

MEMORANDUM

TO: Alaska Judicial Council

FROM: Staff

DATE: April 24, 2000

RE: Peremptory Challenge Records for Judges Eligible for Retention in 2000

Alaska Statutes §22.20.022, Alaska Civil Rule 42(c), and Alaska Criminal Rule 25(d) permit each party in any court case one chance to change the judge to whom the case is assigned (this is known as a peremptory challenge). This memo discusses the peremptory challenge record for the most recent term of each superior and district court judge who is eligible for retention in 2000.

While the intent of the peremptory challenge provisions is to insure to each litigant the right to a hearing by a fair and impartial judge, in practice many factors may prompt litigants or attorneys to peremptorily challenge judges. Some parties might challenge a judge because they perceive the judge to be unfair in a certain type of case, while others might challenge a judge because they perceive the judge to be too fair, and they hope their case will be reassigned to a judge who they perceive as being more favorable to their case. (Such a scenario can be especially relevant in smaller judicial districts and communities, where attorneys often can predict to which other judge a case is likely to be reassigned). Other reasons parties might challenge judges include attempting to delay proceedings, being unfamiliar with a new judge, or seeking to avoid the demands of a judge who insists on high standards of practice or timeliness.

Care must be taken when comparing challenge records between judges with different caseloads. Judges with higher-volume caseloads generally will have more challenges than those with lower-volume caseloads. Also, challenges often increase when a judge is newly appointed or is reassigned to a different caseload (parties have the right to challenge newly assigned judges, as if their case had been newly filed). A factor to remember in criminal cases is that some communities have only one or two assistant district attorneys or assistant public defenders, who defend many of the criminal cases filed in that community. If such an assistant DA or PD perceives a reason to

categorically challenge a particular judge, that judge's criminal peremptory challenge rate will be high, even though just one or two attorneys might be responsible for virtually all of the challenges.

Challenge records for Anchorage Superior Court judges are complicated, because Anchorage judges have different caseload assignments. From the late 1980s through mid-1995, Anchorage had four divisions: fast-track, slow-track, family and criminal.¹ In 1995, the Anchorage court consolidated into two divisions: civil and criminal. Since then, all civil cases (including domestic relations, Child In Need of Aid cases and domestic violence cases) have been assigned equally to each of the Anchorage superior court judges in the civil division. Criminal division judges handle child delinquency cases, but do not routinely handle domestic cases.²

This memo examines retention judges' peremptory challenge records by court level and judicial district. The tables separately display civil and criminal case challenge data for each judge, by year. The peremptory challenge tables show the number of challenges brought by plaintiffs versus those brought by defendants in civil cases, and by the prosecution versus defendants in criminal cases.³ Separate tables which follow each peremptory challenge table summarize caseloads in the relevant court locations over the past four fiscal years, to help put each judge's statistics into perspective. These caseload tables should only be used as a rough guide, however. Presiding judges can ease heavy caseloads by assigning cases to other judges in their judicial district, and to pro tem judges. Some superior courts with heavy caseloads have this burden eased somewhat by the assistance of masters and magistrates. Statistics in the district court caseload tables may reflect cases handled by magistrates as well as by district court judges.

¹Fast-track judges were assigned high volumes of quick, relatively simple cases; slow-track judges handled more complex civil litigation; family judges took all the divorces and dissolutions; and criminal judges received only criminal cases. Before 1995 one or two judges handled all Anchorage domestic relations cases.

²Child in Need of Aid, probate, domestic violence and juvenile delinquency cases generally are handled by masters, with assigned judges acting on masters' recommendations but otherwise participating in the proceedings only when necessary. Domestic violence cases are handled by either superior court or district court judges. However, beginning with FY 1999, all such cases statewide are filed in district court, and are reflected in district court case filing data.

³The accuracy and completeness of some of the data in the peremptory challenge tables are questionable. These figures were obtained from court system records. Between 1994 and 1997 court record-keeping practices varied throughout the state, and the records for those years are not necessarily either correct or complete. According to the court system's statistics analyst, court data reporting practices have improved greatly since 1997, and the data from the past two years are quite reliable.

II. SUPERIOR COURT

Superior Court Peremptory Challenges: First Judicial District Retention Evaluation 2000												
Year	1994		1995		1996		1997		1998		1999	
Judge	Civ	Crim	Civ	Crim	Civ	Crim	Civ	Crim	Civ	Crim	Civ	Crim
Weeks (Juneau)	1 1 pl 0 d	0	4 2 pl 2 d	1 0 pr 1 d	15 6 pl 9 d	4 0 pr 4 d	9 6 pl 3 d	9 2 pr 7 d	4 0 pl 4 d	11 0 pr 11 d	4 2 pl 2 d	7 0 pr 7 d
Zervos (Sitka)	0	1 0 pr 1 d	3 3 pl 0 d	0	0	4 0 pr 4 d	3 2 pl 1 d	1 0 pr 1 d	2 1 pl 1 d	3 0 pr 3 d	0	1 0 pr 1 d

*Challenges are identified as having been brought by plaintiffs (pl), prosecution (pr), or defendants (d).

Caseload data for comparative purposes (average annual number of filings FY1996-1999)					
Court	Number of judges	Annual Filings	Filings per judge	Felony filings	Felonies per judge
Juneau	2	1,077	539	196	98
Sitka	1	226	226	40	40

Judge Weeks (Juneau): Judge Weeks' challenge rate has risen somewhat since his last retention evaluation. Compared to other superior court judges in the first judicial district, his challenge rate (an average of 12 challenges per year) is higher than that of Judge Zervos (3 per year) and Judge Thompson (8 per year), on a par with Judge Collins (12 per year), and lower than Judge Jahnke (29 per year). His civil challenges are evenly split between plaintiffs and defendants, while in criminal cases he is most often challenged by defendants. In the last four years, Judge Weeks has been challenged in about 2% of his civil cases and about 8% of his criminal cases, or about 3% of his cases overall.

Judge Zervos (Sitka): Judge Zervos is rarely challenged. The most challenges he has received in either civil or criminal cases in a given year is three. Given the small caseload of the Sitka court, Judge Zervos' challenge rate for the last four years works out to his having been challenged in less than 1% of his civil cases and about 6% of his criminal cases, or about 2% of his cases overall.

**Superior Court Peremptory Challenges: Second Judicial District
Retention Evaluation 2000**

Year	1994		1995		1996		1997		1998		1999	
Judge	Civ	Crim	Civ	Crim	Civ	Crim	Civ	Crim	Civ	Crim	Civ	Crim
Erlich (Kotzebue)	5 2 pl 3 d	5 0 pr 5 d	3 2 pl 1 d	0	2 2 pl 0 d	5 5 pr 0 d	4 3 pl 1 d	1 1 pr 0 d	1 1 pl 0 d	5 5 pr 0 d	4 0 pl 4 d	5 0 pr 5 d
Esch (Nome)					2 0 pl 2 d	0	0	0	0	0	0	0

*Challenges are identified as having been brought by plaintiffs (pl), prosecution (pr), or defendants (d).

Caseload data for comparative purposes (average annual number of filings FY1996-1999)

Court	Number of judges	Annual Filings	Filings per judge	Felony filings	Felonies per judge
Kotzebue	1	283	283	137	137
Nome	1	356	356	119	119

Judge Erlich (Kotzebue): Judge Erlich's challenge rate is low, and is evenly split among plaintiffs/prosecution and defendants. In the last four years, Judge Erlich has been challenged in 2% of his civil cases and about 3% of his criminal cases, or about 2% of his cases overall.

Judge Esch (Nome): Judge Esch was appointed in February 1996. He has only been challenged twice since taking the bench.

**Superior Court Peremptory Challenges: Third Judicial District/Anchorage
Retention Evaluation 2000**

Year	1994		1995		1996		1997		1998		1999	
Judge	Civ	Crim	Civ	Crim	Civ	Crim	Civ	Crim	Civ	Crim	Civ	Crim
Andrews	9 4 pl 5 d	5 0 pr 5 d	0	35 0 pr 35 d	1 1 pl 0 d	12 0 pr 12 d	1 1 pl 0 d	11 0 pr 11 d	2 0 pl 2 d	1 0 pr 1 d	3 1 pl 2 d	5 0 pr 5 d
Gonzalez	68 34 pl 34 d	0	60 40 pl 20 d	0	34 12 pl 22 d	0	49 28 pl 21 d	0	46 22 pl 24 d	0	43 21 pl 22 d	0
Hensley					0	0	13 6 pl 7 d	0	9 3 pl 6 d	0	11 2 pl 9 d	0
Michalski	69 56 pl 13 d	5 0 pr 5 d	59 35 pl 24 d	2 0 pr 2 d	73 50 pl 23 d	2 0 pr 2 d	59 37 pl 22 d	12 0 pr 12 d	36 23 pl 13 d	0	41 24 pl 17 d	0
Sanders					0	1 1 pr 0 d	0	55 51 pr 4 d	0	10 8 pr 2 d	13 5 pl 8 d	0
Tan					0	0	32 17 pl 15 d	0	18 8 pl 10 d	0	23 14 pl 9 d	0
Wolverton**	0	4 3 pr 1 d	0	41 41 pr 0 d	3 0 pl 3 d	7 6 pr 1 d	19 10 pl 6 d	0	11 4 pl 7 d	0	1 0 pl 1 d	4 2 pr 2 d

*Challenges are identified as having been brought by plaintiffs (pl), prosecution (pr), or defendants (d).

**Judge Wolverton's figures reflect district court service from 1994 until December 1996.

Caseload data for comparative purposes (average annual number of filings FY1996-1999)					
Court	Number of judges	Annual civil filings	Civil filings per civil case judge	Annual felony filings	Felonies per criminal case judge
Anchorage	12 (8 civil, 4 criminal)	9,313	1,164	1,228	307

Anchorage judges are assisted by five masters who generally handle Child in Need of Aid, probate, domestic violence and juvenile delinquency cases, with the assigned judges acting on masters' recommendations, but otherwise participating in proceedings only when necessary. Five magistrates also assist in the Anchorage district and superior courts.

Anchorage Criminal Case Judges: Judges Andrews and Sanders spent most of this term hearing criminal cases. In 1999 Judge Sanders moved to a civil caseload, while Judge Wolverton moved to a criminal caseload. In this memorandum, Judge Sanders is considered with criminal case judges, and Judge Wolverton is considered with civil case judges, as these are the areas where their statistics are most complete. The other Anchorage criminal case judges during this time were Judge Hunt (1994-1995), Judge Souter (1996-1999) and Judge Card (1996-1999).

Judge Andrews: Judge Andrews has been the Presiding Judge in the Third Judicial District since mid-1996. During the first half of 1994 she heard family law cases; since then she has handled a predominantly criminal caseload. She was challenged moderately (35 challenges) during 1995, but her challenge rate dropped during each of the following three years. (It should be noted that as Presiding Judge, Judge Andrews carries a reduced caseload). In the last two years, her challenges have been in the single digits. Compared to other Anchorage criminal judges, Judge Andrews' challenge statistics are low. For example, in 1999 Judge Andrews had 5 challenges, compared to Judge Wolverton (4), Judge Souter (66) and Judge Card (9 or more — data for Judge Card is incomplete for 1999 and unavailable for 1997 or 1998); in 1998, Judge Andrews had 1 challenge, compared to Judge Sanders (10) and Judge Souter (70); while in 1997 Judge Andrews had 11 challenges, compared to Judge Sanders (55) and Judge Souter (63). All of Judge Andrews' criminal challenges have come from defendants. Overall, in the last four years, Judge Andrews has been challenged in somewhat more than 2% of her cases.

Judge Sanders: Judge Sanders was appointed to the bench in August 1996. He handled a criminal caseload through 1998, changing to a civil caseload beginning in 1999. Judge Sanders was often challenged in criminal cases, but his rate of challenge dropped significantly (from 55 challenges to 10 challenges) after his first year on the bench. Nearly all of Judge Sanders' criminal challenges (91%) came from the prosecution. Since taking on a civil caseload, Judge Sanders' challenge rate has been low, and is split among plaintiffs and defendants. In his first three full years on the bench, Judge Sanders was challenged in about 11% of his criminal cases (1997-1998), and about 1% of his civil cases (1999).

Anchorage Civil Case Judges: The following judges heard primarily civil cases during their most recent terms. In addition to the 2000 retention judges, other Anchorage superior court judges who handled a civil caseload during this time period were: Judge Souter (1994-1995) who averaged 47 challenges per year, Judge Shortell (1994-1999) who averaged 30 challenges per year, Judge Hunt (1996-1999) who averaged 74 challenges per year, Judge Reese (1994-1999) who averaged 93 challenges per year, and Judge Card (1994-1996) who averaged over 50 challenges per year. The average number of civil peremptory challenges for all Anchorage superior court civil judges between 1994 and 1999 was 47 challenges per year.

Judge Gonzalez: Judge Gonzalez averaged 50 challenges per year during 1994-1999, when he handled a civil caseload. Judge Gonzalez handled a criminal caseload during the beginning of 1994, heard family law cases from mid-1994 through mid-1995, and has handled a civil caseload since then. He has been challenged in a substantial number of cases, but given the volume of civil

cases processed by the Anchorage superior court judges, these numbers are not unexpected. Since he has been handling a general civil caseload, his challenges have ranged from about 35 to 50 per year, evenly split between challenges brought by plaintiffs' and defendants' counsel. Overall, in the last four years, Judge Gonzalez has been challenged in about 4% of his cases.

Judge Hensley: Judge Hensley averaged 11 challenges per year during 1997-1998, when he handled a civil caseload. Judge Hensley was appointed to the bench in December 1996, and he has handled a general civil caseload since then. His rate of peremptory challenges is among the lowest of the Anchorage civil court judges. Overall, in his first three full years on the bench, Judge Hensley has been challenged in about 1% of his cases.

Judge Michalski: Judge Michalski averaged 60 challenges per year during 1994-1999, when he handled mainly a civil caseload. Judge Michalski handled slow-track civil cases from 1994 through mid-1995. In 1995, he began handling a general civil caseload. His rate of peremptory challenges has been substantial throughout his term, ranging from a high of around 70 in three different years (1994, 1996 and 1997), to a low of around 40 the past two years. He is challenged about twice as often by plaintiffs as by defendants. However, in light of the heavy caseload of the Anchorage civil bench, Judge Michalski's challenge rate of about 4% of his cases over the last four years is not extraordinary.

Judge Tan: Judge Tan was appointed to the bench in December 1996. Since appointment, he has handled a civil caseload, and he has been moderately challenged, averaging 37 challenges per year during 1997-1999. His challenges originate with both plaintiffs' and defendants' counsel. Overall, in his first three full years on the bench, Judge Tan has been challenged in about 2% of his cases.

Judge Wolverton: Judge Wolverton averaged 15 challenges per year during 1997-1999, when he handled a civil caseload. Like Judge Sanders and Judge Tan, Judge Wolverton was appointed to the superior court bench in December 1996, having served on the district court bench since 1988. During 1997 and 1998 Judge Wolverton handled a civil caseload; in 1999 he began hearing criminal cases. Since moving to the superior court bench, Judge Wolverton has had one of the lowest challenge rates among Anchorage superior court judges. In his first three full years on the bench, Judge Wolverton was challenged in about 1% of his civil cases (1997-1998), and about 1% of his criminal cases (1999).

Superior Court Peremptory Challenges: Third Judicial District/Outside Anchorage Retention Evaluation 2000												
Year	1994		1995		1996		1997		1998		1999	
Judge	Civ	Crim	Civ	Crim	Civ	Crim	Civ	Crim	Civ	Crim	Civ	Crim
Torrissi (Dillingham)					0	0	1 0 pl 1 d	0	3 3 pl 0 d	2 1 pr 1 d	4 3 pl 1 d	4 2 pr 2 d
Brown (Kenai)					12 4 pl 8 d	1 0 pr 1 d	17 5 pl 12 d	10 0 pr 10 d	40 13 pl 27 d	63 1 pr 62 d	86 45 pl 41 d	80 1 pr 79 d
Link (Kenai)	38 9 pl 29 d	16 0 pr 16 d	34 17 pl 17 d	14 0 pr 14 d	33 10 pl 23 d	43 0 pr 43 d	8 4 pl 4 d	15 0 pr 15 d	5 3 pl 2 d	2 0 pr 2 d	8 2 pl 6 d	1 1 pr 0 d
Hopwood (Kodiak)	12 3 pl 9 d	12 1 pr 11 d	22 14 pl 8 d	22 1 pr 21 d	12 4 pl 8 d	18 5 pr 13 d	11 5 pl 6 d	38 7 pr 31 d	14 5 pl 9 d	10 0 pr 10 d	13 6 pl 7 d	23 0 pr 23 d
Smith (Palmer)					39 19 pl 20 d	1 1 pr 0 d	29 6 pl 23 d	1 0 pr 1 d	27 9 pl 18 d	1 0 pr 1 d	21 6 pl 15 d	1 1 pr 0 d

*Challenges are identified as having been brought by plaintiffs (pl), prosecution (pr), or defendants (d).

Caseload data for comparative purposes (average annual number of filings FY1996-1999)					
Court	Number of judges	Annual Filings	Filings per judge	Felony filings	Felonies per judge
Dillingham	1	131	131	49	49
Kenai*	2	1,012	506	180	90
Kodiak	1	443	443	91	91
Palmer	2	1,435	718	328	164

*Beginning in FY 1999, Kenai judges are assisted by a master.

Judge Torrisi (Dillingham): Judge Torrisi was appointed to the bench in November 1996. During his three full years on the bench, he has been challenged only rarely. Given the small caseload of the Dillingham court, Judge Torrisi's challenge rate for this time period works out to his being challenged in about 3% of his civil cases and about 4% of his criminal cases, or about 4% of his cases overall, which is in line with challenge rates for other superior court judges. Judge Torrisi's challenges come from both plaintiffs/prosecution and defendants.

Judge Brown (Kenai): Judge Brown was appointed to the bench in April 1996. He was challenged occasionally in his first year, and his challenges have grown each year since. In the past two years he has had one of the highest challenge rates in superior court, having received challenges in more than one hundred cases each year. Judge Brown's challenge rate is high in both civil and criminal matters. His civil challenges are fairly evenly split between plaintiffs and defendants, while in criminal cases he is challenged almost exclusively by defendants. Concurrently with the rise of Judge Brown's challenges, challenges to his counterpart in Kenai, Judge Link, have fallen from around 50 per year to single digit figures. (Judge Brown's predecessor in Kenai, Judge Cranston, averaged 34 challenges per year in the five years before 1996, when he retired). In his first three full years on the bench, Judge Brown has been challenged in about 11% of his civil cases and about 57% of his criminal cases, or about 19% of his cases overall.

Judge Link (Kenai): Judge Link received few challenges throughout the early 1990s, but the number rose in the middle of the decade, peaking in 1996 with 76 challenges. As Judge Brown fielded more challenges in the latter part of the decade, challenges to Judge Link tapered off to single digit figures. (This trend could be related to Kenai's status as a two-judge community. For instance, litigants who feel less comfortable with Judge Brown than Judge Link are not likely ever to challenge Judge Link, as the reassignment following such a challenge will very likely be to Judge Brown). Judge Link's civil challenges come from both plaintiffs and defendants, but as with Judge Brown, his criminal challenges come almost exclusively from defendants. In the last four years, Judge Link has been challenged in about 3% of his civil cases and about 17% of his criminal cases, or about 6% of his cases overall.

Judge Hopwood (Kodiak): Judge Hopwood was preempted a few dozen times per year throughout his most recent term. His challenges range from a low of 24 in 1994 and 1998 to a high of 49 in 1997. In 1999 he was challenged 36 times. He is challenged in nearly as many civil cases as criminal, and his civil challenges arise about equally from plaintiffs and defendants. His criminal challenges come mostly (87%) from defendants. Compared to other non-Anchorage judges in the Third Judicial District with similar caseloads, Judge Hopwood's rate is on the high side. In the last four years, Judge Hopwood has been challenged in about 4% of his civil cases and about 24% of his criminal cases, or about 8% of his cases overall.

Judge Smith (Palmer): Since taking the bench in April 1996, Judge Smith has been challenged between 22 and 40 times per year. In comparing these peremptory challenge numbers with those of other non-Anchorage Third Judicial District judges, it should be noted that Judge Smith is responsible for a very heavy caseload. Kenai's caseload comes closest to Palmer's, but

while both locations have two judges, the Palmer judges have a caseload nearly 1½ times that of the Kenai judges, including nearly twice the number of felony filings. In his first three full years on the bench, Judge Smith has been challenged in about 5% of his civil cases and less than 1 % of his criminal cases, or about 4% of his cases overall.

**Superior Court Peremptory Challenges: Fourth Judicial District
 Retention Evaluation 2000**

Year	1994		1995		1996		1997		1998		1999	
Judge	Civ	Crim	Civ	Crim	Civ	Crim	Civ	Crim	Civ	Crim	Civ	Crim
Greene (Fairbanks)	31 15 pl 16 d	35 25 pr 10 d	68 40 pl 28 d	96 78 pr 18 d	78 60 pl 18 d	57 44 pr 13 d	96 71 pl 25 d	91 62 pr 29 d	73 59 pl 14 d	35 25 pr 10 d	69 45 pl 24 d	21 9 pr 12 d
Curda (Bethel)	14 9 pl 5 d	50 5 pr 45 d	13 0 pl 13 d	52 0 pr 52 d	10 7 pl 3 d	48 0 pr 48 d	23 5 pl 18 d	131 10 pr 121 d	32 10 pl 22 d	25 13 pr 12 d	1 1 pl 0 d	17 14 pr 3 d

*Challenges are identified as having been brought by plaintiffs (pl), prosecution (pr), or defendants (d).

Caseload data for comparative purposes (average annual number of filings FY1996-1999)

Court	Number of judges	Annual Filings	Filings per judge	Felony filings	Felonies per judge
Fairbanks*	5	2,720	544	451	90
Bethel	1	780	780	262	262

*Fairbanks judges are assisted by two masters and two magistrates.

Judge Greene (Fairbanks): Judge Greene receives a very high number of peremptory challenges. Her challenge rate rose throughout most of the 1990s, from 32 in 1992 to more than 100 in each year between 1995 through 1998. Among Fourth Judicial District superior court judges, only Judge Steinkruger has a peremptory challenge rate comparable to Judge Greene's. Judge Greene averaged 125 challenges per year during her most recent term, while Judge Steinkruger averaged 111 challenges. During this same term, the remaining three Fairbanks superior court judges averaged 27 challenges each. Judge Greene's yearly challenge numbers often are above 100, and in two years have exceeded 160 challenges. Her challenges come in both civil and criminal cases, and she is challenged significantly more often by the prosecution (77% of her criminal challenges), and by plaintiffs (70% of her civil challenges) than by defendants. Overall, in the last four years, Judge Greene has been challenged in 17% of her civil cases and about 57% of her criminal cases, or about 24% of her cases overall.

Judge Curda (Bethel): Judge Curda's challenge rate rose from single digits in 1991 and 1992 to peak at 154 in 1997. 1998 and 1999 saw a marked decrease in Judge Curda's challenges. Before 1998, almost all of Judge Curda's criminal challenges came from defendants, but in the last two years prosecution challenges have outnumbered those from defendants. Judge Curda's criminal defense challenges dropped following the departure of an assistant public defender from the Bethel office; the present attorneys don't often challenge him. Judge Curda is challenged less often in civil cases than in criminal cases; most of his civil challenges (66%) come from defendants. Overall, in the last four years, Judge Curda has been challenged in 3% of his civil cases and about 21% of his criminal cases, or about 9% of his cases overall, which is a relatively high figure. (Judge Curda's 1997 challenge figure was more than twice as high as any other year. Leaving out the 1997 figures, his challenge rate drops to 3% of his civil cases and about 11% of his criminal cases, or about 6% of his cases overall, which is more in line with other superior court judges).

II. DISTRICT COURT

**District Court Peremptory Challenges: Third Judicial District
 Retention Evaluation 2000**

Year	1996		1997		1998		1999	
Judge	Civ	Crim	Civ	Crim	Civ	Crim	Civ	Crim
Ashman (Anchorage)	1 0 pl 1 d	54 0 pr 54 d	3 2 pl 1 d	37 2 pr 35 d	0	38 0 pr 38 d	1 1 pl 0 d	13 0 pr 13 d
Finn (Anchorage)	0	46 2 pr 44 d	2 0 pl 2 d	57 2 pr 55 d	1 0 pl 1 d	23 0 pr 23 d	2 1 pl 1 d	14 0 pr 14 d
Wanamaker (Anchorage)	0	29 19 pr 10 d	1 1 pl 0 d	18 3 pr 15 d	2 2 pl 0 d	8 1 pr 7 d	3 0 pl 3 d	9 3 pr 6 d
Lombardi (Palmer)			0	2 0 pr 2 d	2 2 pl 0 d	169 5 pr 164 d	0	4 1 pr 3 d
Bolger (Valdez)			0	0	2 0 pl 2 d	6 0 pr 6 d	7 5 pl 2 d	8 0 pr 8 d

*Challenges are identified as having been brought by plaintiffs (pl), prosecution (pr), or defendants (d).

Caseload data for comparative purposes (average annual number of filings FY1996-1999)					
Court	Number of judges	Annual Filings	Filings per judicial officer (judges & magistrates)	Criminal (Misdemeanor, traffic, minor offense) filings	Criminal filings per judicial officer (judges & magistrates)
Anchorage	9 (+5 magistrates)	48,911	3,494	39,443	2,817
Palmer	1 (+1 magistrate)	12,184	6,092	11,147	5,574
Valdez	1	793	793	692	692

Anchorage District Court Judges: *Three of the nine Anchorage district court judges are eligible for retention in 2000. The average annual number of peremptory challenges for these judges ranges from a low of 18 to a high of 36. The average number of challenges for all nine Anchorage district court judges is 24. With a few exceptions, challenges to district court judges come mostly in criminal cases, and are brought mostly by defendants.*

Judge Ashman: Judge Ashman moved from the Palmer District Court bench to the Anchorage bench in mid-1997. Despite the high volume of cases filed in Palmer, Judge Ashman received only one challenge during 1993-1995. However, in 1996 he began to receive a substantial number of challenges from criminal defendants, a trend that has continued, although in somewhat lesser numbers, following his move to Anchorage. Judge Ashman averaged 48 challenges per year during the portion of this term that he was in Palmer and 26 challenges per year during his time in Anchorage. Judge Ashman's criminal challenges, which come almost exclusively from defendants, outnumber his civil challenges.

Judge Finn: Judge Finn received the most challenges of any Anchorage district court judge during 1996-1999, a trend that has continued from her previous two judicial terms. During her most recent term, she averaged 36 challenges per year. Judge Finn's criminal challenges, which come almost exclusively from defendants, outnumber her civil challenges.

Judge Wanamaker: Judge Wanamaker receives few challenges, averaging 18 per year. His criminal challenges, which outnumber his civil challenges, come about equally from the prosecution and defendants, although in each year since 1997 he has been more often challenged by defendants.

Third Judicial District Judges Outside Anchorage

Judge Lombardi (Palmer): Judge Lombardi was appointed to the district court bench in July 1997. She was challenged only twice in 1997, but in 1998 she was challenged 171 times (164 challenges were brought by criminal defendants). Her challenges dropped to 4 in 1999, when she was on leave for most of the year. For comparison, when Judge Ashman was in Palmer, he was rarely challenged before 1996, then he was challenged 55 times in 1996 and 40 times in the first half of 1997.

Judge Bolger (Valdez): Judge Bolger was appointed to the district court bench in July 1997. In 1998 and 1999 he averaged 12 challenges per year. This number seems low compared to the Anchorage judges, but the Valdez caseload per judicial position is about one-quarter of the Anchorage caseload. Other locations with which Valdez might be compared include Palmer (see Judge Ashman's and Judge Lombardi's statistics, above), with nearly eight times Valdez' caseload per judicial position, and Homer, with three times Valdez' caseload per judicial position (In Homer, Judge Neville averages 7 challenges per year).

**District Court Peremptory Challenges: Fourth Judicial District
 Retention Evaluation 2000**

Year	1996		1997		1998		1999	
Judge	Civ	Crim	Civ	Crim	Civ	Crim	Civ	Crim
Funk (Fairbanks)					3 1 pl 2 d	1 1 pr 0 d	7 5 pl 2 d	13 6 pr 7 d
Wood (Fairbanks)	7 4 pl 3 d	31 0 pr 31 d	5 2 pl 3 d	69 39 pr 30 d	6 4 pl 2 d	27 2 pr 25 d	12 3 pl 9 d	85 42 pr 43 d

*Challenges are identified as having been brought by plaintiffs (pl), prosecution (pr), or defendants (d).

Caseload data for comparative purposes (average annual number of filings FY1996-1999)

Court	Number of judges	Annual Filings	Filings per judicial officer (judges & magistrates)	Criminal (Misdemeanor, traffic, minor offense) filings	Criminal filings per judicial officer (judges & magistrates)
Fairbanks	3 (+2 magistrates)	15,834	3,166	12,710	2,542

Judge Funk (Fairbanks): Judge Funk was appointed to the district court bench in April 1998. He received 4 challenges in 1998 and 20 challenges in 1999. In 1999 he was challenged twice as often in criminal cases as in civil; his challenges were evenly split between plaintiffs/prosecution and defendants.

Judge Wood (Fairbanks): Judge Wood's challenge rate tended upward through the 1990s. In each year almost all of his challenges came in criminal cases. Before 1997 he was challenged almost exclusively by defendants, but since that time his challenges have been fairly evenly split, with 46% coming from the prosecution. While Judge Wood's average challenge rate of 61 challenges per year between 1996 and 1999 appears high, the third Fairbanks district court judge, Judge Kauvar, has a rate almost twice as high, averaging 108 challenges. Judge Wood averages 53 criminal challenges per year, while Judge Kauvar averages 82.