

SB 129

An Act Relating to
Information on
Judicial Officers
Provided in Election
Pamphlets



Judicial Merit Selection and Retention System

- ◆ Alaska established a three-part judicial merit selection and retention system.
 1. Alaska Judicial Council screens and nominates judicial applicants based on the candidate's moral character, professional competence, and legal experience.
 2. Alaska governor appoints from the list provided by the Alaska Judicial Council.
 3. Alaska state voters determine whether a judicial officer will remain on the bench during retention elections.



Alaska Judicial Council Recommendations

- ◆ **Alaska Judicial Council conducts extensive performance evaluations, interviews, and public hearings.**
 - ◆ Surveys assess judicial integrity, temperament, diligence, impartiality, legal ability, and administrative skills.
 - ◆ Based upon their research the council will decide if they will recommend a judicial officer's retention to the public.
- ◆ **Judicial Council's recommendation is published in the Alaska Official Election Pamphlet.**



District Court Judge

Matthew C. Christian, Fourth Judicial District



MAILING ADDRESS: 101 Lacy St.
Fairbanks, AK 99701

AGE: 45

PLACE OF BIRTH: Owatonna, Minnesota

SPOUSE'S NAME: Heather Christian

CHILDREN'S NAMES: Cora Christian

LENGTH OF RESIDENCY IN ALASKA:
1994-1996; 2002-current

ALASKAN COMMUNITIES LIVED IN:
Fairbanks, 1994-1998 (except for a very brief period in
approximately 1996)
Fairbanks, 2002-2007
Kenai, 2007-2013
Fairbanks, 2013-current

EDUCATION:
Owatonna High School
University of Alaska Fairbanks; BA
University of Minnesota
Thomas M. Cooley Law School, JD

POLITICAL AND GOVERNMENT POSITIONS:
Assistant District Attorney, 2005-2007
Magistrate Judge, Master 2007-2013
District Court Judge, 2013-current

BUSINESS AND PROFESSIONAL POSITIONS:
Associate Attorney, Borgeson and Burns, PC

SERVICE ORGANIZATIONS MEMBERSHIPS:
Tanana Valley Bar Association, Alaska Bar Association

SPECIAL INTERESTS:
Fishing, Hunting, Reading, and Sewing

STATEMENT:
Serving as a Judicial Officer for the State of Alaska is truly a humbling honor. Since my initial appointment, I have striven to operate a fair and impartial courtroom for all. In addition to my regular duties, I serve as the primary Judicial Officer for the PACE Court. The PACE Court addresses the opioid and methamphetamine crisis afflicting the State through intensive monitoring of persons with addictions in hopes to break the addiction cycle. I previously served as a Wellness Court Judge which addresses defendant's alcohol abuse issues in a therapeutic court setting to reduce recidivism.

I believe community outreach is critically important. To that end, I have traveled to Arctic Village and Fort Yukon to train with Tribal Judges and have participated in the Alaska Tribal Court Development Conference. In 2018, I was given the honor of being the guest Judge and presenter at the annual Alaska Youth Court convention in Nome. Every year possible, I participate in the "We the People" event bringing in local Fairbanks children to the Court System to engage in mock trials.

To help all Judges better serve Alaska, I am a member of the Judicial Training Committee, a Training Judge for Magistrate Judges in the Fourth Judicial District and serve as the Deputy Presiding Judge of the Fourth Judicial District at Fairbanks.

I hope to continue to serve Alaska and the Fourth Judicial District for many years to come.

Sincerely,

Judge Matthew C. Christian

Alaska Judicial Council Evaluation

Judge Matthew Christian, Fairbanks District Court

The Alaska Judicial Council finds Judge Christian met or exceeded performance standards, and recommends a "YES" vote for another term in office

What is the Alaska Judicial Council?

- The Council is created by the Alaska Constitution;
- The Council members are volunteers who live in different parts of the state, and who are appointed without regard to political affiliation;
- One of the Council's duties is to evaluate the performance of judges and report back to voters;
- The Council is authorized by law to recommend to voters whether a judge should be retained for another term in office.

What performance standards were used by the Council to evaluate Judge Christian?

Judge Christian was evaluated in the following performance areas: integrity, impartiality and fairness, temperament, legal ability, and diligence and administrative skills. Because the judge met or exceeded all standards, the Council recommends a "yes" vote.

How did the Council determine that Judge Christian met performance standards?

The Council collected and analyzed information from a variety of sources and viewpoints for a full picture of the judge's performance.

- **Justice System Professionals** – The Council surveyed thousands of Alaskans who work in the justice system about their experiences with Judge Christian. Survey ratings from these groups are listed in the chart below.
- **Jurors & the Public** – The Council considered feedback from the public at a statewide telephonic hearing, and from written comments. The Council also surveyed jurors who served in the judge's court. Juror ratings are listed in the chart below.
- **Other Information** – The Council analyzed how often a higher court agreed with Judge Christian's decisions, how often the judge was disqualified from sitting on a case, whether the judge's pay was withheld for late decisions, and whether the judge followed rules about financial disclosure and conflict of interest statements, among other things.

Survey Results for Judge Christian	Average Survey Ratings*			
	Attorneys	Police & Probation Officers	Court Employees	Jurors
<i>Number of responses from people with direct experience</i>	81	20	20	34
Legal Ability <i>The judge is knowledgeable in law and procedure, and communicates clearly and accurately.</i>	4.3	-	-	-
Impartiality <i>The judge treats everyone fairly and equally.</i>	4.4	4.3	4.8	4.9
Integrity <i>The judge is free from impropriety or appearance of impropriety and makes decisions without regard to possible public criticism.</i>	4.5	4.8	4.7	-
Temperament <i>The judge treats everyone with courtesy, without arrogance, showing understanding and compassion.</i>	4.2	4.5	4.6	4.8
Diligence <i>The judge acts promptly and works conscientiously.</i>	4.4	4.3	4.6	-
Overall <i>The judge meets the standards of the position.</i>	4.3	4.4	4.7	4.9

*Rating Scale: 5 = Excellent, 4 = Good, 3 = Acceptable, 2 = Deficient, 1 = Poor
Judges are rated by different groups depending on caseloads

Find Judge Christian's full performance evaluation at www.ajc.state.ak.us

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Survey Results for Judge Christian	Average Survey Ratings*			
	Attorneys	Police & Probation Officers	Court Employees	Jurors
<i>Number of responses from people with direct experience</i>	81	26	29	34
Legal Ability <i>The judge is knowledgeable in law and procedure, and communicates clearly and accurately.</i>	4.3	-	-	-
Impartiality <i>The judge treats everyone fairly and equally.</i>	4.4	4.3	4.8	4.9
Integrity <i>The judge is free from impropriety or appearance of impropriety and makes decisions without regard to possible public criticism.</i>	4.5	4.8	4.7	-
Temperament <i>The judge treats everyone with courtesy, without arrogance, showing understanding and compassion.</i>	4.2	4.5	4.6	4.8
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Judicial Council Recommendations & Retention Votes

Alaska judges standing for retention that were not recommended by the Alaska Judicial Council or failed to receive a simple majority of votes during a retention election.

Judge		Election Years *	Judicial Council Recommendation	Retention Vote **
Joseph	Brewer	1978	No	55.6
Joseph	Brewer	1982	No	45.5
Stephen	Cline	1980	No	55.5
Michael	Corey	2018	Yes	47.1
Dennis	Cummings	2008	No	53.6
William	Estelle	2014	No	54.3
Karl	Johnstone	1988	No	58.1
David	Landry	2006	No	47.4
Richard	Postma	2010	No	45.9
Virgil	Vochoska	1978	No	51.6
Virgil	Vochoska	1982	No	42.3
Gerald	Williams	1976	No	71.5
Gerald	Williams	1980	No	59.1

* Alaska state legislature first authorized evaluations of judges standing for retention in 1976.

** Judge standing for retention must receive a simple majority of yes votes to be retained.

Goals of Proposed Legislation

- ◆ Success of the system is based upon providing the electorate critical information to make informed decisions regarding judicial retention.
 - ◆ This legislation will add additional information already collected by the Alaska Judicial Council to the Alaska Official Election Pamphlet.
 - ◆ Information shall be provided except when required by law to be kept confidential.



Introduction of CS for SB 129 (JUD)

- ◆ CS provides broader depth of information regarding judicial officers than original bill version.
- ◆ CS establishes three distinct sections of information for judicial officers in the election pamphlet.
 - ◆ Information provided by the person seeking retention in office as a justice or judge.
 - ◆ Information provided by the Alaska Judicial Council to the lieutenant governor.



Individual Seeking Retention as Justice or Judge

Individual seeking retention in office as a justice or judge may file with the Lieutenant Governor the following information; not exceeding 300 words.

- i. A photograph
- ii. Information regarding the residency of the judge.
- iii. Information regarding the military service of the judge.
- iv. Information regarding the professional activities of the justice or judge, including public outreach and administrative activities.
- v. Any additional information that the justice or judge would like to publish to support the justice's or judge's candidacy.

Superior Court Judge or District Court Judge Subject to Retention

The Judicial Council shall provide the following information.

- A. Statement written by the judge that describe the professional philosophy.
- B. Description of the judicial, legal, or other education of the judge.
- C. Description of business experience and professional positions held in the preceding 10 years.
- D. List of service organizations with which the judge is affiliated.
- E. If applicable, rating of judge by law enforcement officers, attorneys, court employees, and jurors.
- F. Number of decisions by the judge that were reviewed and disposed of by a written decision of an appellate court and the percentage of issues in those decisions that were affirmed by the appellate court.
- G. Description of any public disciplinary proceedings against the judge.
- H. Self-assessment by the judge that evaluates the judge's judicial performance.

Supreme Court Justice or Court of Appeals Judge Subject to Retention

Judicial Council shall provide the following information.

- A. Statement written by the judge that describe the professional philosophy.
- B. Description of the judicial, legal, or other education of the judge.
- C. Description of business experience and professional positions held in the presiding 10 years.
- D. List of service organizations with which the judge is affiliated.
- E. If applicable, rating of judge by law enforcement officers, attorneys, court employees, and jurors.
- F. Description of any public disciplinary proceedings against the judge.
- G. Self-assessment that evaluates the judge's judicial performance.



Justice or Judge Standing Retention for the First Time

Judicial Council shall provide the following information.

- A. Previous political and governmental positions held by the justice or judge, including any political office held.
- B. Justice's or judge's primary practice areas before appointment, including the approximate percentage of the justice's or judge's pre-appointment career spend as a trial lawyer.
- C. Types of clients the justice or judge represented before appointment.



Expansion of Word Limits

- ◆ Establishes a word limit of 300 for information provided by an individual seeking retention as a justice or judge.
- ◆ Establishes a 1,200-word limit for information provided by the Alaska Judicial Council.
 - ◆ Statement describing professional philosophy by the justice or judge is not to exceed 150 words.
 - ◆ Self-assessment by the justice or judge to not to exceed 250 words.



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Questions

