



alaska judicial council

510 L Street, Suite 450, Anchorage, Alaska 99501-1295 (907) 279-2526 FAX (907) 276-5046
http://www.ajc.state.ak.us E-mail: postmaster@ajc.state.ak.us

MEMORANDUM

TO: Judicial Council
FROM: Staff
DATE: August 13, 2024
RE: Recusal Records of Judges Eligible for Retention in 2024

I. Introduction

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

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

II. Context for interpreting recusal data

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

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

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

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

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

III. Recusal Records - Superior Court Judges

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

. = No value

* Mean and median unit of analysis is judge/year

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

(See next page for District Court)

¹ All data available from the Alaska Judicial Council.

IV. Recusal Records - District Court Judges

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

. = No value

* Mean and median unit of analysis is judge/year

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

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