

Press Release

October 1, 1996

Retention Election Evaluation of Judges by Judicial Council

The Alaska Judicial Council has found all thirteen judges standing for retention in the 1996 general election qualified, and recommends that voters retain each judge. Alaska law requires the Judicial Council to evaluate every judge standing for retention and to make the evaluations public. The Council gathers more information on judges to make this evaluation than anywhere else in the country. Based on this comprehensive evaluation, the Council has voted to recommend the retention of each judge.

State law requires the Council to give voters information about judicial performance, and about its recommendations. A summary of information will be included in the official voter pamphlet sent to each voter in Alaska. More detailed information is available on the Internet (see attached press release), and by contacting the Council at 279-2526 (see attached booklet which is available to the public). Voters can use the Council's findings to make informed choices about voting for judges.

The Council asked approximately 7,000 Alaskans about their experience with the judges. All police and probation officers and lawyers throughout the state, about 2,500 jurors, and all court employees received written surveys on the judges. The Council also held public hearings around the state, looked at judges' financial statements, reviewed peremptory challenges to the judges, and looked at the appellate courts' decisions affirming and reversing trial judges' rulings. Alaska is the only state to survey all police officers, and one of the very few to survey jurors and court employees. Many other states use Alaska's evaluation program as a model.

The Council evaluates judges in several categories, including integrity, impartiality, legal ability, judicial temperament, and administrative skills. Using the surveys, the Council assesses qualities of courtesy, freedom from arrogance, ability to control the courtroom, talent for cases involving children and families, knowledge of the law, and equal treatment of all parties to create a clear picture of judicial strengths and weaknesses. A five-point rating scale distinguishes among excellent, good, acceptable, deficient, and unacceptable performances.

Evaluating the judges' performances using other data, such as peremptory challenges, requires a different set of criteria. The Council evaluates these data in the context of the judges' caseloads, location of work, and reasons for the appeals or challenges. Attorneys file peremptory challenges against judges handling criminal cases, for example, more frequently than against those handling civil cases. The Council must consider each of these factors in its evaluations.

The Council emphasizes the need to evaluate the judges' performances over their entire terms. It works to balance the objectives of having judges who are independent enough to uphold the state's constitution and laws, with the need to have judges who also are accountable to the public. Occasionally judges handle cases that draw substantial public attention, and even criticism. In the context of the thousands of cases that each judge hears during a term in office, a single case or several cases typically should not serve as the basis for evaluating the judge's entire performance. Judges deciding criminal cases in particular, operate within limits set by the legislature for sentencing and funding for correctional institutions, as well as limits set by plea negotiations between the prosecutors and defendants.

Judges stand for retention periodically in nonpartisan, unopposed elections. Because each judge runs on his or her own record, the information provided by the Judicial Council gives voters an objective view of the record. The Council publishes its evaluations and recommendations in the Lieutenant Governor's Official Elections Pamphlet that goes to every household with a registered voter about three weeks before the November election. Council staff and members meet with community councils and other local organizations to discuss the evaluations and answer questions. Copies of the surveys and other information compiled by the Council are available by writing or calling the Council.

The superior court judges all will serve a six-year term if retained, and stand again in the year 2002. The district court judges serve four-year terms and will stand again in 2000. Citizens throughout the state vote on the supreme court justices and court of appeals judges (none of whom are standing for retention in 1996), while the superior and district court judges appear only on ballots within their own judicial districts. If a judge is not retained in office, the position becomes vacant and a new judge is appointed by the merit selection system. The judges who will be on the ballot this year all rated very well on the surveys.

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