

## **Alaska Judicial Council Web Page**

### **Retention Evaluation Procedures**

The legislature first authorized retention evaluations in 1976. The evaluation procedures have evolved since that time into a thorough, objective review of each judge. Revisions in the process have focused on broadening the scope and effectiveness of the evaluations. The Council also has improved its communication of evaluation information and recommendations to voters.

### **Judge's Questionnaire**

Each judge is asked to fill out a short questionnaire about the types of cases he or she handled during the previous term, legal or disciplinary matters the judge may have been involved in, and health matters that could be related to the judge's ability to perform judicial duties. The questionnaire also asks the judge to describe satisfaction with judicial work during the previous term and to make any comments that would help the Council in its evaluations.

### **Attorney & Peace Officer Surveys**

The Council surveys all active and all in-state inactive members of the Alaska Bar Association and all peace and probation officers in the state who handle state criminal cases. The survey asks about the judges' legal ability, fairness, integrity, temperament, diligence and administrative skills. An independent contractor carries out the surveys for the Judicial Council, to assure objectivity in the findings.

### **Social Worker, Guardian ad Litem (GAL) and Court Appointed Special Advocate (CASA) Surveys**

The Council also surveys social workers and citizens who participate in helping Alaska's children as GALs and CASA volunteers. The survey is similar in content to the attorney and peace officer surveys. An independent contractor also carries out this survey for the Judicial Council.

### **Juror and Court Employee Surveys**

The Council surveys all jurors who have served with the judges up for retention, as well as all court employees. These surveys give varied perspectives on the judges' performance.

### **Counsel Questionnaires**

Each judge gives the Judicial Council a list of three trials, three non-trial cases, and any other cases that the judge found significant during his or her most recent term in office. The Council sends a brief questionnaire to all of the attorneys in each case. The questionnaire asks about the judge's fairness, legal abilities, temperament and administrative handling of the case.

## **Other Records**

Council staff review a series of other public records, including conflict-of-interest annual statements filed with the Alaska Public Offices Commission and separate forms filed with the court system, court case files, and Commission on Judicial Conduct public files. The Council also reviews performance-related court data, such as the number of peremptory challenges filed against a judge, the number of times the judge recused him/herself and the number of reversals on appeal. The Council scrutinizes performance-related data carefully, because the type of caseload or a judge's location may play a major part in the numbers of challenges or appeals and reversals. A domestic relations judge assigned 6,000 cases in one year may have more challenges (and possibly more appellate reversals) than a judge handling 1,000 criminal and civil cases. These challenges may arise more from the nature of the cases than from the judges' decisions.

## **Public Hearings**

The Council holds statewide public hearings for all judges standing for retention using the legislature's teleconference network and public meeting rooms. Statewide newspaper ads and public service announcements on radio stations encourage public participation. Public hearings give citizens a valuable opportunity to speak out about their experiences with judges. They also provide a forum in which citizens can hear the opinions of others. The Council tries to balance all the information it receives from all sources.

## **Interviews**

Any judge may request an interview with the Judicial Council. The Council, in turn, may ask judges to speak with the Council members during the final stages of the evaluation process. Judges may respond to concerns raised during the evaluation process.

## **Other Publicity and Input**

The Council widely publicizes the evaluation process through frequent press releases, personal contacts with radio and television stations, speeches to public groups such as community councils and feature articles in newspapers. Alaska Judicial Observers, a non-profit organization, provides independent observations of judicial performance.

## **Dissemination of Results**

The Council meets in July to consider the information gathered and make retention recommendations. By law, the Council must make its evaluations and recommendations public at least sixty days prior to the election, and also must submit materials to the Lieutenant Governor's Official Election Pamphlet. The Council's evaluation information and recommendations are summarized in the Election Pamphlet. Extremely detailed evaluation materials on each judge are available on the website, or in printed form by calling the Council at 279-2526 in Anchorage or 1-888-790-2526 elsewhere in Alaska.