



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969
<http://www.ajc.state.ak.us>

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

EXECUTIVE DIRECTOR
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NON-ATTORNEY MEMBERS
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Kathleen Tompkins-Miller
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Press Release

July 5, 2010

Judicial Council Recommends that Voters Retain 27 out of 28 Judges

The Judicial Council is an independent seven-member citizen's commission established in the constitution at statehood. Members evaluate applicants for judicial positions using the merit selection system and nominate the best qualified to the governor for appointment. Three non-attorneys, appointed by the governor and confirmed by the legislature, and three attorneys appointed by the Alaska Bar Association Board of Governors constitute the Council, with the Chief Justice of the Alaska Supreme Court sitting as chair ex officio. Alaska law requires the Council to evaluate each judge eligible to stand for retention, and to publicize its findings, so that the public can make informed choices when voting on judges.

The Council met on June 27-29, 2010 to make its recommendations. The Alaska Judicial Council recommended a "yes" vote on the retention of twenty-seven of the twenty-eight judges eligible to be on the ballot in 2010. They recommended a "no" vote on the retention of Anchorage District Court Judge Richard W. Postma, Jr.

The Council evaluates judges' integrity, legal ability, fairness, judicial temperament, and overall performance of their judicial responsibilities in and out of the courtroom. Members review whether a judge has treated all parties equally, avoided arrogance, controlled the courtroom, and demonstrated a knowledge of the law. Sources of information include public hearings throughout the state, judges' conflict of interest statements, appellate records, peremptory challenges to judges, and other investigation and interviews. In addition, the Council surveys thousands of Alaskans, including peace and probation officers, attorneys, court employees, jurors and social workers, guardians ad litem and Court Appointed Special Advocate (CASA) volunteers. An independent group, Alaska Judicial Observers, evaluates judges in Anchorage, Kenai and Palmer and shares its findings with the Council.

The Council emphasizes the need to evaluate performance comprehensively, taking into account all of the information available. To provide the best evaluation, the Council looks at the judges' entire terms in office. Superior court judges serve a three to-four year term before their first retention, and six-year terms after that. District court judges serve a two to three year term before the first retention, and then a four year term before their next election.

Judges stand for retention in nonpartisan, unopposed elections, with their own records as the focus for the voters' decisions. This means that the Council's evaluations are a critical source of objective information about judicial performance. The Council's evaluations include more information about judges than any other judicial evaluation in the country, particularly because the Council asks groups such as peace and probation officers, jurors, and court employees for their input. It also investigates specific issues that arise, using interviews, court records, and other research. In making the reasons for its retention recommendations public, the Judicial Council must be careful to balance its obligations to provide reliable information to the public, to be fair to the judge standing for retention, and not to jeopardize the confidences of people who provided information to the Council.

After becoming aware of concerns about Anchorage District Court Judge Richard Postma's judicial performance, the Alaska Judicial Council conducted an independent review and met with Judge Postma to provide him with an opportunity to be heard. After that review and meeting, the Judicial Council found that Judge Postma has experienced persistent difficulty in coping with the Anchorage District Court caseload and stressful situations. Judge Postma has lacked patience, dignity, and courtesy in his communications which has contributed to constant friction between Judge Postma and other judges, court administrators, and court staff. Judge Postma has a tendency to lose his temper.

The Alaska Court System unsuccessfully attempted to work with Judge Postma to improve the situation. The court decreased the judge's responsibilities, placed the judge on paid administrative leave, and temporarily assigned the judge to a different venue. These efforts have not been successful in improving Judge Postma's ability to function as a judge on the Anchorage District Court.

Judges must be fair and judicial in the courtroom and in their conduct off the bench as well. The Alaska Judicial Council concludes that, while performing acceptably on the bench, Judge Postma demonstrated an inability to function appropriately with other judges and court staff and that he did so in a manner that seriously interfered with the performance of his judicial duties, disrupted the functioning of the Anchorage District Court, and makes him unfit to retain his office.

The Lieutenant Governor's Official Elections Pamphlets published in October by the Division of Elections will contain the Council's information and recommendation about each judge. The Council also will publish more information about its evaluations during September and October. Before the election, copies of the Council's surveys and other information will be available on its website at www.ajc.state.ak.us.

The Council recommends that voters retain the following judges:

Statewide

Dana A. Fabe
David Mannheimer

Alaska Supreme Court
Alaska Court of Appeals

First Judicial District

David V. George
Philip M. Pallenberg
Trevor Stephens
Kevin G. Miller

Sitka Superior Court
Juneau Superior Court
Ketchikan Superior Court
Ketchikan District Court

Third Judicial District

Eric A. Aarseth
Carl Bauman
Sharon L. Gleason
Kari Kristiansen
Patrick J. McKay
Anna M. Moran
Mark Rindner
Jack W. Smith
Michael Spaan
Vanessa H. White
Brian K. Clark
Catherine M. Easter
William L. Estelle
Sharon A.S. Illsley
Gregory J. Motyka
Stephanie Rhoades
John W. Wolfe

Anchorage Superior Court
Kenai Superior Court
Anchorage Superior Court
Palmer Superior Court
Anchorage Superior Court
Kenai Superior Court
Anchorage Superior Court
Anchorage Superior Court
Palmer Superior Court
Anchorage District Court
Anchorage District Court
Palmer District Court
Kenai District Court
Anchorage District Court
Anchorage District Court
Palmer District Court

Fourth Judicial District

Douglas L. Blankenship
Marvin Charles Hamilton III
Michael A. MacDonald
Jane F. Kauvar

Fairbanks Superior Court
Bethel Superior Court
Fairbanks Superior Court
Fairbanks District Court

The Council recommends that voters not retain the following judge:

Third Judicial District

Richard W. Postma, Jr.

Anchorage District Court

Contact:

Larry Cohn, Executive Director, Alaska Judicial Council
1029 West Third Avenue, Suite 201
Anchorage, AK 99501

Tel: (907) 279-2526

Fax:(907)276-5046

email: lcohn@ajc.state.ak.us