



Disqualification Report

2026 Judicial Performance
Evaluation

Alaska Judicial Council

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I. Background

Self-Disqualification: Recusals

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 an actual conflict or appearance of a conflict of interest.

Recusals alone are not an indicator of performance. 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. When a judge recuses him or herself from a large number of cases, this may prompt the Council to ask more questions about why.

This memo examines recusal records of those judges who are eligible for retention in 2026.

Disqualification by Parties in a Case: Peremptory Challenges and Challenges for Cause

Another tool the Judicial Council uses to evaluate judges is a judge's record of how often a party requests to change the judge assigned to their case without giving any reason. This is called a "peremptory challenge." The Council also evaluates how often parties move to disqualify a judge for a stated reason (known as a "for cause" challenge).

In Alaska, a party has the right to preempt (disqualify) a trial court judge without proving bias or interest and without stating a reason. The legislature created the right and defines its scope by statute. The court has adopted rules and procedures for how parties are to exercise this right. In general, each side in a case is entitled to one peremptory challenge. There is no right to a peremptory challenge in an appeal, so Court of Appeals judges and Supreme Court justices do not receive them.

Every trial court judge in Alaska is subject to peremptory challenges and disqualifications for cause. Peremptory challenges and disqualifications for cause alone are not an indicator of performance. When a judge receives a high number of challenges, the Council may ask more questions about why parties and their attorneys are challenging a particular judge.

This memo examines peremptory challenge and disqualification for cause records for the trial court judges eligible for retention in November 2026. Because there were relatively few disqualifications for cause (only three in the performance evaluation time period for the judges standing for retention), these are combined with peremptory challenges in the data.

II. Recusals

Conflicts and resulting self-disqualifications (recusals) by a judge 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; however, 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.

a. Alaska Law

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.

b. Ethical Rules for Judges

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.

Alaska Code of Judicial Conduct 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.

c. 2026 Data

The following tables list the number of instances each judge eligible for retention recused themselves 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.

Self-disqualifications (Recusals) Superior Court Judges Eligible for Retention, 2026																
Judicial District	Judge	2020		2021		2022		2023		2024		2025		Summary		
		Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Total	Mean	
First																
Carpeneti, Marianna Juneau		--	--	--	--	1	0	0	1	2	0	2	1	7	1.75	
Doty, Daniel E. Ketchikan		--	--	--	--	1	0	2	0	3	1	3	2	12	3.00	
Lybrand, Katherine H. Ketchikan		--	--	--	--	5	12	1	3	0	0	1	1	23	5.75	
Summary														42	3.50	
Second																
Roghair, David L. Utqiagvik		--	--	--	--	2	0	0	0	0	0	1	0	3	0.75	
Summary														3	0.75	
Third																
Hartz, Laura Anchorage		--	--	--	--	--	--	27	0	11	0	8	0	46	15.33	
Lamoureux, Yvonne Anchorage		1	0	5	0	3	0	6	0	6	0	4		31	4.17	
Lawson, Kelly Kenai		--	--	--	--	--	--	3	14	5	4	10	6	42	14.00	
McKenna, Jack R. Anchorage		--	--	--	--	0	4	2	37	1	1	0	0	45	11.25	
Nesbett, David A. Anchorage		--	--	--	--	--	--	1	0	9	2	3	0	15	5.00	
Rankin, Christina Anchorage		--	--	--	--	--	--	24	0	5	0	9	0	38	12.67	
Reigh, Christina “Tina” Dillingham		6	1	2	3	4	1	10	2	7	5	1	0	42	7.00	
Wheeles, Ian Anchorage		--	--	--	--	6	0	7	0	6	0	10	0	29	7.25	
Woodman, Jonathan A. Palmer		2	3	1	3	1	2	2	2	3	0	6	0	25	4.17	
Summary														313	8.24	
Fourth																
Peters, Nathaniel Bethel		0	0	0	0	0	2	1	0	2	0	0	0	5	0.83	
Schwalm, Kirk Fairbanks		--	--	--	--	37	12	29	1	40	4	19	3	145	36.25	
Welch, Amy Fairbanks		--	--	--	--	--	--	26	16	7	6	5	9	69	23.00	
Summary														219	16.85	
Summary														574	8.97	

Mean unit of analysis is judge/year

The data show that all superior court judges were within normal ranges for recusals. Typically, new judges have a higher number of recusals their first and second years on the bench and then the numbers decline. This is due to new judges having more conflicts of interest with former clients and cases involving former law partners or agency employers. This pattern is apparent with, for example, Judges Lybrand, Lawson, and Welch.

All district court judges eligible for retention were also within normal ranges for recusals. District court judges typically recuse themselves infrequently, as shown in the table below.

Self-disqualifications (Recusals)											
District Court Judges Eligible for Retention, 2026											
Judicial District	Judge	2022		2023		2024		2025		Summary	
		Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Total	Mean
First											
(none)											
Second											
(none)											
Third											
Darnall, Chris <i>Anchorage</i>		--	--	--	--	0	0	0	0	0	0
Fallon, Martin <i>Kenai</i>		1	1	0	0	0	0	3	2	7	1.75
Traini, Shawn D. <i>Palmer</i>		2	8	0	1	0	2	1	1	15	3.75
Summary										22	2.2
Fourth											
Seekins, Benjamin A. <i>Fairbanks</i>		1	0	0	0	0	0	0	1	2	.5
Summary										2	.5
Summary										24	1.71

Mean unit of analysis is judge/year.

III. Peremptory Challenges & Disqualifications for Cause

a. Alaska Law

In Alaska, a defendant has a right to a fair trial before an unbiased judge and the right to preempt a judge without proving bias or interest.¹ A judge may also be disqualified for “cause” when the judge does not recuse themselves and a party appeals that decision and prevails.² Two different authorities govern the challenge rights. The legislature created the substantive rights and defines its scope by statute.³ The court regulates disqualification for cause and peremptory challenge procedures by court rules.⁴ In general, each side in a case is entitled to one peremptory challenge.⁵

b. Context for Evaluating the Data

The challenge provisions were designed to ensure each litigant’s right to a hearing by a fair and impartial judge. In practice, many factors prompt litigants or attorneys to 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 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 which other judge will receive the reassigned case. Other reasons parties might challenge judges include unfamiliarity with a new judge or seeking to avoid the demands of a judge who insists on high standards of practice or timeliness. Sometimes an attorney will use a peremptory challenge with the hope that a change of judge will result in a delay, affording additional time to prepare the case.

The Alaska Court System provides the Council with data regarding “disqualifications.” The data include peremptory challenges and for-cause disqualifications brought in criminal cases by defense attorneys or prosecutors, and those brought in civil cases by plaintiffs or defendants. Delinquency cases are included among criminal cases in this analysis because that is how they are accounted for in the court’s case management system. Child in Need of Aid cases are included in the civil category. All of the data were compiled and reported by the Alaska Court System and sent to the Alaska Judicial Council.

¹ *Gieffels v. State*, 552 P.2d 661 (Alaska 1976).

² AS 22.20.020.

³ *Id.*; AS 22.20.020.

⁴ Alaska R. Crim. P. 25(d); Alaska R. Civ. P. 42(c).

⁵ *Id.*

Care must be taken when comparing judges because they have different caseloads. Judges with higher-volume caseloads generally will have more peremptory challenges than those with lower-volume caseloads. Presiding judges sometimes ease one court's heavy caseload by assigning cases to judges from other venues within their judicial district, and to *pro tem* judges. Moreover, superior courts with heavy caseloads may ease their burden somewhat by assigning the bulk of a case to masters and/or magistrates. Similarly, district court judges may have very different caseloads. Cases may be handled by magistrates as well as by district court judges. The court system's caseload data do not reflect when a judge regularly travels to another community to hear cases. Finally, consideration must be taken of judges who handle predominately criminal or predominately civil caseloads, as superior court judges in Anchorage do, versus those judges who handle all cases.

Peremptory challenges usually are required to be exercised at the beginning of a case, but parties who have not previously exercised their right of peremptory challenge may challenge a judge who has been newly assigned midstream, as if their case had been newly filed. Consequently, challenges often increase when a judge is assigned to a different caseload (e.g., from civil to criminal). Challenges also often occur when a new judge is appointed because those judges are newly assigned to existing cases and because that judge is "unknown" and thus less predictable. Another factor to consider is that some communities have only one or two assistant district attorneys or assistant public defenders. If an assistant DA or PD decides 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 that judge's challenges. This may also occur in high-volume civil cases that involve only a few public attorneys, such as in Child in Need of Aid practice.

Care must also be taken when comparing judges across judicial districts. In 1995, the Anchorage Superior Court consolidated into civil and criminal divisions. Since then, all civil cases (including domestic relations, Child in Need of Aid, and domestic violence protective order cases) have been assigned equally to each of the Anchorage Superior Court judges in the civil division. Criminal division judges handle criminal and child delinquency cases, but do not routinely handle domestic cases. For this reason, it may be misleading to compare the peremptory challenges of a superior court judge in Anchorage with the rate of a superior court judge in another judicial district. Also, some judges in some judicial districts currently handle therapeutic courts, such as the Wellness Court. The impact of those caseloads on a judge's challenge rate is unknown.

Because so many factors may potentially affect the number of peremptory challenges filed, these numbers should only be used as a signal of a potential issue with a judge. Once a high number of challenges is identified from the table, please refer to the explanatory text which gives context for the judge's caseload and potential factors which may have affected his or her challenge rates.

Disqualifications for cause are uncommon. Court system data indicated that only two judges received disqualifications for cause. Judge Carpeneti received one in 2022, and Judge Reigh received two, one in 2022 and one in 2025. These are included in the numbers in the table above. All others were peremptory challenges.

Blank cells in the tables below represent years that preceded the judge's appointment to his or her current position.

c. 2026 Data

Peremptory Challenges and Disqualifications for Cause Superior Court Judges Eligible for Retention, 2026															
Judicial District	Judge	2020		2021		2022		2023		2024		2025		Summary	
		Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Total	Mean
First Judicial District															
Carpeneti, Marianna Juneau		--	--	--	--	5	21	4	0	19	2	6	5	62	15.5
Doty, Daniel E. Ketchikan		--	--	--	--	2	0	0	0	7	0	5	1	15	3.75
Lybrand, Katherine H. Ketchikan		--	--	--	--	1	4	1	3	1	4	2	0	16	4.0
Summary														93	7.75
Second Judicial District															
Roghair, David L. Utqiagvik		--	--	--	--	0	0	5	0	12	3	4	1	25	6.25
Summary														25	6.25
Third															
Hartz, Laura Anchorage		--	--	--	--	--	--	4	0	8	0	6	0	18	6.0
Lamoureux, Yvonne Anchorage		4	0	4	0	5	0	9	0	3	0	3	0	28	4.67
Lawson, Kelly Kenai		--	--	--	--	--	--	11	11	5	7	10	10	54	18.0
McKenna, Jack R. Anchorage		--	--	--	--	7	0	0	1	0	1	2	4	14	3.5
Nesbett, David A. Anchorage		--	--	--	--	--	--	2	0	2	0	4	0	8	2.67
Rankin, Christina Anchorage		--	--	--	--	--	--	7	0	4	0	3	0	14	4.67
Reigh, Christina “Tina” Dillingham		0	0	1	2	2	1	0	2	0	0	1	0	9	1.5
Wheeles, Ian Anchorage		--	--	--	--	14	0	12	0	17	2	10	3	58	14.5
Woodman, Jonathan A. Palmer		19	4	12	0	4	1	4	3	3	5	8	1	64	10.67
Summary														267	7.03
Fourth															
Peters, Nathaniel Bethel		6	2	12	0	0	19	1	0	0	0	1	3	44	7.33
Schwalm, Kirk Fairbanks		--	--	--	--	28	1	53	1	8	2	7	3	103	25.75
Welch, Amy Fairbanks		--	--	--	--	--	--	14	0	15	2	13	2	46	15.33
Summary														193	14.85
Summary														578	8.63

Mean unit of analysis is judge/year.

The average number of peremptory challenges for superior court judges standing for retention was 8.63 per year. The challenge rates for most superior court judges eligible for retention election in 2026 were unremarkable and within normal ranges. Judge Schwalm received a high number (53) of disqualifications in civil cases in 2023. The data showed that these were filed mostly in child protection cases by the state and *guardians at litem* (who act on behalf of children). By the next year, however, he received far fewer peremptory challenges (8), which was close to the average.

Peremptory Challenges and Disqualifications for Cause District Court Judges Eligible for Retention, 2026											
Judicial District	Judge	2022		2023		2024		2025		Summary	
		Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Total	Mean
First Judicial District											
(none)											
Second Judicial District											
(none)											
Third Judicial District											
Darnall, Chris		--	--	--	--	1	0	0	0	1	0.50
Fallon, Martin		1	7	0	3	0	1	0	0	12	3.00
Traini, Shawn D.		2	2	0	27	0	6	0	2	39	9.75
Summary										52	5.20
Fourth											
Seekins, Benjamin A.		0	11	0	204	2	2	0	5	224	56.00
Summary											56.00
Summary											19.71

Mean unit of analysis is judge/year.

**The data showed no Disqualifications for Cause*

District court judges typically receive fewer peremptory challenges and disqualifications for cause. The average number of peremptory challenges for district court judges standing for retention was 19.71 per year. This was higher than average and skewed by a high number of challenges received by Judge Seekins in 2023. The challenge rates for most district court judges eligible for retention election in 2026 were unremarkable and within normal ranges. Judge Seekins received a high number (205) of disqualifications in criminal cases in 2023. The data showed that all but one of these were filed by the state in criminal cases, indicating that local prosecutors

had decided to blanket preempt him that year. By the next year, however, the state's rate of peremptory challenges had dropped back down to normal levels (2).

IV. Conclusion

The Council's review of recusal and disqualification data for the judges standing for retention in 2026 followed historical patterns and did not suggest concerns with any judge's performance.