



## Frequently asked Questions

### Why should I care about retaining judges?

Chances are that you or a close friend or family member will appear before a judge at some point. Judges have the power to preserve your rights as a citizen, determine child custody and other important family matters, resolve business disputes both large and small, send people to jail, and make other decisions that affect people in fundamental ways. You do a public service to your fellow citizens by voting to retain judges who perform well and voting not to retain a judge who does not meet expectations.

### How Does the Judicial Council Evaluate Judges in Order to Make Recommendations to Voters?

The Judicial Council thoroughly reviews a judge's performance before the retention election. The Council surveys thousands of Alaskans including police, peace and probation officers, court employees, attorneys, jurors, social workers and those who serve as guardians ad litem for children, asking them about their experience with the judges on the ballot. Those who appear frequently before the judges rate them on a number of criteria, including their legal ability, diligence, temperament, and fairness and may submit narrative comments about the judge's performance. The Council also solicits specific feedback from attorneys who appeared before the judge in recent cases and considers the ratings and observations of the Alaska Judicial Observers, an independent, community-based group of volunteers who attend courtroom proceedings and rate a judge's performance.

Among other materials, the Council also reviews how often the judge was disqualified from presiding over a case, how often a trial judge was affirmed or reversed on appeal, whether the judge has been involved in any disciplinary proceedings, and whether the judge's pay was withheld for an untimely decision. The Council may perform detailed follow-up investigations of any potential problem areas, and may conduct personal interviews with presiding judges, attorneys, court staff, and others about the judge's performance. The Council also holds a statewide public hearing to obtain comments about judges.

Council members meet before the retention election to discuss the information gathered for these judicial evaluations, and at the conclusion of the meeting, the Council publicly votes on its retention recommendations. Four votes by Council members are necessary for the Council to recommend for or against the retention of a judge.

As you can see, the Council makes an effort to publicize the information about the performance of judges on its website. The Council also advertises its recommendations. The Council's recommendations and summaries of its evaluations are included in the Official Election Pamphlet issued by the Division of Elections and distributed to Alaskan households statewide.

### How often does the Judicial Council recommend against the retention of a judge?

The Alaska Judicial Council has not had to recommend against the retention of a judge very often. This is because Alaska has a system of selecting judges that is based on merit. Under our constitution, the Judicial Council screens applicants for judicial vacancies and nominates the most qualified applicants to the governor for appointment. The Council process focuses on an applicant's legal ability, temperament, integrity, fairness, and experience. The Council does a very thorough investigation into the qualifications of judicial applicants. By focusing on applicants' professional qualifications, Alaska's merit selection system has encouraged well-qualified attorneys to apply for judicial positions, and has preserved the fairness, impartiality, and independence of our courts.

Since 1976, the Judicial Council has recommended against a judge's retention eleven times. The Council recommended against the retention of a judge in 2006, 2008, and 2010. The other recommendations against the retention of a judge occurred in the 70's and 80's.

## Why is it important to have an independent judiciary?

Alaska does not experience the problems that occur when elected judges make promises to, and raise money from people and attorneys who appear before them. In those states where judges are elected, special interests or political parties play a major role in the selection of judges. Alaska's judicial selection system avoids these problems by applying merit-based criteria when screening judicial applicants.

Getting a fair hearing in court is a cornerstone of our judicial system. When any of us appear in court, we must be assured that we will be treated impartially by an independent judge governed only by the rule of law. We need to know that we will be heard without regard to our wealth or social status or capacity to influence. An independent judiciary is essential to preserve the impartiality and fairness of justice in Alaska.

Our constitutional framers understood that an independent judiciary was needed to insure our system of checks and balances. As former United States Supreme Court Chief Justice William Rehnquist once said, "The Constitution protects judicial independence not to benefit judges, but to promote the rule of law: Judges are expected to administer the law fairly, without regard to public reaction."

Sometimes judges are asked to resolve contentious or divisive disputes involving social issues. As in all cases, a judge must do his or her best to fairly and impartially apply the law, even if it requires the judge to issue a decision that is not popular, or which conflicts with the judge's personal beliefs. Efforts to unseat a judge for political or ideological reasons may be aimed at affecting future decisions of other judges. Efforts to unseat a judge for political reasons diminish the neutrality and impartiality of our judiciary.

Please vote to support a fair and impartial judiciary.

## How do I vote on judges?

In the general election on November 6th, you will be asked to vote "yes" or "no" to retain the trial judges eligible for retention in your judicial district. In addition, all Alaskans will be asked to vote "yes" or "no" to retain a justice on the Alaska Supreme Court and a judge on the Alaska Court of Appeals. Not all of Alaska's judges are on the ballot, only those whose most recent terms are expiring.

There are four judicial districts in Alaska. In the First Judicial District, trial judges from Juneau and Ketchikan will be on the ballot. In the Second Judicial District, the trial judge from Barrow will be on the ballot. The ballot in the Third Judicial District will include trial judges from Anchorage, Kenai, Kodiak, and Palmer. In the Fourth Judicial District, trial judges from Fairbanks will be on the ballot.