



UAA Institute of Social
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UNIVERSITY *of* ALASKA ANCHORAGE

Alaska Judicial Council

Judicial Selection Survey

Juneau District Court

Technical Report

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Executive Summary

This report presents findings from a selection survey conducted among Alaska Bar Association members for one judicial vacancy on the Juneau District Court created by the forthcoming retirement of Judge Kirsten L. Swanson. By the application deadline, the Alaska Judicial Council received a total of two applications from the following individuals (presented in alphabetical order): Kevin Andrew Higgins, and Margaret McWilliams.

The Alaska Judicial Council asked bar members to evaluate applicants on six characteristics: *Professional Competence, Integrity, Fairness, Judicial Temperament, Suitability of this Applicant's Experience for this Vacancy*, and *Overall*. The rating scale ranged from *Poor* (1) to *Excellent* (5).

Table 1 shows the mean ratings for each applicant by respondents with direct professional experience.

Table 1
Mean Ratings of Applicants

		Professional Competence	Integrity	Fairness	Judicial Temperament	Suitability of Experience	Overall
	<i>n</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>
Kevin Andrew Higgins	74	4.6	4.6	4.6	4.3	4.5	4.6
Margaret McWilliams	54	4.5	4.6	4.3	4.4	4.1	4.2

Note: Ratings from only those respondents with direct professional experience with the applicants.

2026 Judicial Selection Survey, Juneau District Court

Introduction

The State of Alaska Constitution and laws mandate that the Alaska Judicial Council (Council) evaluate all applicants for a judicial vacancy. The Council nominates the two or more most qualified applicants to the governor who must appoint from the Council's list. As part of the information used to fulfill its mandate, the Council distributed surveys to Alaska Bar Association members and asked them to rate applicants on six characteristics: *Professional Competence*, *Integrity*, *Fairness*, *Judicial Temperament*, *Suitability of this Applicant's Experience for this Vacancy*, and *Overall*. Each survey also contained demographic questions about the respondents, including type of practice, length of Alaska practice, types of cases handled, primary location of practice, and gender.

To maintain objectivity, the Council contracted with the Institute of Social and Economic Research (ISER), a research institute at the University of Alaska Anchorage. ISER was responsible for all aspects of distribution and data collection related to the survey. ISER prepared this report summarizing survey procedures and results.

A single selection survey was conducted for the following judicial vacancy: Juneau District Court. This report presents the findings of the survey for a vacancy on Juneau District Court, created by the forthcoming retirement of Judge Kirsten L. Swanson. By the application deadline, the Council received a total of two applications from the following individuals (presented in alphabetical order): Kevin Andrew Higgins, and Margaret McWilliams.

Methodology

All active in-state members of the Alaska Bar Association were invited to participate in this selection survey. Inactive and retired members and active out-of-state members were also invited to participate in the survey if the Council had email addresses for them. All individuals (3,880) invited to participate received an email invitation to complete the survey online.

Respondents initiated 525 online surveys. No surveys were excluded because the respondent answered "No" to the question certifying that they had complied with the ethical standards set out in Professional Rule 8.2; six surveys were excluded because the respondents did not progress far enough in the survey to reach the certification question; six surveys were excluded because the respondents did not answer any other questions but the certification question. Therefore, 513 surveys qualified for analysis.

The final analysis included 513 online surveys for a survey return rate of 13.2%. Of the 513 returned surveys, 373 (72.7%) did not rate any of the applicants; 140 (27.3%) respondents evaluated one or more applicants. Table 2 summarizes the demographic characteristics of the respondents.

Table 2
Respondent Characteristics

		All Respondents		Respondents who Rated ≥ 1 Applicant	
		<i>n</i>	%	<i>n</i>	%
All respondents		513	100	140	27.3
Type of Practice					
	No response	-	-	-	-
	Private, solo	97	18.9	21	15.0
	Private, 2-5 attorneys	56	10.9	11	7.9
	Private, 6+ attorneys	78	15.2	8	5.7
	Private, corporate employee	11	2.1	1	0.7
	Judge or judicial officer	43	8.4	14	10.0
	Government	122	23.8	67	47.9
	Public service agency or organization	15	2.9	6	4.3
	Retired	82	16.0	9	6.4
	Other	9	1.8	3	2.1
Length of Alaska Practice					
	No response	27	5.3	3	2.1
	5 years or fewer	40	7.8	13	9.3
	6 to 10 years	41	8.0	13	9.3
	11 to 15 years	54	10.5	23	16.4
	16 to 20 years	65	12.7	30	21.4
	More than 20 years	286	55.8	58	41.4
Cases Handled					
	No response	6	1.2	-	-
	Prosecution	22	4.3	5	3.6
	Criminal	35	6.8	8	5.7
	Mixed criminal & civil	128	25.0	36	25.7
	Civil	285	55.6	81	57.9
	Other	37	7.2	10	7.1
Location of Practice					
	No response	2	0.4	-	-
	First District	100	19.5	64	45.7
	Second District	9	1.8	2	1.4
	Third District	321	62.6	61	43.6
	Fourth District	52	10.1	9	6.4
	Outside Alaska	29	5.7	4	2.9
Gender					
	No response	5	1.0	2	1.4
	Male	290	56.5	60	42.9
	Female	216	42.1	77	55.0
	Another identity	2	0.4	1	0.7

Instrumentation

The survey contained the names of the applicants for the vacancy, questions about demographic information for each respondent, six evaluation items for each applicant, and space for respondents to provide additional comments regarding each applicant.

The survey required a certification by the respondent that they had rated the applicants as required by the bar's Professional Rule 8.2. Specific instructions regarding the certification were provided:

“Please refer to Professional Conduct Rule 8.2 concerning your obligation to provide truthful and candid opinions on the qualifications or integrity of these applicants.”

Respondents evaluated applicants in six areas of performance included in the survey using a five-point Likert scale that ranged from *Poor* (1) to *Excellent* (5). Detailed descriptions of the meaning of each point on the Likert scale were provided for each of the performance areas. The scale and instructions for respondents were:

“Please rate the applicant on each of the following qualities by selecting the number that best represents your evaluation. Applicants should be evaluated on each quality separately. Use the ends of the scales as well as the middle. The tendency to rate an applicant “excellent” or “poor” on every trait should be avoided since each person has strengths and weaknesses. If you cannot rate the applicant on any one quality, leave that one blank.”

	(1) <i>Poor</i>	(2) <i>Deficient</i>	(3) <i>Acceptable</i>	(4) <i>Good</i>	(5) <i>Excellent</i>
Professional Competence	Lacking in knowledge and/or effectiveness	Below-average performance occasionally	Possesses sufficient knowledge and required skills	Usually knowledgeable and effective	Meets the highest standards for knowledge and effectiveness
Integrity	Unconcerned with propriety and/or appearance, or acts in violation of codes of professional conduct	Appears lacking in knowledge of professional codes of conduct and/or unconcerned with propriety or appearance at times	Follows codes of professional conduct, respects propriety and appearance of propriety at all times	Above-average awareness of ethics, holds self to higher standard than most	Outstanding integrity and highest standards of conduct
Fairness	Often shows strong bias for or against some person or groups	Displays, verbally or otherwise, some bias for or against groups or persons	Free of substantial bias or prejudice against groups or persons	Above-average ability to treat all persons and groups impartially	Unusually fair and impartial to all groups
Judicial Temperament	Often lacks compassion, humility, or courtesy	Sometimes lacks compassion, humility, or courtesy	Possesses appropriate compassion, humility, and courtesy	Above-average compassion, humility, and courtesy	Outstanding compassion, humility, and courtesy
Suitability of Experience	Has little or no suitable experience	Has less than suitable experience	Has suitable experience	Has highly suitable experience	Has the most suitable experience for this position
Overall Rating	Has few qualifications for this position	Has insufficient qualifications for this position	Has suitable qualifications for this position	Has highly suitable qualifications for this position	Has exceptionally high qualifications for this position

Confidentiality and Data Safety

The survey introduction included a statement that reassured respondents of the confidentiality of their responses. Confidentiality is also a paramount concern at ISER and translated into specific procedures related to data security. Because data such as those collected through the judicial selection survey are of a sensitive nature, ISER has rigorous procedures to protect data. Organizational policies and procedures highlight the requirement for confidentiality and ensure that only staff involved with the project have access to the data. Online data are maintained on a secure server.

Assurance of Non-Duplicate Responding

For online data collection, each potential respondent was provided with a unique URL that could only be used once. ISER analyzed frequencies of the unique identifier variable to identify any duplicate responses. No duplicate surveys were identified. Had any duplicates been identified, the most complete survey data would have been retained and the duplicate removed, ensuring that only one survey per respondent was used in the data analysis.

Data Management

With the goal of virtually error-free data handling, ISER implemented rigorous data entry procedures to ensure the accuracy of data entry. Online data were downloaded from the survey website and imported into SPSS for analysis.

Results

Two sets of results are presented in this section of the report. First, respondents' level of experience with each applicant rated is shown. Then, a summary table presents the ratings and comparisons of the applicants. Many of the cross tabulations yield results based on small numbers of respondents. Results based on small numbers of respondents should be regarded with caution and more weight given to the overall results.

Respondents' Level of Experience with Each Applicant

All respondents were asked to describe the basis of their evaluation for each applicant they rated, with options of direct professional experience, professional reputation, and other personal contacts.

Table 3 shows the type of experience of respondents for each applicant.

Ratings of Applicants

In the tables that follow, responses to the rating questions are shown in a variety of ways. Most tables show the number of respondents (*n*) and the average rating (*M*). Tables 4-10 present details on the *Overall* item. Table 4 compares all applicants to those with direct professional experience and includes the median rating (*Mdn*) and the standard deviation (*SD*) in addition to number of respondents and average. Tables 5-10 present data only from those respondents who indicated direct professional experience. Table 5 provides the distribution of responses. Table 6 provides applicants' mean ratings broken down by respondents' type of practice. Table 7 provides applicants' mean ratings broken down by respondents' length of Alaska practice. Table 8 provides applicants' mean ratings broken down by respondents' type of caseload handled. Table 9 provides applicants' mean ratings broken down by respondents' location of practice. Table 10 provides applicants' mean ratings broken down by respondents' gender.

For each individual applicant, Tables 11-14 provide a demographics summary of respondents and detailed information on ratings provided by respondent characteristic.

Table 3
Level of Experience with the Applicants

	<i>n</i>	% of all respondents who rated applicant	Percent of Respondents Basing Ratings on...		
			Direct Professional Experience	Professional Reputation	Other Personal Contacts
Kevin Andrew Higgins	115	22.4	64.3	23.5	12.2
Margaret McWilliams	70	13.6	77.1	18.6	4.3

Table 4
Summary of Overall Ratings

	All Respondents				Respondents with Direct Professional Experience			
	<i>n</i>	<i>M</i>	<i>Mdn</i>	<i>SD</i>	<i>n</i>	<i>M</i>	<i>Mdn</i>	<i>SD</i>
Kevin Andrew Higgins	105	4.5	5.0	0.9	74	4.6	5.0	0.8
Margaret McWilliams	70	4.2	5.0	1.0	54	4.2	5.0	1.0

Table 5
Distribution of Responses for Overall Rating

		Poor		Deficient		Acceptable		Good		Excellent	
	<i>n</i>	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
Kevin Andrew Higgins	74	1	1.4	2	2.7	4	5.4	15	20.3	52	70.3
Margaret McWilliams	54	1	1.9	4	7.4	4	7.4	17	31.5	28	51.9

Note: Ratings from only those respondents with direct professional experience with the applicants.

Table 6
Mean Overall Ratings by Type of Practice

	Private, solo		Private, 2-5 attorneys		Private, 6+ attorneys		Private, corporate employee		Judge or judicial officer		Government		Public service agency/org		Retired		Other		Overall
	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>M</i>
Kevin Andrew Higgins	14	4.5	5	5.0	3	3.7	-	-	7	4.0	35	4.7	2	5.0	7	4.3	1	5.0	4.6
Margaret McWilliams	9	3.4	5	3.0	1	4.0	-	-	6	4.5	26	4.6	3	4.3	4	4.8	-	-	4.2

Note: Ratings from only those respondents with direct professional experience with the applicants.

Table 7
Mean Overall Ratings by Length of Alaska Practice

	5 years or fewer		6 to 10 years		11 to 15 years		16 to 20 years		21 years or more		Overall
	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>M</i>
Kevin Andrew Higgins	4	4.8	3	5.0	12	4.4	16	4.3	36	4.7	4.6
Margaret McWilliams	5	4.6	8	4.8	10	4.0	13	4.0	18	4.2	4.2

Note: Ratings from only those respondents with direct professional experience with the applicants.

Table 8
Mean Overall Ratings by Type of Caseload Handled

	Prosecution		Criminal		Mixed criminal/civil		Civil		Other		Overall <i>M</i>
	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	
Kevin Andrew Higgins	2	4.0	3	5.0	16	4.5	48	4.7	5	3.6	4.6
Margaret McWilliams	-	-	2	5.0	24	4.1	25	4.3	3	4.3	4.2

Note: Ratings from only those respondents with direct professional experience with the applicants.

Table 9
Mean Overall Ratings by Location of Practice

	First District		Second District		Third District		Fourth District		Outside Alaska		Overall
	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	
Kevin Andrew Higgins	39	4.7	-	-	30	4.5	2	4.0	3	4.0	4.6
Margaret McWilliams	27	4.3	1	5.0	20	4.2	5	4.4	1	4.0	4.2

Note: Ratings from only those respondents with direct professional experience with the applicants.

Table 10
Mean Overall Ratings by Gender

	Male		Female		Another identity		Overall
	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	
Kevin Andrew Higgins	38	4.6	35	4.5	-	-	4.6
Margaret McWilliams	23	4.3	29	4.3	+	+	4.2

Note: Ratings from only those respondents with direct professional experience with the applicants.
 +Too few respondents to report.

Table 11
Kevin Andrew Higgins
Demographic Description of Respondents

	<i>n</i>	<i>%</i>
All respondents	115	100
Experience with Applicant		
Direct professional experience	74	64.3
Professional reputation	27	23.5
Other personal contacts	14	12.2
Detailed Experience*		
Recent experience (within last 5 years)	58	78.4
Substantial amount of experience	25	33.8
Moderate amount of experience	23	31.1
Limited amount of experience	26	35.1
Type of Practice		
No response	-	-
Private, solo	19	16.5
Private, 2-5 attorneys	9	7.8
Private, 6+ attorneys	7	6.1
Private, corporate employee	1	0.9
Judge or judicial officer	11	9.6
Government	53	46.1
Public service agency or organization	4	3.5
Retired	8	7.0
Other	3	2.6
Length of Alaska Practice		
No response	3	2.6
5 years or fewer	11	9.6
6 to 10 years	6	5.2
11 to 15 years	17	14.8
16 to 20 years	26	22.6
More than 20 years	52	45.2
Cases Handled		
No response	-	-
Prosecution	4	3.5
Criminal	7	6.1
Mixed criminal & civil	25	21.7
Civil	71	61.7
Other	8	7.0
Location of Practice		
No response	-	-
First District	57	49.6
Second District	1	0.9
Third District	49	42.6
Fourth District	5	4.3
Outside Alaska	3	2.6
Gender		
No response	2	1.7
Male	53	46.1
Female	60	52.2
Another identity	-	-

*Only among those respondents reporting direct professional experience with the applicant.

Table 12
Kevin Andrew Higgins
Detailed Responses

		Professional Competence	Integrity	Fairness	Judicial Temperament	Suitability of Experience	Overall
	<i>n</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>
All respondents	115	4.6	4.6	4.6	4.4	4.5	4.5
Basis for Evaluation							
Direct professional experience	74	4.6	4.6	4.6	4.3	4.5	4.6
Experience within last 5 years	58	4.7	4.6	4.6	4.3	4.5	4.5
Experience not within last 5 years	16	4.6	4.7	4.7	4.4	4.7	4.8
Substantial amount of experience	25	4.7	4.4	4.6	4.2	4.5	4.5
Moderate amount of experience	23	4.6	4.7	4.7	4.5	4.7	4.7
Limited amount of experience	26	4.6	4.6	4.6	4.3	4.4	4.5
Professional reputation	27	4.5	4.7	4.6	4.6	4.4	4.3
Other personal contacts	14	4.4	4.6	4.4	4.3	4.4	4.4
Type of Practice*							
Private, solo	14	4.4	4.4	4.4	4.2	4.4	4.5
Private, 2-5 attorneys	5	5.0	5.0	5.0	5.0	5.0	5.0
Private, 6+ attorneys	3	3.3	3.7	3.3	3.3	3.3	3.7
Private, corporate employee	-	-	-	-	-	-	-
Judge or judicial officer	7	4.9	4.4	4.6	3.9	4.0	4.0
Government	35	4.8	4.8	4.8	4.6	4.7	4.7
Public service agency or organization	2	4.5	5.0	5.0	5.0	5.0	5.0
Retired	7	4.6	4.3	4.4	3.7	4.6	4.3
Other	1	5.0	4.0	4.0	4.0	5.0	5.0
Length of Alaska Practice*							
5 years or fewer	4	4.5	5.0	5.0	4.5	4.5	4.8
6 to 10 years	3	5.0	5.0	5.0	4.7	5.0	5.0
11 to 15 years	12	4.4	4.5	4.5	4.3	4.3	4.4
16 to 20 years	16	4.7	4.4	4.4	4.1	4.3	4.3
More than 20 years	36	4.7	4.6	4.7	4.4	4.7	4.7
Cases Handled*							
Prosecution	2	4.0	4.0	4.0	4.0	4.0	4.0
Criminal	3	4.7	5.0	5.0	4.3	5.0	5.0
Mixed criminal & civil	16	4.7	4.5	4.6	4.1	4.5	4.5
Civil	48	4.7	4.7	4.7	4.5	4.6	4.7
Other	5	4.4	3.8	4.0	3.6	3.6	3.6
Location of Practice*							
First District	39	4.7	4.7	4.8	4.5	4.7	4.7
Second District	-	-	-	-	-	-	-
Third District	30	4.6	4.5	4.5	4.3	4.5	4.5
Fourth District	2	4.5	4.0	4.0	3.5	3.5	4.0
Outside Alaska	3	3.3	3.7	3.3	3.3	3.7	4.0
Gender*							
Male	38	4.6	4.6	4.6	4.3	4.6	4.6
Female	35	4.7	4.6	4.6	4.4	4.5	4.5
Another identity	-	-	-	-	-	-	-

*Ratings from only those respondents reporting direct professional experience with the applicant.

Table 13
Margaret McWilliams
Demographic Description of Respondents

	<i>n</i>	<i>%</i>
All respondents	70	100
Experience with Applicant		
Direct professional experience	54	77.1
Professional reputation	13	18.6
Other personal contacts	3	4.3
Detailed Experience*		
Recent experience (within last 5 years)	41	75.9
Substantial amount of experience	18	33.3
Moderate amount of experience	17	31.5
Limited amount of experience	19	35.2
Type of Practice		
No response	-	-
Private, solo	12	17.1
Private, 2-5 attorneys	6	8.6
Private, 6+ attorneys	2	2.9
Private, corporate employee	-	-
Judge or judicial officer	6	8.6
Government	35	50.0
Public service agency or organization	5	7.1
Retired	4	5.7
Other	-	-
Length of Alaska Practice		
No response	1	1.4
5 years or fewer	6	8.6
6 to 10 years	10	14.3
11 to 15 years	10	14.3
16 to 20 years	18	25.7
More than 20 years	25	35.7
Cases Handled		
No response	-	-
Prosecution	2	2.9
Criminal	3	4.3
Mixed criminal & civil	24	34.3
Civil	38	54.3
Other	3	4.3
Location of Practice		
No response	-	-
First District	34	48.6
Second District	2	2.9
Third District	27	38.6
Fourth District	6	8.6
Outside Alaska	1	1.4
Gender		
No response	1	1.4
Male	29	41.4
Female	39	55.7
Another identity	+	+

*Only among those respondents reporting direct professional experience with the applicant.

+Too few respondents to report.

Table 14
Margaret McWilliams
Detailed Responses

		Professional Competence	Integrity	Fairness	Judicial Temperament	Suitability of Experience	Overall
	<i>n</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>
All respondents	70	4.4	4.5	4.3	4.4	4.2	4.2
Basis for Evaluation							
Direct professional experience	54	4.5	4.6	4.3	4.4	4.1	4.2
Experience within last 5 years	41	4.4	4.6	4.4	4.4	4.1	4.2
Experience not within last 5 years	13	4.6	4.6	4.3	4.4	4.1	4.2
Substantial amount of experience	18	4.9	4.9	4.8	4.8	4.7	4.8
Moderate amount of experience	17	4.2	4.6	4.2	4.4	3.8	3.9
Limited amount of experience	19	4.3	4.2	3.9	4.1	3.9	4.0
Professional reputation	13	4.2	4.2	4.1	4.2	4.2	4.0
Other personal contacts	3	5.0	5.0	5.0	5.0	5.0	5.0
Type of Practice*							
Private, solo	9	3.9	4.1	3.6	4.0	3.4	3.4
Private, 2-5 attorneys	5	3.2	3.8	3.2	3.5	3.0	3.0
Private, 6+ attorneys	1	4.0	4.0	4.0	4.0	4.0	4.0
Private, corporate employee	-	-	-	-	-	-	-
Judge or judicial officer	6	4.8	4.7	4.5	4.5	4.5	4.5
Government	26	4.8	4.8	4.8	4.7	4.4	4.6
Public service agency or organization	3	4.3	4.3	4.3	4.7	4.3	4.3
Retired	4	5.0	5.0	4.8	4.8	4.5	4.8
Other	-	-	-	-	-	-	-
Length of Alaska Practice*							
5 years or fewer	5	5.0	4.8	5.0	5.0	4.6	4.6
6 to 10 years	8	4.8	4.8	4.5	4.5	4.6	4.8
11 to 15 years	10	4.1	4.2	4.2	4.3	3.7	4.0
16 to 20 years	13	4.3	4.5	4.2	4.6	4.0	4.0
More than 20 years	18	4.5	4.6	4.3	4.2	4.1	4.2
Cases Handled*							
Prosecution	-	-	-	-	-	-	-
Criminal	2	5.0	5.0	5.0	5.0	5.0	5.0
Mixed criminal & civil	24	4.3	4.6	4.3	4.4	4.1	4.1
Civil	25	4.5	4.5	4.3	4.4	4.1	4.3
Other	3	5.0	4.7	4.3	4.7	4.3	4.3
Location of Practice*							
First District	27	4.6	4.6	4.4	4.5	4.1	4.3
Second District	1	5.0	5.0	5.0	5.0	5.0	5.0
Third District	20	4.3	4.5	4.3	4.4	4.1	4.2
Fourth District	5	4.6	4.6	4.4	4.4	4.2	4.4
Outside Alaska	1	4.0	4.0	4.0	4.0	4.0	4.0
Gender*							
Male	23	4.6	4.6	4.5	4.6	4.3	4.3
Female	29	4.5	4.5	4.3	4.3	4.1	4.3
Another identity	+	+	+	+	+	+	+

*Ratings from only those respondents reporting direct professional experience with the applicant.

+Too few respondents to report.