challenge filings, to determine how often the parties disqualified the judge from presiding over a case;
- recusal filings, to determine how often a judge disqualified him or herself from a case because of a conflict of interest or if his or her impartiality might reasonably have been questioned;
- how often a trial judge's decisions were affirmed on appeal; and,
- whether a judge's pay was withheld for any untimely decisions.

The Council's analysis takes into account the type of caseload and the judge's location because these factors may affect the number of peremptory challenges or appeals and reversals. For example, 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. These challenges may arise more from the nature of the cases than from the judge's decisions. The Council performs detailed follow-up investigations of any potential problem areas.

Public Hearings - The Council holds a statewide public hearing for all judges standing for retention using the legislature's teleconference network and public meeting rooms. Subject to available funding, the Council advertises these public hearings in statewide newspapers to encourage public participation. Public service announcements on radio and television stations encourage 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 through frequent media releases, radio and television segments, speeches to public groups such as community councils, and feature articles in newspapers. The Council accepts written comments from the public at any time.

Deliberations and Public Vote - Council members meet about six months before the retention election to discuss the information gathered for these judicial evaluations, and to decide whether each judge met performance standards during his or her most recent term in office. These performance standards, which are defined in the Council's Bylaws, are:

- **Legal Ability.** The judge demonstrates knowledge of substantive law, evidence, and procedure, and clarity and precision in their work.
- **Impartiality/Fairness.** The judge demonstrates a sense of fairness and justice and treats all parties equally.
- **Integrity.** The judge's conduct is free from impropriety or the appearance of impropriety, and the judge makes decisions without regard to possible public criticism.
- **Judicial Temperament.** The judge is courteous and free from arrogance, and the judge manifests human understanding and compassion.
- **Diligence and Administrative Skills.** The judge is prepared for court proceedings, works diligently, and is reasonably prompt in making decisions.

Any judge may request an interview with the Council before the Council members vote on the retention recommendations. 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. The Council may conduct personal interviews with presiding judges, attorneys, court staff, and others about the judge's performance.

At the conclusion of the meeting, the Council publicly votes whether to recommend that each judge be retained in office, based on its determination that each judge either met or did not meet performance standards. Four votes by Council members are necessary for the Council to

recommend for or against the retention of a judge. The chair of the Council, the Chief Justice of the Alaska Supreme Court, does not vote except when a fourth vote is required for Council action (for example, in the event of a 3-3 tie).

Dissemination of Results

By law, the Council must publicize the results of its evaluations at least sixty days prior to the election, as well as providing them for the Lieutenant Governor's Official Election Pamphlet. Each Alaska voter household receives the pamphlet, which includes a page summarizing the Council's performance evaluation of each judge. The Council also posts non-confidential materials compiled during the evaluations on its web site. The Council may use other methods of sharing information about its recommendations and the judges' performance evaluations, to include social media, paid media, and community presentations.

Last Updated February 2021.

Attachment A

Sample Judicial Council retention survey form for attorneys

COURT

JUSTICE/JUDGE

****REQUIRED** Basis for Evaluation**

1. Which of the following best describes the basis for your evaluation of this justice? Direct professional experience is limited to direct contact with the justice's work as a justice. (Check one.)

- Direct professional experience Professional reputation Other personal contacts Insufficient knowledge to evaluate this justice (**Go to next judge**)

2. If you checked direct professional experience:

a. Does your experience with this justice include experience within the last five years?

- Yes No

b. Please describe the amount of your experience with this justice.

- Substantial Moderate Limited

To rate this justice, circle one number for each criterion. If you lack sufficient knowledge to rate the judge for any one of the criteria, **leave it blank**. (See Page ii for definitions of the rating criteria and rating scale.)

	Poor	Deficient	Acceptable	Good	Excellent
1 Legal Ability	1	2	3	4	5
2 Impartiality/Fairness	1	2	3	4	5
3 Integrity	1	2	3	4	5
4 Judicial Temperament	1	2	3	4	5
5 Diligence	1	2	3	4	5
6 Overall evaluation of judge	1	2	3	4	5

Comments: See Introduction, and Page i, about the types of comments sought.

Please use the pages at the end or another sheet of paper for additional comments.

Print Name (Optional)

Anonymity

To promote a candid response, your comments remain anonymous to the judge whether or not you sign your name. Providing your name is optional but does give your comments added credibility with Council members. The Council does not consider unsigned comments unless they are corroborated, independently substantiated, or acknowledged by the judge. Your name will not be given to the judge. Survey comments will be shared with a judge only after the comments have been edited to remove information that might identify the respondent. Survey comments are not released publicly.

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Appendix F

Retention Election History for Justices and Judges Currently Serving on the Bench

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Appendix F

Retention Election History for Justices and Judges Currently Serving on the Bench

Notes: Years shown in italics and parentheses indicate when a judge stood for retention in a prior position. "N/A" indicates judge will be 70 years old on or before the next scheduled retention election.

Supreme Court Justices			
<i>Retention Dates: First general election held more than three years after appointment; every ten years thereafter.</i>			
Justice	Appointed	Prior Retention Elections	Next Retention
Joel H. Bolger	01/25/2013	<i>(00, 06, 12)</i> 16	N/A
Dario Borghesan	07/01/2020	<i>None</i>	2024
Susan M. Carney	05/12/2016	20	2030
Peter J. Maassen	08/09/2012	16	N/A
Daniel E. Winfree	11/16/2007	12	2022

Court of Appeals			
<i>Retention Dates: First general election held more than three years after appointment; every eight years thereafter.</i>			
Judge	Appointed	Prior Retention Elections	Next Retention
Marjorie K. Allard	11/23/2012	16	2024
Bethany Spalding Harbison	11/21/2018	<i>(16)</i>	2022
Timothy W. Terrell	12/18/2020	<i>None</i>	2024
Tracey Wollenberg	02/09/2017	20	2028

First Judicial District			
Judge	Appointed	Prior Retention Elections	Next Retention
Superior Court Judges			
<i>Retention Dates: First general election held more than three years after appointment; every six years thereafter.</i>			
William B. Carey - <i>Ketchikan</i>	12/07/2008	12, 18	N/A
Amy Mead - <i>Juneau</i>	07/02/2018	<i>None</i>	2022
Philip M. Pallenberg - <i>Juneau</i>	08/31/2007	10, 16	2022
Jude Pate - <i>Sitka</i>	02/12/2018	<i>None</i>	2022
Daniel Schally - <i>Juneau</i>	11/21/2018	<i>(08, 12, 16)</i>	2022
Trevor N. Stephens - <i>Ketchikan</i>	07/31/2000	04, 10, 16	2022
District Court Judges			
<i>Retention Dates: First general election held more than two years after appointment; every four years thereafter.</i>			
Kevin G. Miller - <i>Ketchikan</i>	08/30/1999	02, 06, 10, 14, 18	2022
Kirsten Swanson - <i>Juneau</i>	10/25/2016	18	2022

Second Judicial District			
Judge	Appointed	Prior Retention Elections	Next Retention
Superior Court Judges			
<i>Retention Dates: First general election held more than three years after appointment; every six years thereafter.</i>			
Romano D. DiBenedetto - <i>Nome</i>	02/09/2017	20	2026
Paul A. Roetman - <i>Kotzebue</i>	07/09/2010	14, 20	2026
Nelson Traverso - <i>Utqiagvik</i>	03/21/2019	<i>None</i>	N/A
District Court Judges			
<i>No District Court Judge positions in the Second Judicial District</i>			

Third Judicial District			
Judge	Appointed	Prior Retention Elections	Next Retention
Superior Court Judges			
<i>Retention Dates: First general election held more than three years after appointment; every six years thereafter.</i>			
Eric A. Aarseth - Anchorage	11/30/2005	10, 16	2022
Rachel Ahrens - Valdez	12/06/2019	None	2024
John C. Cagle - Palmer	03/21/2019	None	2022
Dani Crosby - Anchorage	11/24/2015	20	2026
Catherine M. Easter - Anchorage	03/05/2012	(10) 16	2022
Una Sonia Gandbhir - Anchorage	07/20/2018	None	2022
Josie Garton - Anchorage	07/20/2018	None	2022
Jason Gist - Kenai	11/21/2018	None	2022
Andrew Guidi - Anchorage	07/12/2010	14, 20	2026
Jennifer Henderson - Anchorage	05/15/2017	(16) 20	2026
Lance Joanis - Kenai	07/02/2018	None	2022
Kari Kristiansen - Palmer	11/17/2006	10, 16	2022
Yvonne Lamoureux - Anchorage	05/15/2017	20	2026
Erin B. Marston - Anchorage	09/24/2012	16	2022
Thomas A. Matthews - Anchorage	07/20/2018	None	2022
Gregory Miller - Anchorage	01/03/2011	14, 20	N/A
William F. Morse - Anchorage	02/27/2002	06, 12, 18	N/A
Andrew Peterson - Anchorage	02/12/2018	None	2022
Peter Ramgren - Anchorage	07/03/2019	None	2022
Christina Reigh - Dillingham	02/09/2017	20	2026
Kevin M. Saxby - Anchorage	03/12/2012	16	2022
Bride Seifert - Homer	12/06/2019	None	2024
Kristen C. Stohler - Palmer	04/17/2019	None	2022
Herman G. Walker, Jr. - Anchorage	07/24/2015	18	2024
Stephen B. Wallace - Kodiak	03/21/2019	None	2022
Jennifer K. Wells - Kenai	02/09/2017	20	2026
Jonathan A. Woodman - Palmer	10/25/2016	20	2026
Adolf Zeman - Anchorage	04/15/2020	None	2024
District Court Judges			
<i>Retention Dates: First general election held more than two years after appointment; every four years thereafter.</i>			
Jo-Ann M. Chung - Anchorage	05/26/2011	14, 18	2022
Brian K. Clark - Anchorage	01/23/2003	06, 10, 14, 18	2022
Leslie N. Dickson - Anchorage	11/09/2012	16, 20	2024
William L. Estelle - Palmer	06/11/2003	06, 10, 14, 18	2022
Martin C. Fallon - Kenai	12/06/2019	None	2022
Michael Franciosi - Anchorage	09/18/2017	20	2024
J. Patrick Hanley - Anchorage	01/14/2005	08, 12, 16, 20	2024
Tom V. Jamgochian - Palmer	07/01/2020	None	2022
Michael Logue - Anchorage	02/12/2018	20	2024
Kari McCrea - Anchorage	09/18/2017	20	2024
David A. Nesbett - Anchorage	03/21/2019	None	2022
Shawn Traini - Palmer	12/06/2019	None	2022
David R. Wallace - Anchorage	01/23/2009	12, 16, 20	2024
Pamela Scott Washington - Anchorage	08/09/2010	12, 16, 20	2024

Fourth Judicial District			
Judge	Appointed	Prior Retention Elections	Next Retention
Superior Court Judges			
<i>Retention Dates: First general election held more than three years after appointment; every six years thereafter.</i>			
Brent Bennett - Fairbanks	07/03/2019	None	2022
Terrence Haas - Bethel	11/21/2018	None	2022
Paul R. Lyle - Fairbanks	02/19/2008	12, 18	N/A
Michael A. MacDonald - Fairbanks	06/01/2007	10, 16	2022
Michael P. McConahy - Fairbanks	07/09/2009	12, 18	*
Nathaniel Peters - Bethel	02/09/2017	(16) 20	2026
Earl Peterson - Fairbanks	07/03/2019	None	2022
Thomas Temple - Fairbanks	07/02/2018	None	2022
District Court Judges			
<i>Retention Dates: First general election held more than two years after appointment; every four years thereafter.</i>			
Matthew Christian - Fairbanks	11/21/2013	16, 20	2024
Will Montgomery - Bethel	06/13/2018	20	2024
Ben Seekins - Fairbanks	01/13/2012	14, 18	2022

*Judge to retire on February 28, 2021.

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Appendix G

Judges Eligible to Stand for Retention Election in 2022 and 2024

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Appendix G

Judges Eligible to Stand for Retention Election in 2022 and 2024

Judges Eligible to Stand for Retention Election in 2022			
Judge	Court Level	Date Appointed	Prior Retention Elections*
Supreme Court			
Daniel E. Winfree	Supreme	11/16/2007	12
Court of Appeals			
Bethany Harbison	Court of Appeals	11/21/2018	<i>(16)</i>
First Judicial District			
Amy Gurton Mead - <i>Juneau</i>	Superior	07/02/2018	<i>None</i>
Philip M. Pallenberg - <i>Juneau</i>	Superior	08/31/2007	10, 16
Jude Pate - <i>Sitka</i>	Superior	02/12/2018	<i>None</i>
Daniel Schally - <i>Juneau</i>	Superior	11/21/2018	<i>(08, 12, 16)</i>
Trevor N. Stephens - <i>Ketchikan</i>	Superior	07/31/2000	04, 10, 16
Kevin G. Miller - <i>Ketchikan</i>	District	08/30/1999	02, 06, 10, 14, 18
Kirsten Swanson - <i>Juneau</i>	District	10/25/2016	18
Second Judicial District			
<i>No judge from the Second Judicial District will stand for retention in 2022</i>			
Third Judicial District			
Eric A. Aarseth - <i>Anchorage</i>	Superior	11/30/2005	10, 16
John C. Cagle - <i>Palmer</i>	Superior	03/21/2019	<i>None</i>
Catherine M. Easter - <i>Anchorage</i>	Superior	03/05/2012	<i>(10), 16</i>
Una Sonia Gandbhir - <i>Anchorage</i>	Superior	07/20/2018	<i>None</i>
Josie Garton - <i>Anchorage</i>	Superior	07/20/2018	<i>None</i>
Jason Gist - <i>Kenai</i>	Superior	11/21/2018	<i>None</i>
Lance Joanis - <i>Kenai</i>	Superior	07/02/2018	<i>None</i>
Kari Kristiansen - <i>Palmer</i>	Superior	11/17/2006	10, 16
Erin B. Marston - <i>Anchorage</i>	Superior	09/24/2012	16
Thomas A. Matthews - <i>Anchorage</i>	Superior	07/20/2018	<i>None</i>
Andrew Peterson - <i>Anchorage</i>	Superior	02/15/2018	<i>None</i>
Peter Ramgren - <i>Anchorage</i>	Superior	07/03/2019	<i>None</i>
Kevin M. Saxby - <i>Anchorage</i>	Superior	03/12/2012	16
Kristen C. Stohler - <i>Palmer</i>	Superior	04/17/2019	<i>None</i>
Stephen B. Wallace - <i>Kodiak</i>	Superior	03/21/2019	<i>None</i>
Jo-Ann M. Chung - <i>Anchorage</i>	District	05/26/2011	14, 18
Brian K. Clark - <i>Anchorage</i>	District	01/23/2003	06, 10, 14, 18
William L. Estelle - <i>Palmer</i>	District	06/11/2003	06, 10, 14, 18
Martin C. Fallon - <i>Kenai</i>	District	12/06/2019	<i>None</i>
Tom V. Jamgochian - <i>Palmer</i>	District	07/01/2020	<i>None</i>
David A. Nesbett - <i>Anchorage</i>	District	03/21/2019	<i>None</i>
Shawn Traini - <i>Palmer</i>	District	12/06/2019	<i>None</i>
Fourth Judicial District			
Brent Bennett - <i>Fairbanks</i>	Superior	07/03/2019	<i>None</i>
Terrence Haas - <i>Bethel</i>	Superior	11/21/2018	<i>None</i>
Michael A. MacDonald - <i>Fairbanks</i>	Superior	06/01/2007	10, 16
Earl Peterson - <i>Fairbanks</i>	Superior	07/03/2019	<i>None</i>
Thomas Temple - <i>Fairbanks</i>	Superior	07/02/2018	<i>None</i>
Ben Seekins - <i>Fairbanks</i>	District	01/13/2012	14, 18

* Note: Years shown in italics and parentheses indicate when a judge stood for retention in a prior position.

Judges Eligible to Stand for Retention Election in 2024			
Judge	Court Level	Date Appointed	Prior Retention Elections*
Supreme Court			
Dario Borghesan	Supreme	07/01/2020	<i>None</i>
Court of Appeals			
Marjorie K. Allard	Court of Appeals	11/23/2012	16
Timothy W. Terrell	Court of Appeals	12/18/2020	<i>None</i>
First Judicial District			
<i>No judge from the First Judicial District will stand for retention in 2024</i>			
Second Judicial District			
<i>No judge from the Second Judicial District will stand for retention in 2024</i>			
Third Judicial District			
Rachel Ahrens - <i>Valdez</i>	Superior	12/06/2019	<i>None</i>
Bride Seifert - <i>Homer</i>	Superior	12/06/2019	<i>None</i>
Herman G. Walker, Jr. - <i>Anchorage</i>	Superior	07/24/2015	18
Adolf Zeman - <i>Anchorage</i>	Superior	04/15/2020	<i>None</i>
Leslie Dickson - <i>Anchorage</i>	District	11/09/2012	16, 20
Michael Franciosi - <i>Anchorage</i>	District	09/28/2017	20
J. Patrick Hanley - <i>Anchorage</i>	District	01/14/2005	08, 12, 16, 20
Michael B. Logue - <i>Anchorage</i>	District	02/12/2018	20
Kari McCrea - <i>Anchorage</i>	District	09/18/2017	20
David R. Wallace - <i>Anchorage</i>	District	01/23/2009	12, 16, 20
Pamela S. Washington - <i>Anchorage</i>	District	08/09/2010	12, 16, 20
Fourth Judicial District			
Matthew Christian - <i>Fairbanks</i>	District	11/21/2013	16, 20
William T. Montgomery - <i>Bethel</i>	District	06/13/2018	20

* Note: Years shown in italics and parentheses indicate when a judge stood for retention in a prior position.