

ALABAMA LEGISLATIVE COMMISSION ON JUDICIAL BRANCH

1711 SJ . SJR 5 .

Fifth, the Alaska Judicial Council appears to suffer a lack of identity in the minds of voters, which, in turn, influences its effectiveness as a communicator of judicial evaluations. The Council must begin to take steps which will increase community awareness of the Council without violating judicial demeanor.

Sixth, it appears that the majority of voters do not favor a major break with the current non-obtrusive style of communication used in either the Official Election Pamphlet or a similar approach that could be used in direct mailings to voters prior to elections. While newspaper advertising receives fairly strong support, speeches and radio or television advertising appear to violate norms of good taste for many voters in judicial elections. There is little evidence from this survey to indicate that voters want judges or the Alaska Judicial Council to sacrifice judicial demeanor even in cases of non-retention. The majority appear to be almost equally divided between favoring strong advertising and choosing the alternative "only in the Election Pamphlet" in cases where a judge is recommended against. This ambivalence can only be countered by a number of steps over a period of years that both add to voter information about the judicial rating system while augmenting the present rating system so that a clearer choice is offered.

APPENDIX
TABLE OF CONTENTS

Appendix	A	Distribution of Responses on Questions
Appendix	B	Selected Responses of Total Sample by Code Category
Appendix	C	Selected Responses of a Random Sampling of All Discriminators
Appendix	D	Letters to Voters
Appendix	E	Questionnaire
Appendix	F	Coding Manual

APPENDIX A

DISTRIBUTION OF RESPONSES ON QUESTIONS

TABLE 1: DISTRIBUTION OF RESPONSES ON QUESTIONS

1, 2, 8 and 9.

VOTING BEHAVIOR OF RESPONDENTS

<u>Reported Voting Behavior</u>	<u>Total</u>	<u>PERCENT</u>		
		<u>No Voters</u>	<u>Yes Voters</u>	<u>Discriminators</u>
Respondents who voted, Fall 1978	100.0	100.0	100.0	100.0
n =	571	32	124	355
Respondents who voted for judges, Fall, 1978	91.9	96.9	95.1	98.9
n =	565	32	123	354
Respondents who voted to retain judges, Fall, 1978	89.7	-	100.0	100.0
n =	536	-	124	355
Respondents who voted to not retain judges, Fall, 1978	76.1	100.0	-	100.0
n =	507	31	-	355

SOURCE: ALASKA JUDICIAL COUNCIL SURVEY, 1979 by NORTHRIM ASSOCIATES.

QUESTION 1: "First of all, many people who are registered voters don't actually get to vote on election day. Did you vote in the Fall 1978 general election?"

QUESTION 2: "Did you vote for or against any judges in the Fall 1978 general election?"

QUESTION 8: "Did you vote to retain any of the judges on the ballot?"

QUESTION 9: "Did you vote not to retain any judges on the ballot?"

TABLE 2: DISTRIBUTION OF RESPONSES ON QUESTIONS
3, 4 and 5.

PRE-VOTING BEHAVIOR OF RESPONDENTS

	<u>Total</u>	<u>No Voters</u>	<u>Yes Voters</u>	<u>Discriminators</u>
Percent who report reading judge's summary prior to voting	70.5	62.5	59.3	80.1
n =	563	32	123	352
Percent who report having seen advertisements for or against judges before voting	45.9	35.5	37.1	53.0
n =	560	31	124	347
Percent who report having read Alaska Judicial Council ratings before voting	71.1	65.6	53.3	84.1
n =	564	32	122	352

SOURCE: ALASKA JUDICIAL COUNCIL SURVEY, 1979 by NORTHRIM ASSOCIATES

QUESTION 3: "Before you voted, had you read each judge's own summary about his/her background contained in the Election Pamphlet?"

QUESTION 4: "Had you seen any advertisements in the media on behalf of or against any judge running in the election?"

QUESTION 5: "Before you voted, had you read the Judicial Council's ratings of judges published in the Election Pamphlet?"

TABLE 3: DISTRIBUTION OF RESPONSES ON QUESTION 6.

VOTER OPINION ABOUT ALASKA JUDICIAL
COUNCIL RATINGS.

<u>Ratings are:</u>	<u>Total</u>	PERCENT		<u>Discriminators</u>
		<u>No Voters</u>	<u>Yes Voters</u>	
Helpful	55.4	27.3	69.7	55.1
Good Idea	38.1	63.6	27.3	37.6
Of No Use	4.3	9.1	1.5	4.0
Should Be Eliminated	2.2	-	1.5	2.6
<hr/>				
Total	100.0	100.0	100.0	100.0
n =	415	22	66	303

SOURCE: ALASKA JUDICIAL COUNCIL SURVEY, 1979 by NORTHRIM ASSOCIATES

QUESTION 6: "If you read those ratings, what was your opinion of them?"

TABLE 4: DISTRIBUTION OF RESPONSES ON QUESTION 10.

VOTER PREFERENCES FOR ADDITIONAL INFORMATION
IN RATING JUDGES

<u>Source of Additional Information</u>	<u>Percent Preferring</u>			
	<u>Total</u>	<u>No Voters</u>	<u>Yes Voters</u>	<u>Discriminators</u>
Judge's Own Summary	7.5	10.0	10.9	5.2
Alaska Judicial Council Rating	23.4	3.3	19.1	27.0
Alaska Judicial Council Recommendation	7.9	6.7	5.5	9.2
Knowledge of the Judge	51.9	70.0	54.5	50.0
Paid Ads	0.6	10.0	1.8	0.3
Other	8.7	-	8.2	8.3
Total	100.0	100.0	100.0	100.0
n =	518	30	110	348

SOURCE: ALASKA JUDICIAL COUNCIL SURVEY, 1979 by NORTHRIM ASSOCIATES

QUESTION 10: "In deciding whether to retain or not retain a judge, which source of information was most important to you?"

TABLE 5: DISTRIBUTION OF RESPONSES ON QUESTION 8a.

MOST IMPORTANT REASONS GIVEN FOR VOTING
TO RETAIN A JUDGE.

<u>Reasons Given:</u>	<u>Total</u>	PERCENT		<u>Discriminators</u>
		<u>No Voters</u>	<u>Yes Voters</u>	
Doing Adequate Job	35.2	-	37.6	34.3
Judges performance history	17.2	-	18.8	16.8
Alaska Judicial Council Ratings	12.1	-	4.7	14.3
Reading Everything About the Judge	7.3	-	9.4	6.6
Information in Voter Pamphlet	8.3	-	3.5	9.8
Personal Attributes	3.8	-	2.4	4.2
Discussion With Others	2.2	-	1.2	2.4
Personal Knowledge/ Experience	9.7	-	11.8	9.1
Miscellaneous/Other	4.3	-	10.6	2.4
Total	100.0	-	100.0	100.0
n =	372	-	85	286

SOURCE: ALASKA JUDICIAL COUNCIL SURVEY, 1979 by NORTHRIM ASSOCIATES

QUESTION 8a: "Can you tell us why you voted to retain these judges?"

TABLE 6: DISTRIBUTION OF RESPONSES ON QUESTION 9a.

MOST IMPORTANT REASONS GIVEN FOR VOTING
NOT TO RETAIN A JUDGE.

<u>Reasons Given:</u>	<u>Total</u>	PERCENT		<u>Discriminators</u>
		<u>No Voters</u>	<u>Yes Voters</u>	
Doing Inadequate Job	27.9	18.5	-	28.8
Information in Voter Pamphlet	6.9	-	-	7.5
Judge's Performance History	5.7	7.4	-	5.6
Alaska Judicial Council Ratings	13.5	-	-	14.7
Personal Experience/ Opinion	10.8	14.8	-	10.5
Media Sources	6.3	-	-	6.9
Discussions With Others	2.4	-	-	2.6
Too Lenient With Criminals	17.1	37.0	-	15.4
Other/Miscellaneous	9.3	22.2	-	8.2
Total	100.0	100.0	-	100.0
n =	333	27	-	306

SOURCE: ALASKA JUDICIAL COUNCIL SURVEY, 1979 by NORTHRIM ASSOCIATES

QUESTION 9a: "Can you tell us why you voted not to retain these judges?"

TABLE 7: DISTRIBUTION OF RESPONSES ON QUESTIONS 13, 13a, 13b.

KNOWLEDGE OF THE ALASKA JUDICIAL COUNCIL.

	PERCENT			
	<u>Total</u>	<u>No Voters</u>	<u>Yes Voters</u>	<u>Discriminators</u>
A. Percent who had heard of the Alaska Judicial Council	19.7	13.3	12.7	25.1
Percent who had not heard of the Alaska Judicial Council	80.3	86.7	87.3	74.9
	100.0	100.0	100.0	100.0
n =	527	30	118	331

	PERCENT			
	<u>Total</u>	<u>No Voters</u>	<u>Yes Voters</u>	<u>Discriminators</u>
B. OF THOSE WHO HAD HEARD OF THE ALASKA JUDICIAL COUNCIL				
<u>Type of Knowledge</u>				
Knew it exists	43.5	-	25.0	48.5
Knew it recommended and evaluated judges	35.3	66.7	50.0	30.9
Feels council is biased	2.4	-	-	2.9
Waste of money	2.4	-	-	2.9
Doing a good job	8.2	33.3	8.3	7.4
Miscellaneous/other	8.2	-	16.7	7.4
Total	100.0	100.0	100.0	100.0
n =	85	3	12	68

TABLE 7: DISTRIBUTION OF RESPONSES ON QUESTIONS 13, 13a, 13b.
CONTINUED.

C. <u>Information Source</u>	<u>Total</u>	PERCENT		<u>Discriminators</u>
		<u>No Voters</u>	<u>Yes Voters</u>	
Voter pamphlet	22.5	25.0	22.2	22.1
Word of mouth	6.9	-	16.7	5.2
Personal experience	8.8	-	-	11.7
Friends in profession	13.7	25.0	11.1	14.3
Media	46.1	50.0	50.0	44.2
Other	2.0	-	-	2.5
Total	100.0	100.0	100.0	100.0
n =	102	4	18	77

SOURCE: ALASKA JUDICIAL COUNCIL SURVEY, 1979 by NORTHRIM ASSOCIATES

QUESTION 13: "Had you heard about the Alaska Judicial Council before the Fall 1978 election?"

QUESTION 13a: "If YES: what had you heard about the Council?"

QUESTION 13b: "How, or in what connection had you heard about the Council?"

TABLE 8A: DISTRIBUTION OF RESPONSES ON QUESTION 11a.

RANK OF FIRST, SECOND AND THIRD MOST IMPORTANT CHARACTERISTICS OF JUDGES BASED ON PERCENT CHOOSING EACH OF EIGHT LISTED CHARACTERISTICS.

	<u>Total</u>	<u>No Voters</u>	<u>Yes Voters</u>	<u>Discriminators</u>
Sense of fairness	1	1	1	1
Legal knowledge	2	2	2	2
Integrity	3	3	4	3
Equal treatment of all cases	4	4	3	4
Restraint from favoritism	5	5	5	5
Sentencing factors	6	6	7	6
Human understanding and compassion	7	7	6	7
Willing to work	8	8	8	8

SOURCE: ALASKA JUDICIAL COUNCIL SURVEY, 1979 by NORTHRIM ASSOCIATES

QUESTION 11a: "In making your decision to retain or not retain a judge, which of the factors listed above is most important to you? Which is second most important and third most important?"

TABLE 8B: DISTRIBUTION OF RESPONSES ON QUESTION 11a.

COMPOSITE SCORE OF FIRST, SECOND AND THIRD MOST IMPORTANT CHARACTERISTICS OF JUDGES BASED ON PERCENT CHOOSING EACH OF EIGHT LISTED CHARACTERISTICS.

	<u>Total</u>	<u>No Voters</u>	<u>Yes Voters</u>	<u>Discriminators</u>
Sense of fairness	792	53	178	503
Legal Knowledge	722	32	153	478
Integrity	549	31	94	377
Equal treatment of all cases	472	21	114	201
Restraint from favoritism	287	15	67	173
Sentencing factors	186	14	37	118
Human understanding and compassion	180	8	61	94
Willing to work	56	1	5	46

SOURCE: ALASKA JUDICIAL COUNCIL SURVEY, 1979 by NORTHRIM ASSOCIATES

QUESTION 11a: "In making your decision to retain or not retain a judge, which of the factors listed above is most important to you? Which is second most important and third most important?"

TABLE 9A: DISTRIBUTION OF RESPONSES ON QUESTION 11b.

RANK OF FIRST, SECOND AND THIRD CHOICES OF CHARACTERISTICS OF JUDGES WHICH COULD BE ELIMINATED FROM THE RATING SYSTEM BASED ON PERCENT CHOOSING EACH OF EIGHT LISTED CHARACTERISTICS.

	<u>Total</u>	<u>No Voters</u>	<u>Yes Voters</u>	<u>Discriminators</u>
Willing to work	1	1	1	1
Human understanding	2	1	3	2
Sentencing factors	3	3	2	3
Equal treatment of all cases	4	2	4	4
Restraint from favoritism	5	4	4	5
Integrity	6	4	4	6
Sense of fairness	7	3	5	7
Legal knowledge of the judge	8	4	5	8

SOURCE: ALASKA JUDICIAL COUNCIL SURVEY, 1979 by NORTHRIM ASSOCIATES

QUESTION 11b: "If you think the Judicial Council included too many factors, which ones should be left out?"

TABLE 9B: DISTRIBUTION OF RESPONSES ON QUESTION 11b.

COMPOSITE SCORE OF FIRST, SECOND AND THIRD CHOICES OF CHARACTERISTICS OF JUDGES WHICH COULD BE ELIMINATED FROM THE RATING SYSTEM BASED ON PERCENT CHOOSING EACH OF EIGHT LISTED CHARACTERISTICS.

	<u>Total</u>	<u>No Voters</u>	<u>Yes Voters</u>	<u>Discriminators</u>
Willing to work	93	6	22	57
Human understanding	62	6	10	48
Sentencing factors	46	2	11	31
Equal treatment of all cases	39	3	9	24
Restraint from favoritism	36	1	9	23
Integrity	34	1	9	22
Sense of fairness	24	2	3	18
Legal knowledge of the judge	15	1	3	11

SOURCE: ALASKA JUDICIAL COUNCIL SURVEY, 1979 by NORTHRIM ASSOCIATES

QUESTION 11b: "If you think the Judicial Council included too many factors, which ones should be left out?"

TABLE 10: DISTRIBUTION OF RESPONSES ON QUESTION 12a.

TYPES OF ADDITIONAL INFORMATION SUGGESTED
FOR JUDICIAL EVALUATION SYSTEM.

<u>Information Suggested</u>	<u>Total</u>	PERCENT		<u>Discriminators</u>
		<u>No Voters</u>	<u>Yes Voters</u>	
Judge's Performance History	37.7	33.3	33.3	40.0
More Questionnaires	13.1	11.1	18.5	10.7
Survey People Who Appeared Before the Judge	8.7	-	7.4	10.0
Evaluate Recidivism	3.8	-	7.4	4.3
Make Judge's Campaign	3.3	-	-	2.9
Media Approaches	12.0	11.1	14.8	12.1
Other	14.2	33.3	7.4	13.6
Survey Those Who Work With Judges	7.1	11.1	11.1	6.4
Total	100.0	100.0	100.0	100.0
n =	183	9	27	140

SOURCE: ALASKA JUDICIAL COUNCIL SURVEY, 1979 by NORTHRIM ASSOCIATES

QUESTION 12a: "Aside from surveying lawyers, peace officers, and jurors, are there other ways that judicial performance could be evaluated that would make it easier for voters to decide whether or not to retain a judge? If YES: what are these ways?"

TABLE 11: DISTRIBUTION OF RESPONSES ON QUESTION 7.

SUMMARY OF FIRST, SECOND AND THIRD RESPONSES TO THE NEED FOR MORE INFORMATION CONCERNING JUDGES AS A PART OF JUDICIAL EVALUATION - PERCENT IN EACH OPEN-ENDED CATEGORY.

<u>Type of Information Suggested</u>	<u>Number of Mentions</u>	<u>Rank</u>
Judge's performance history	111	1
Judge's personal attributes	47	2
Judge's position on key legal issues	43	3
Miscellaneous/other	31	4
Need more information (general answer)	23	5
Judge's prejudice for or against special interests	23	5
Courtroom opinion of lawyers, jurors or audience	9	6
Alaskan knowledge	6	7
n =	202	

SOURCE: ALASKA JUDICIAL COUNCIL SURVEY, 1979 by NORTHRIM ASSOCIATES

QUESTION 7: "If you believe that more information should be provided, what would you like to know?"

TABLE 12: DISTRIBUTION OF RESPONSES ON QUESTIONS 14 & 15.

METHODS OF COMMUNICATING EVALUATIONS OF JUDGES.

<u>Question 14:</u>	<u>Total</u>	PERCENT		<u>Discriminators</u>
		<u>No Voters</u>	<u>Yes Voters</u>	
Should the Alaska Judicial Council publish judicial evaluations in the Alaska official Election Pamphlet?	93.6	93.3	94.9	94.1
PERCENT YES				
n =	534	30	118	341
<u>Question 15:</u>				
Should the Alaska Judicial Council recommend in favor of or against judge retention?	60.5	58.1	57.0	63.2
PERCENT YES				
n =	527	31	114	337

SOURCE: ALASKA JUDICIAL COUNCIL SURVEY, 1979 by NORTHRIM ASSOCIATES

QUESTION 14: "Do you think it's a good idea to require the Alaska Judicial Council to evaluate judges and to publish information about them in the Alaska Official Election Pamphlet?"

QUESTION 15: "Do you think it's a good idea for the Judicial Council to make a recommendation in favor of or against the retention of any judge it evaluates?"

TABLE 13: DISTRIBUTION OF RESPONSES ON QUESTION 16.

PREFERRED METHODS OF COMMUNICATING
JUDICIAL EVALUATIONS

<u>Type of Communication</u>	<u>Total</u>	PERCENT		<u>Discriminators</u>
		<u>No Voters</u>	<u>Yes Voters</u>	
The official Election Pamphlet	74.4	75.0	70.2	79.4
Direct Mail to all Registered Voters	58.3	56.3	57.3	61.1
Speeches/Public Appearances	26.4	28.1	30.6	27.0
Newspaper Advertisements	42.2	46.9	44.4	43.1
Radio and T.V. Advertisements	31.9	46.9	33.1	30.7
Other	5.6	9.4	3.2	6.5
	100.0	100.0	100.0	100.0
n =	571	32	124	355

SOURCE: ALASKA JUDICIAL COUNCIL SURVEY, 1979 by NORTHRIM ASSOCIATES

QUESTION 16: "Alaska State law requires the Alaska Judicial Council to provide information to the voters concerning its evaluation of judges. How do you think this information ought to be communicated to the voters?"

TABLE 14: DISTRIBUTION OF RESPONSES ON QUESTION 17.

WHAT SHOULD THE JUDICIAL COUNCIL DO IN
CASES WHERE A JUDGE IS EVALUATED AS
UNQUALIFIED?

	PERCENT			
	<u>Total</u>	<u>No Voters</u>	<u>Yes Voters</u>	<u>Discriminators</u>
Express no opinion	10.7	13.8	6.8	11.1
<u>Only express opinion in Official Election Pamphlet</u>	40.1	20.7	48.3	40.0
Strongly advertise	49.1	65.5	44.9	48.9
Total	100.0	100.0	100.0	100.0
n =	521	29	118	325

SOURCE: ALASKA JUDICIAL COUNCIL SURVEY, 1979 by NORTHRIM ASSOCIATES

QUESTION 17: "If the Alaska Judicial Council, as a result of its evaluation, concludes that a judge is unqualified to remain in office, what should the Council do?"

APPENDIX B

SELECTED RESPONSES OF TOTAL SAMPLE
BY CODE CATEGORY

APPENDIX B

SELECTED RESPONSES OF TOTAL SAMPLE
BY CODE CATEGORY

QUESTION 7: "If you believe that more information should be provided, what would you like to know?"

01 JUDGE'S PERFORMANCE HISTORY

Sentencing practices especially on repeat offenders

More about the individuals past performance in reference to fairness and just decisions

Quality of sentencing

Decisions on important cases which public has interest in

Percent of decisions reversed from higher court

Why accused get by so easy

02 PERSONAL ATTRIBUTES OF JUDGE

Political affiliation /how many days on job per year

Less about education/more about intelligence

Ability to work unpressured

What are reasons for becoming a judge - to help society or for personal profit

Religious faith

Primary law field

Philosophy

03 POSITION ON KEY LAWS/ISSUES

Attitude toward drugs

Judges position on protection of public and compensation for victims of crime

Record with regard to constitutional questions

Judge's ideas for improving judicial system

04 COURTROOM OPINION

How judges perform; his duty as noted by others in court; how juries regard his opinions

Judges opinions of other judges

Information from law enforcement agencies

05 REFERENCE - NEEDING MORE INFORMATION - TIMING OF INFORMATION FLOW

More time to make a decision. Have information printed sooner and more often

Results of prior polls; evaluations

Court records should be more available

06 PREJUDICE FOR/AGAINST SPECIAL INTEREST

Laws can often be bent in favor/against person. A judge shouldn't let this happen. If loopholes are found they are responsible to change or help change the laws to penalize criminals and protect public.

More investigation into conflicts of interest possibilities

Track record on minorities

07 ALASKA SPECIFIC KNOWLEDGE/STANCE

Community involvement

Opinions and judgements on major issues regarding Alaska, its people

Expertise dealing with Alaska minorities

What they think of state/state government

08 MISCELLANEOUS/OTHER

Salaries for judges/fringe benefits

Just don't get a pilgrim - stick with old timers

Judges need to get out and meet the public

Only see what council wanted you to see and read

Is a Judge's performance improving

09 WHO IS MEMBER OF JUDICIAL COUNCIL

How the council is made up or composed; is the council truly objective or are there possible axes to grind with the membership

What AJC opinion is based on

QUESTION 8a: "Can you tell us why you voted to retain these judges?"

01 DOING ADEQUATE JOB

They had done adequate jobs

A man doing a satisfactory (not necessarily marvelous) job should be rewarded by permitting to keep his job

Knew nothing against them

Judges seemed to have a feeling of responsibility in regards to why he sits on bench

Weeding out the ones that were undesirable

Believed in them

02 BASED ON JUDGES PERFORMANCE HISTORY

Record of sentencing and judicial conduct appeared equitable but firm

Way they handled some cases

Experience seemed adequate

Imaginative sentencing

Having empathy for victims, imposing sentences and demonstrating ability to meet out punishment

03 ALASKA JUDICIAL COUNCIL RATINGS

Primarily based on AJC ratings

Heavily swayed by Judicial Council ratings

04 READING EVERYTHING AVAILABLE

Newspaper articles on one or two of them

Had read in newsmedia of their ratings

Based on info (general) available to public

05 INFORMATION IN VOTER PAMPHLET

By reading all captions and how bar rated them

By information provided

Judges' summary

06 PERSONAL ATTRIBUTES OF JUDGE

Because of their conservative law and order stand

Fairminded

Didn't give women and minorities harder line

07 DISCUSSING WITH OTHERS

After discussing with others

Word of mouth

My husband is police officer, decisions are based on his experience

08 PERSONAL KNOWLEDGE/EXPERIENCE

Personal knowledge of their ability

Seemed to fit my ideas

I voted for 2 judges rated lowest in election pamphlet because council rated them low

Personal recommendation from someone

I am a lawyer - know which judges I believe are competent

Lack of knowledge of their opposition

13 MISCELLANEOUS/OTHER

No choice

Their names were on the ballot

Did not vote because forgot to read information

QUESTION 9a: "Can you tell us why you voted not to retain these judges?"

01 INADEQUATE JOB

Some judges go with case up and down - others go just one way

Incompetent to serve

Unfair judge

Questioned integrity

Thought someone else could do a better job

Many decisions overturned

Felt those not voted for would make better plumbers

02 INFORMATION IN PAMPHLET

Because of information in pamphlet and ratings

Didn't like information on them

Judges own summaries and backgrounds

03 JUDGE'S PERFORMANCE HISTORY

Because of decisions they had made

Didn't agree with stands on various cases

04 ALASKA JUDICIAL COUNCIL RATINGS

Because of Alaska Judicial Council suggestion
A judge with a poor rating must be prejudiced

05 PERSONAL OPINION/EXPERIENCE

First hand experience
I felt I had good reasons
Don't like their remarks
Practiced before them

06 MEDIA REPORTS

Material I had read about them
Media coverage

07 DISCUSSING WITH OTHERS

Talking with other people who had experience with judges
Opinion from people more closely associated with courts

08 TOO LENIENT WITH CRIMINALS

Because of too liberal policies in sentencing and handling
of criminals

Does not protect victim - just criminal

Too lax with minorities; twice as harsh on caucasians

Too radical; too soft

09 FAVORITISM TOWARD SPECIAL INTERESTS

Favoritism toward people of title and social status

Prejudice against natives

His decision was what the papers (Anchorage Times) said he had to decide

10 OTHER

Too long in office

Continuity and experience

Didn't know them/didn't like them

QUESTION 10: "In deciding whether to retain or not retain a judge, which source of information was most important to you? Other - "

01 PERSONAL OPINION/EXPERIENCE

Some degree of personal knowledge

My own opinions

02 LACK OF KNOWLEDGE - DIDN'T VOTE

I had no information on the judges, so I felt I could not vote regarding them

03 FRIENDS OPINIONS

Friends opinions - knowledgeable friends

Other people's involvement with that judge and how they feel

04 MEDIA REPORTS

Newspapers were the best source of information

05 POLICE VIEWPOINTS

The viewpoints held by policemen

07 OTHER/MISCELLANEOUS

Protesting leniency and increased crime and stupid judgements

QUESTION 11c: "If you think the Judicial Council left something out, tell us what you'd like to see added."

01 JUDGE'S PERFORMANCE HISTORY

Attitude toward repeat offenders

Track record

Consistency

Willingness to speak up for justice when law does not provide it

02 MEANS OF ESTABLISHING CREDIBILITY

Honest and a human being

There should be a means of establishing a judge's credibility

Corruptibility

03 PREJUDICE FOR/AGAINST SPECIAL INTERESTS

04 EXTENT JUDGE KEEPS UP WITH NEW IDEAS/CHANGES IN CRIMINAL JUSTICE SYSTEM

Continuing education in the profession

Innovative approaches to sentencing in court procedures

A sense of where the state is going; in the way of criminal justice; procedure; awareness.

05 KNOWLEDGE OF ALASKA ISSUES, COMMUNITY ISSUES

I believe that judges must know the community they serve

Background information on judges position on relevent issues to Alaska voters

06 PERSONAL ATTRIBUTES

I feel the way they conduct their personal lives is very relevent to the public position they are in

Personal financial/political involvement

He should have at least a ten year residency

Common sense to uphold the law

10 OTHER

Baptism of Holy Spirit

Respect of other judges

Consider the burden (mental and physical) pain imposed on victims by criminals and law breakers

I can't understand what a judge's personal feelings have to do with his or her ability to weigh and determine the facts in a case

QUESTION 12a: "Aside from surveying lawyers, peace officers, and jurors, are there other ways that judicial performance could be evaluated that would make it easier for voters to decide whether or not to retain a judge? If YES: what are these ways?"

01 JUDGE'S PERFORMANCE HISTORY

An objective evaluation of track record - what was actually accomplished

A recap of decisions rendered and sentences granted on various cases

Analyze sentencing records

Comparison of sentences imposed for similar offenses

Percentage of cases overruled by a higher court

02 MORE QUESTIONAIRES TO PUBLIC/MEDIA

Including mayor, city manager and councilmen in survey might help

Survey local newspapers and radio that might have followed the judges actions more clearly

Survey public opinion

Send surveys sooner

Interview victims of criminals

03 SURVEY PEOPLE WHO APPEARED BEFORE JUDGE

Survey defendants and complainants

Survey of crime victims to see if satisfied with punishment

04 EVALUATE RECIDIVISM OF THOSE SENTENCED

Percentage of criminals tried by judge who repeated crimes after acquittal

05 MAKE THEM CAMPAIGN

Elect judges

Put all judges open to run for their offices like any other politician

06 MEDIA APPROACHES

Advertising

Reviews of performance with qualified person on call in T.V. program

Perhaps a public forum

More mailing information

Weekly newspaper columns on how judges decided their cases

07 OTHER

Survey judges peers

Allow the citizens to be the sole decision makers on whether to retain a judge or not

People too close to courts should not be only evaluators

Persons at criminal justice center at U.A.A. who might be helpful

Job description, type of qualifications the man needs for the job

08 THOSE WHO WORK WITH THEM

Let people who work around the court system, evaluate the judges

Legal secretaries

Court recorder, who is always present might be a source of information

Judges feelings on other judges

QUESTION 13a: "Had you heard about the Alaska Judicial Council before the Fall 1978 election? If YES: what had you heard about the Council?"

01 THAT IT EXISTED

Merely a knowledge of its existance

Not very much

Can't recall other than the pamphlet, maybe this is a sign that the public is not made aware of the Alaska Judicial Council

Various things

I know when it was formed and sometime prior, I probably voted for something that authorized it

02 RECOMMENDED AND EVALUATED JUDGES

Provided election information

Their duties

Rating of judges, rating of judge applicants, composition of council

Improve the quality of the bench, by selecting men who's knowledge of how and the characteristics of human behavior would be beyond question

That the council was concerned with law enforcement and the fairness exhibited by judges on the bench

03 COUNCIL TOO BIASED

Not good - shows bias toward the lawyers viewpoint

04 WASTE OF MONEY

Supported by ABA - more taxes required to support it

A waste of taxpayers money

05 DOING A GOOD JOB

I believe the average voter (90% of them) are not capable of evaluating or voting on a judge. So the Judicial Council is definitely a better process

Good remarks

All good things, good work

06 MISCELLANEOUS/OTHER

May exercise a vendetta

My uncle was on it

Some of it was good and some of it was bad

That it was too powerful in some ways and not powerful enough in others

QUESTION 13b: "How, or in what connection had you heard about the Council?"

01 VOTER PAMPHLET

In the election pamphlet

02 WORD OF MOUTH

General conversations with many people

Husband mentioned it

From mouth to ear

By being an Alaskan for 30 years

03 PERSONAL EXPERIENCE

As a lawyer, I was familiar with it

Police work

Working in a law office

Attending the council meetings

04 FRIENDS IN PROFESSION

Knowledge of membership and knowing some of the members

Friends in profession

From a former member whose opinion I do not always agree with

05 MEDIA

Media coverage

The Anchorage Times newspaper

Television

On the radio while driving

07 OTHER

This questionnaire

QUESTION 16: "Alaska State law requires the Alaska Judicial Council to provide information to voters concerning its evaluation of judges. How do you think this information ought to be communicated to the voters?"

01 RADIO/T.V. INTERVIEWS OF JUDGES

Programs on public/commercial radio and T.V. stations

Radio and T.V. interviewing of judges

Public meetings with question and answer

02 PUBLIC ACCESS TO ALASKA JUDICIAL COUNCIL INFORMATION

Public access to all council information and decisions

Make a report available to all who request it

Direct mail of more case background

Special emphasis on getting information to the bush concerning those judges or decisions that may effect their way of life

Places where large amounts of public visit

03 COURTROOM OBSERVATION

Alaskan's should be encouraged to sit in on various judge's courts to view procedures and attitudes

06 OTHER

Keep costs down and information up

None at taxpayers expense

Testimony by the peace officers association

QUESTION 18: "If you have any comments or suggestions concerning the Alaska Judicial Council's evaluation of judges (or this questionnaire itself), please write them on the back of this page."

01 SUGGESTIONS FOR IMPROVED CRIMINAL JUSTICE SYSTEM

To bring home to the voter the importance of the voting process; it would be very helpful to preface the evaluation of judges with statistics regarding the cost of:

The Judicial system per year

The cost of enforcement per year

The estimated cost of crime per year in Alaska

The percentage of felons who repeat crimes

Lets give sentences to match the crime. I'm for building bigger and better jails, with strong bars and anyone who does not want to spend time there will keep his nose clean

I think the whole Alaska Court System needs revamping. Especially the Juvenile System whereby parents are put on trial for something a teenager does and the kid goes scott free even when the parents turn the kid in with more evidence than the police...the Juvenile System stinks.

I am extremely unhappy with the crime rate in Alaska, as most everyone is. I put the blame on the judges and their light sentences plus "compassion" for the criminals instead of the victims.

02 SUGGESTIONS FOR IMPROVED JUDGE RATING SYSTEM

The average voter needs this information since she is relatively naive of judicial practices, however members of the council should be selected by very stringent character guidelines to reflect unbiased analysis.

The council should present the facts on performance. Any information showing a judge should be published but no recommendation should be made. The voter should make the decision on his own.

Having a council channel and present information to voters is too easy of a way to corrupt the information they are supposed to be putting out. A very good way to keep facts away from those who are voting.

I really don't think that judges should be elected. I was all in favor of keeping them in office by appointment. I think that election will make it more if it is not already political.

The Alaska Judicial Council should print the true facts using a point system, as to how the law is upheld by the judge, strictness on repeat offenders etc. Explain the system used on the pamphlet so every voter will understand and then let the voter make up his own mind who to vote for without any suggestions or hints from the council.

I do not believe that either peace officers or attorneys are capable of making an objective and unemotional evaluation. Jurors may be able to make an objective evaluation but they are poorly qualified and have limited experience. Perhaps other judges are in a better position to evaluate performances.

03 PERSONAL OPINIONS/BIAS

These pamphlets are probably very expensive to print, is there anyway to send one to a household? We have four registered voters with the same last name in the household and we each received a pamphlet when one would have been sufficient.

I think the council has no business expressing and impressing and pressing its own opinions on the public. I think my tax dollars are being wasted by a group of people trying to impose their own ideals on a free election. Since it is tax money that supports it or at least government money, I don't want the government telling or implying to me about how I should vote.

The original intent of the law is to protect the innocent victim not the guilty criminal. Judges should not be punitive but must take into account the wrong suffered by the innocent victim.

I think most people who are never confronted with court action are not interested in judicial matters. Most people have no idea of who the judges are or what their performance is.

I am a lawyer and it seems silly to ask these questions to me.

Don't waste my time with this.

04 OTHER

Take every precaution to insure that the credibility of the council is not damaged or suspect. Paramount to its value is our ability to trust in their results.

I feel the election pamphlet is too lengthy and that the prime perusal is given by most readers to the candidates for governor etc. and the candidate for judge retention is lost in a volume of paper. Most persons I have talked to have never met a judge or seen a judge in action in a courtroom, consequently the media is the only basis for decision when voting time is at hand. Since judges are not too often in the spotlight as are Senators and Representatives, I would welcome an intelligent guideline for voicing my vote, preferably a separate ballot. In a small town in Texas "Dog Catcher" is listed last on the ballot; whereas the election of Judges is listed last on our ballot and consequently takes the position of least importance, least consideration, least knowledge by the public.

05 POSITIVE RESPONSE TO ALASKA JUDICIAL COUNCIL QUESTIONNAIRE

I was happy to take this time to complete this survey for it is by this means that citizens such as myself can be informed and express our views regarding the judiciary.

I think the questionnaire is okay however, there are a lot of alternatives which were not offered.

Questionnaire is well-written with excellent opportunities to respond. It is commendable that the Judicial Council provides quality control over its own actions and recommendations.

Thanks for the persistence (third letter). My lack of community participation is unforgivable.

06 NEGATIVE RESPONSE TO ALASKA JUDICIAL COUNCIL QUESTIONNAIRE

Personally I feel this is a waste of the taxpayers money. As you stated, the Alaska Judicial Council is required by law to provide information to voters on judges so what does answering questions for you accomplish. Maybe the citizens of Alaska should be answering questions on how we could improve our electoral process in general.

I feel that the Alaska Judicial Council is a special interest group dedicated to the maintenance of the present judicial system and should thus be stated in all this information that has been circulating about. We need to hear from more than one group if we are to make rational choices in judgeship retention.

Minimize study and/or review committees of state government.

I think some of the questions are a little too prying.

07 QUESTIONNAIRE SHOULD HAVE BEEN SENT OUT SOONER AFTER ELECTION

Had this form been sent earlier I would have remembered more of what happened last fall.

I can't remember that far back (7 months since Nov.) and I didn't understand half the things in the voting system.

APPENDIX C

SELECTED RESPONSES OF A RANDOM SAMPLING
OF ALL DISCRIMINATORS

DISCRIMINATORS

SELECTED RESPONSES OF A RANDOM SAMPLING OF ALL DISCRIMINATORS

QUESTION 7: "If you believe that more information should be provided, what would you like to know?"

Sentencing records--stern or mild

Consistency of sentencing, regardless of race; important interpretations of laws; community involvement

How the judge performs his duty as noted by others in the court; how juries regard his opinions

History of cases heard and verdicts delivered

Their judgements in such cases as abortion, drugs, and violent crime

Track record for sentences handed out for various types of offenses, such as dope pushing, homicide, game law violations

Court records, sentencing records, judges' salaries; conviction records should be more available

Academic background; objective evaluation by other than attorneys; decision records for several years

More negative aspects instead of only the good points to help one decide. Information given makes every judge seem a saint; such as, this judge lenient towards etc. (marijuana users, first offenders--whatever)

A little more background of each judge; input from judge himself as to good points--not self-defense

Background, years as attorney (experience), would like to see something on past cases, but realize it would be too involved

The quality of his sentencing; whether he/she coddles criminals or protects law abiding citizens

I'd like to read more on the sentencing record of each judge. There have been questions concerning possible discrimination. I'd like more information on who's sentenced (race, age and sex)

Constitutional evaluation by public interest groups; both political party evaluations; elimination of judges participating in evaluations

The judge's action on second and third offenders

Need to know more about judge's personal lives; judges need to get out and meet the public

More details as to why they were not recommended

Percentage of decision reversals from a higher court and percentage of decision affirmations; who was responsible for getting the judge his position to begin with. Political? Reward? Earned? More about the tenure of each judgeship; i.e., are we stuck with someone for "x" number of years regardless of performance

Why they turn the drug pushers out on the streets to resume their activities

Religious backgrounds and beliefs; their stand on humanism

Percentage factors as to the sentencing imposed, time suspended and fines for those found guilty per type of crime (i.e., assault, traffic cases, etc.)

The information arrived after the election--mail the pamphlet earlier

Would like judges rated by American Civil Liberties Union--there is a chapter in Anchorage

Case results (i.e., judgement records by specifics)

Case load; list of decisions; analysis of important decisions

Expertise in Alaska dealing with minorities and Alaskan problems

How some of them were ever appointed in the first place

More background information

Lenient to offenders--hard on repeat offenders

QUESTION 8a: "Can you tell us why you voted to retain these judges?"

By apparent performance records and personal knowledge

They had done adequate jobs

Because of their conservative law and order stands

Good legal background/record

My opinion of their work based on the pamphlet and discussions with involved citizens

I knew nothing against them

That they were doing a good job

As a police officer, I felt that some of the judges were fair and just

After discussing with others and reading all information available

Having read the pamphlet and newspaper accounts of their actions in various cases, I felt they were worthy of retention

Analysis of track record in sentencing seemed to indicate a hard line attitude toward crime and criminals

Based on their record and previous major decisions

Their record seemed good

They did their job

I felt that the judge had been fair and had handed out at least adequate punishment

Knew their record of decisions

Because the Judicial Council and the Peace Officers Association rated them acceptable

Past record

As much as possible, I read the papers and how judges hand down sentences. If a judge consistently tries to deter crime with stiff sentences, I vote for him

From what I read in pamphlet and newspapers, year 'round

I felt they had handled good decisions on drug and other violations

Their fairness and restraint from favoritism

Some I know personally, others by reputation

I voted to retain one judge because of the way he ruled in a certain hearing

They appeared to be doing a good job

One I have followed in the papers consistently for a year or two. Those I didn't know, but who had good ratings from both the Bar and jurors, I voted for

In my opinion, they were good judges

Handed out stiffer penalties

They seemed to be doing their job of putting away crooks and avoiding hair-brained decisions

Just simply from the information in the voter's pamphlet and ratings

From information I received either through the media or the Council's pamphlet. I felt the judges would do us a good job

Favorable Judicial Council ratings; media, exposure regarding court proceedings; opinions of friends

Namely, due to opinions in media of persons or groups whose judgement on the subject we respected. Not from any personal knowledge of judges professionally or as individuals

His impartial and sterner decisions

If I felt they had Godly characteristics

Track record as appeared in Anchorage Times (Court Records)

Basis of past records

Figured they were doing a good job

From the decisions they had made that were published last year in the newspaper

Believe they had a good rating

I would vote from them if we had the normal voter's right to vote for our judges and district attorneys

Based on information (general) provided to public

Doing the best job they can under the present laws

Mainly from the survey, the ones that seemed to be fair and just and not hypocritical

I like them

Based on what I knew of their records

Publicity was favorable concerning them. Outcome of cases seemed fair and ran along my train of thought

Their records since being seated

Was impressed by reports in pamphlets

On their overall record--no one is perfect

Past record of performance

Because we need some good judges

Names and actions known through public media throughout the year

Personal knowledge of; also--Judicial Council seemed slanted; so voted for judge due to media

From the evaluations, I figured someone has to hold down the fort, went on the opinions of the lawyers

QUESTION 9a: "Can you tell us why you voted not to retain these judges?"

By apparent performance record and personal knowledge

Unacceptable actions/decisions

Because of their apparent liberal stands and lenient sentences given criminal defendants

Poor sentencing experience/unprofessional background

Mainly discussions with friends, acquaintances and attorneys as to who is honest and unbiased in rulings and who was not performing properly

I thought him to be biased in his opinion

They were not doing the job

As a police officer, I felt that some of the judges were unfair and unjust

After discussing with others and reading all information available

Having read the pamphlet and newspaper accounts of their actions in various cases, I felt they were unworthy of retention, especially certain judges lack of sound judgement (in my opinion)

Track record on sentencing seemed to indicate a soft line attitude toward crime and criminals

Any judge over sixty should be eliminated; he's made enough of the taxpayers money

They seemed incompetent and a waste of our time

Judge too lenient

Those judges, I feel, made and are making "contempt of court" a thing that should be a reward, not a penalty

Disagreed with their decisions in many cases

Because the Judicial Council and the Peace Officers Association rated them as unacceptable

Past record

It appears some judges have no interest in deferring crime from barking dogs to murder--and give weak sentences allowing criminals to roam the streets. I vote no to these judges

Too much self-defense against attack from peer group

Did not think they had made good decisions

Their favoritism toward people of title and social status

Material I had read about them

The same reason I voted for some judges; their actions (use of media) influenced my decisions

His rating by AJC wasn't good

Poor ratings and first hand experience when the judge was here

Because I thought someone else could do a better job

Too liberal

Some judges don't like punishing criminals, others like to punish the citizens by playing games like throwing out the Beirne Homestead or okaying marijuana. I kept track

From personal experience from living in a town where I (along with many others) felt the judge was too lenient

From information received

Reputation--newspaper

Media ads; negative Judicial Council ratings

Personal knowledge

Name: ... media opinions of persons or groups whose judgement on the subject we respected. Certainly not from any personal knowledge of the judge's professionally or as individuals

Pampering the criminal

If I felt they had ungodly characteristics

Seemingly random decisions on similar types of cases

Basis of past record

They were not doing a good job

I felt they were too lenient

Too lenient

From the decisions they had made that were published last year in the newspaper

I felt those not voted for would make better plumbers

Because of a decision he had made which was bad

Because of your ratings

Too lenient to law violaters

Because of their decisions. I used the survey mainly to make my decision

Comments I heard about them

Based on what I knew of their record, I considered them unprofessional and undedicated

No information available to me and could find none close to voting date

I did not feel they were effective

Was not impressed by reports in pamphlet

Mostly because of the ridiculous sentences passed out on drug and felony cases

Didn't like the background information on some

Primarily from the Council's rating; somewhat from public media

Didn't like record

From the information that Judicial Council put out, not acceptable. See how easily I was led.

QUESTION 11c: "If you think the Judicial Council left something out, tell us what you'd like to see added."

I believe that judges should know the community they serve. They should have some involvement with community happenings to know the wants and needs and desires of the people whose problems they are helping to settle

Record of decisions

A sense of where the State is going; in the way of criminal justice and sentencing procedure--awareness

Sentences given on criminal matters

Common sense; courtroom arrogance toward trial participants and attorneys (both sides); personal character (as differentiated from personal popularity)

An actual scorecard of decisions. These 8 statements are too general and idealistic. A system of grading judges based on their decisions from soft to hard on those involved, criminal or civil

Common sense and, for God's sake, let us do something for the injured parties in felony cases--they are the real minority

Who can judge or rate human factors; daily moods;
attitudes; understanding; compassion

QUESTION 12a: "If YES: what are these ways?"

Sentencing record

If the 8 points in question 11 are answered correctly and in language the average voter can understand, think you have done a good job of getting the necessary information to the voters

A list of cases heard and verdicts and sentences delivered

Perhaps a public forum direct questioning of the judges like a TV question/answer program, if feasible

Survey of crime victims or their families to see whether they are satisfied with the punishment

Judge's impact on community; how do the judges' sentencing of second and third offenders compare with sentencing of first offenders

Television media--let us hear their views towards certain social injustices (or must they remain hidden)

Some kind of summary of past action on various cases. Send to all voters as they may have to vote absentee, include other judge's opinions, if possible (possibly they would not evaluate each other)

Survey public opinion also

There are persons in the Criminal Justice Center at the UAA who have a great understanding of the justice system. Maybe they could be helpful

Constitutional and conservative organizations evaluations; political parties evaluations, history of important decisions

Percentage of decisions upheld or overruled by a higher court; case load handled; absenteeism; such as illness, disqualification from a trial or other valid or invalid reasons a judge may not be on call

It would be helpful for me to have a job description; what types of qualifications does the man need for the job

Percentage factors as to sentence imposed, time suspended and fines for those found guilty per type of crime (i.e., assault, traffic cases, etc.)

Knowing the way judges feel about certain subjects

Publish a statistical summary of their decisions.
Example--number of Fish and Game violations found for or against defendant

Let the voters have the electing vote for Superior Court judges and the D.A.'s via the constitutional amendment. It was a noble experiment; judicial appointment, but it has failed; let's admit it. Elect said officers and receive decent judicial services

Would like judges rated by American Civil Liberties Union

Let the voter decide by giving him mountains of facts; i.e., all the decisions the judge has made could be compiled by general categories

Some way to learn the patterns their decisions follow

Make all of the media absolutely factual and responsible in their reporting--they can keep their opinions to themselves. Given the facts, I am perfectly capable of making up my own mind

History of decisions versus case particulars

Repeat offenses of criminals

A more detailed examination of their past sentencing history

Why don't we look through the eyes of the defendants; a possibility. Sure, most that were sentenced might say, "that no good . . .", but out of the masses may come something



Alaska Judicial Council

EXECUTIVE DIRECTOR
MICHAEL L. RUBINSTEIN

LAY MEMBERS
KENNETH L. BRADY
JOHN E. LONGWORTH
ROBERT H. MOSS

LAW MEMBERS
MARCUS R. CLAPP
MICHAEL M. HOLMES
JOSEPH L. YOUNG

CHAIRMAN EX OFFICIO
JAY A. RABINOWITZ
CHIEF JUSTICE
SUPREME COURT

303 K STREET
ANCHORAGE, ALASKA
99501

April 20, 1979

Dear Voter:

In 1975 the State Legislature required the Alaska Judicial Council to evaluate all judges before their retention elections and to provide the voters with information about those judges. The law also permitted the Alaska Judicial Council to make a recommendation whether or not any judge ought to be retained in office.

Under this legislation the Alaska Judicial Council, which consists of the Chief Justice of the Alaska Supreme Court, three non-attorney members, and three practicing lawyers, has provided voter information and made recommendations in the 1976 and 1978 general elections. The Council has developed a means of evaluating each judge by polling the opinions of law enforcement personnel, lawyers, and private citizens who have served on juries. The primary way the Council informs the public of its results has been through the Alaska Official Election Pamphlet, distributed to all registered voters prior to each general election.

The Judicial Council's program of evaluating judges and providing public information is now itself being evaluated. This evaluation is being conducted by Northrim Associates, an independent Alaskan firm specializing in such work. This is being done so that you, the voter, may let us know what you think the Council should use as criteria in rating the performance of judges, and how the Council best ought to communicate its information.

Enclosed is a questionnaire and a self-addressed, stamped envelope. Your answers will be kept confidential. The envelope and the questionnaire are separated as soon as they are received by Northrim. The return envelope contains your name only so that Northrim Associates can keep track of who returns the questionnaire in order not to mail another to any individual who has already returned it.

Please take a few minutes to complete this questionnaire and return it in the enclosed envelope by April 30, 1979. In cooperating with this effort you will be helping yourself and other citizens of Alaska to cast a more informed ballot the next time judges are up for retention. Ultimately, we hope your contribution will improve the quality of justice in Alaska. Thank you for your time and effort.

Sincerely,

Jay A. Rabinowitz
Chief Justice

Enclosure



LAY MEMBERS
KENNETH L. BRADY
JOHN E. LONGWORTH
ROBERT H. MOSS

LAW MEMBERS
MARCUS R. CLAPP
MICHAEL M. HOLMES
JOSEPH L. YOUNG

CHAIRMAN, EX OFFICIO
JAY A. RABINOWITZ
CHIEF JUSTICE
SUPREME COURT

Alaska Judicial Council

303 K STREET
ANCHORAGE, ALASKA
99501

EXECUTIVE DIRECTOR
MICHAEL L. RUBINSTEIN

May 4, 1979

Dear Voter:

On April 20 we asked for your assistance in evaluating the Alaska Judicial Council's program of rating judges and making recommendations about their retention or non-retention. We asked you to complete a questionnaire and return it to Northrim Associates, an independent Alaskan firm which specializes in this type of work.

We have not heard from you.

Assuming that you somehow mislaid the questionnaire, we have enclosed another copy and a self-addressed, stamped envelope.

As was pointed out in the first letter to you, the Judicial Council was mandated by the Alaska State Legislature to evaluate judges and make recommendations to you, the voter. We are now evaluating this system to determine how you, the voter, feels about the system. The only way we can perform our function, or modify it if need be, to your satisfaction, is to hear from you.

The entire process is completely confidential. The self-addressed, stamped envelope, with your name on it is separated from your questionnaire as soon as Northrim Associates receives it. The envelope is the only way they can keep track of who has returned the questionnaire and not send another to the same person.

In order to maintain a good judicial system in this state the Judicial Council has to do its job effectively. For this we need your help.

Please take the next few minutes to fill out the questionnaire and return it in the enclosed envelope.

Thank you for your time.

Sincerely,

Michael L. Rubinstein
Executive Director

Enclosure



Alaska Judicial Council

303 K STREET
ANCHORAGE, ALASKA
99501

LAY MEMBERS
KENNETH L. BRADY
JOHN E. LONGWORTH
ROBERT H. MOSS

LAW MEMBERS
MARCUS R. CLAPP
MICHAEL M. HOLMES
JOSEPH L. YOUNG

CHAIRMAN EX OFFICIO
JAY A. RABINOWITZ
CHIEF JUSTICE
SUPREME COURT

EXECUTIVE DIRECTOR
MICHAEL L. RUBINSTEIN

May 18, 1979

Dear Voter:

This is our third letter to you. We wrote to you first on April 20 and again on May 4. As you will recall, we asked for your assistance in evaluating the Alaska Judicial Council's system of rating judges and making recommendations to you, the voter, regarding their retention or non-retention.

We still haven't heard from you.

You are no doubt a busy person, but the questionnaire we sent to you takes only a few short minutes to complete. Please try to find the time to do it now.

At each election you are asked to vote whether to retain or not to retain the judges on the ballot. Our responsibility is to see that you get enough information to make an informed decision. The Alaska Judicial Council needs your suggestions to determine whether the Council's program of rating judges is meeting your needs. There is no way to know the answer to this question without hearing from you.

Please take the next few minutes to complete the confidential questionnaire and return it in the enclosed envelope. We need your assistance. Thank you for your time.

Sincerely,

Michael L. Rubinstein
Executive Director

Enclosure

APPENDIX E

QUESTIONNAIRE

7. If you believe that more information should be provided, what would you like to know?

- 1. _____
- 2. _____
- 3. _____

12 13
14 15
16 17

8. Did you vote to retain any of the judges on the ballot?

- 1. Yes
- 2. No

8a. Can you tell us why you voted to retain these judges?

18
19 20

9. Did you vote not to retain any judges on the ballot?

- 1. Yes
- 2. No

9a. Can you tell us why you voted not to retain these judges?

21
22 23

10. In deciding whether to retain or not retain a judge, which source of information was most important to you? (Please circle only one - the most important).

- 1. The judge's own summary of his/her background.
- 2. The Alaska Judicial Council's rating of the judge.
- 3. The Judicial Council's recommendation of the judge.
- 4. A knowledge of the judge based on such things as media coverage of his/her decisions and actions.
- 5. Paid advertisements for or against the judge published or broadcast in the media.
- 6. Other: (please specify) _____

24
25 26

11. In the Alaska Judicial Council's survey of lawyers, peace officers and citizens who have served on juries, the Council asked them to rate the following characteristics of the judges:

1. LEGAL KNOWLEDGE AND REASONING ABILITY.
2. CONSIDERATION OF RELEVANT SENTENCING FACTORS.
3. EQUAL TREATMENT REGARDLESS OF RACE, SEX, SOCIAL OR ECONOMIC STATUS AND THE LIKE.
4. RESTRAINT FROM FAVORITISM TOWARD EITHER THE PROSECUTION OR DEFENSE IN CRIMINAL CASES.
5. SENSE OF BASIC FAIRNESS AND JUSTICE.
6. HUMAN UNDERSTANDING AND COMPASSION.
7. WILLINGNESS TO WORK DILIGENTLY.
8. INTEGRITY.

11a. In making your decision to retain or not retain a judge, which of the factors listed above is most important to you? Which is second most important and third most important? (Please use the number next to the factor as listed above).

- ___ Most important
- ___ Second most important
- ___ Third most important

27
28
29

11b. If you think the Judicial Council included too many factors, which ones should be left out? (Please use the number next to the factor as listed above).

1. ___
2. ___
3. ___

30
31
32

11c. If you think the Judicial Council left something out, tell us what you'd like to see added.

1. _____
2. _____
3. _____

33
34
35

16. Alaska State law requires the Alaska Judicial Council to provide information to the voters concerning its evaluation of judges. How do you think this information ought to be communicated to the voters? PLEASE CIRCLE EACH AND EVERY MEANS WHICH YOU THINK IS PROPER.

1. The Official Alaska Election Pamphlet.
2. By direct mail to all registered voters.
3. Speeches and other public appearances by Council members and staff explaining the results of the evaluation.
4. Newspaper advertising.
5. Radio and television advertising.
6. Other: (please specify) _____

47
48
49

50
51

52 53

17. If the Alaska Judicial Council, as a result of its evaluation, concludes that a judge is unqualified to remain in office, what should the Council do? (Please choose only one).

1. Only express its opinion in the Official Election Pamphlet.
2. Strongly advertise its conclusion in the media to reach as many voters as possible.
3. Express no opinion on the matter. (Keep its conclusions to itself).

54

55

56

18. If you have any comments or suggestions concerning the Alaska Judicial Council's evaluation of judges (or this questionnaire itself), please write them on the back of this page.

57 58

59 60

61 62

19. Please provide the following information about yourself.

Sex: 1. Male 2. Female

Age: _____

Years of schooling completed: 1-8 9-12 13-16 17+

Community of residence: _____

63

64

65

66

THANK YOU VERY MUCH FOR YOUR TIME IN COMPLETING THIS QUESTIONNAIRE. IF YOU WOULD LIKE A COPY OF THE RESULTS, PLEASE CUT THIS OFF AT THE DOTTED LINE AND GIVE US YOUR NAME AND ADDRESS BELOW. PLEASE RETURN IT WITH THE COMPLETED QUESTIONNAIRE IN THE ENCLOSED ENVELOPE.

NAME _____

ADDRESS _____
(street address or box number)

(city)

(zip code)

APPENDIX F

CODING MANUAL

Column Number	Variable Number	Question	Code
1	---	Deck	1
2	1	Mailing Number	1=first mailing 2=second mailing 3=third mailing
3-5	1a	Questionnaire number	001 and consecutively thereafter
6	2	Q.1 Did you vote	1=yes 2=no 9=NA
7	3	Q.2 Did you vote on judges	1=yes 2=no 9=NA
8	4	Q.3 Had read judges own summary	1=yes 2=no 9=NA
9	5	Q.4 Had seen ads	1=yes 2=no 9=NA
10	6	Q.5 Had read AJC ratings	1=yes 2=no 9=NA
11	7	Q.6 Opinion of ratings	1=helpful 2=good idea 3=of no use 4=should be eliminated 9=NA

Column Number	Variable Number	Question	Code
12-13	8	Q.7 If you believe more info should be provided First Mention	01= Judge's Performance History 02=personal attributes of judge intelligence, religiosity, etc 03=position on key laws, issues 04=courtroom opinion: jurors, attorneys, audience 05=ref. need more info, timing of info, flow 06=prejudice for/against special interests 07=Alaska-specific knowledge, stance 08=Misc. comments/other 09=Who is a member of AJC 10= 11= 12= 13= 14= 99=NA
14-15	9	Q.7 Second Mention	Use Same Code
16-17	10	Q.7 Third Mention	Use Same Code
18	11	Q.8 Vote to retain	1=yes 2=no 9=NA

Column Number	Variable Number	Question	Code
19-20	12	Q.8a Why retain	01=doing adequate job, nothing negative 02=based on judges record 03=AJC ratings 04=reading everything available 05=info in Voter Pamphlet 06=personal attributes of judge (fairness, restraint from favorites, less lenient) 07=discussing w/others 08=personal knowledge/experience 09= 10= 11= 12= 13= misc./other 99=NA
21	13	Q.9 Vote <u>not</u> retain	1=yes 2=no 9=NA
22-23	14	Why <u>not</u> retain	01=inadequate job/not competent 02=info in pamphlet 03= Judge's Performance History 04=AJC ratings 05=personal opinion/experience 06=media reports 07=discussing w/others 08=too lenientw/criminals 09=favoritism toward special interests 10= other 11= 12= 99=NA

Column Number	Variable Number	Question	Code
24	15	Q10. Most important source of info	1=judge's own summary 2=AJC rating 3=AJC recommendation 4=knowledge of judge 5=paid ads 6=other 9=NA
25-26	15a	Q10. Open code for Other	01=personal opinion/experience 02=lack of knowledge/didn't vo 03=friend's opinions 04=media reports 05=police viewpoints 06= 07=other 08= 09= 10=did not specify reasons 99=NA
27	16	Q11a. Factors most important, etc. Most Important	1=legal knowledge 2=consider sentencing 3=equal treatment 4=restraint from favoritism 5=fairness 6=human understanding 7=willing to work 8=integrity 9=NA
28	17	Q11a. Second Most Import.	Use Same Code
29	18	Q11a. Third Most Import.	Use Same Code
30	19	Q11b. Too many factors First Mention	Use Same Code
31	20	Q11b. Second Mention	Use Same Code
32	21	Q11b Third Mention	Use Same Code
33	---	-----	Leave Blank

Column Number	Variable Number	Question	Code
34-35	22	Q11c. What added	01=judge's performance history (sentencing record, etc.) 02=means of establishing credibility 03=prejudice for/against special interests 04=extent judge keeps up with new laws/changes in criminal justice system 05=knowledge of Ak issues, community issues 06=personal attributes 07=agrees w/above list 08= 09= 10= other 99=NA
36	23	Q12. Other ways to evaluate	1=yes 2=no 9=NA
37	---	-----	Leave Blank
38-39	24	Q12a. What ways	01=Judge's Performance History 02=more questionnaires to public/media 03=survey people who appeared before judge 04=evaluate recidivism of those sentenced 05=make them campaign 06=media approaches 07=other 08=those who work w/them 09= 10= 88= DK 99=NA

Number	Number	Question	Code
40	25	Q13. Heard of AJC	1=yes 2=no 9=NA
41-42	26	Q13a. Heard what	01=that it existed 02=recommended and evaluated judges 03=council too biased 04=waste of money 05=doing a good job 06=misc./other 07= 08= 09= 10= 99=NA
43-44	27	Q13b. Heard how	01=voter pamphlet 02=word of mouth 03=personal experience 04=friends in profession 05=media 06= 07= other 08= 09= 10= 99=NA
45	28	Q14. AJC publish info good idea	1=yes 2=no 9=NA
46	29	Q15. AJC recommend a good idea	1=yes 2=no 9=NA

Column Number	Variable Number	Question	Code
---	---	Q16. Method of Communication	
47	30	Election Pamphlet	1=circled 2=not circled
48	31	Direct Mail	Use Same Code
49	32	Speeches	Use Same Code
50	33	Newspaper Ads	Use Same Code
51	34	Radio/TV Ads	Use Same Code
52	35	Other	Use Same Code
53	35a	Other-Open code	1= radio/TV interviews of judge 2=public access to AJC info 3=courtroom observation 4= 5= 6= other 7=did not specify 8=not circled
54	36	Q17.If AJC concludes unqualified	1=Only election pamphlet 2=strongly advertise 3=express no opinion 8=multiple answers 9=NA
55-56	---	-----	Leave Blank

Column Number	Variable Number	Question	Code
57-58	37	Q18.Comments/suggestions First Mention	01=suggestions for improved criminal justice system 02=suggestions for improved judge rating system 03=personal opinions/biases 04=other 05=positive response to AJC questionnaire 06=negative response to AJC questionnaire 07=questionnaire should be sent out sooner after election 08= 09= 10= 99=NA
59-60	38	Q18.Second Mention	Use Same Code
61-62	39	Q18. Third Mention	Use Same Code
63	40	Q19a. Sex	1=male 2=female 9=NA
64	---	----- (note:age is columns 68-69)	Leave Blank
65	41	Q19c.Years of school	1= 1-8 2= 9-12 3= 13-16 4= 17+ 9=NA
66-67	42	Q19d.Residence	01=Anchorage 05=District 5 06= " 6 13= " 13 14= " 14 15= " 15 16= " 16 19= " 19 99=NA
68-69	43	Q19b. Age	Code exact age 99=NA

Electing Alaska's Judges

Dear Editor:

I favor the election of judges as provided for in any number of bills pending in the Alaska Legislature.

Criticism of the current manner in which judge vacancies are filled from a list of names selected by a judicial council (the Missouri Plan) dates to the constitutional convention. It was feared that the three attorney members on the seven-member judicial council would combine with the council's presiding officer, the chief justice of the Supreme Court (himself a member of the bar), to nullify the influence of the three lay members. Presiding Judge Lester Wm. Roth of the California Court of Appeal says the organized bar would dominate the selection process and effectively appoint all judges even where its representation on the judicial council does not make up a majority, as it does in Alaska.

Although a lawyer, I must reject the arguments of the organized bar lobby in support of its continued domination of the judge selection process. Instead I share the views expressed by Judge Roth in a speech delivered to a local bar association in California.

First, Judge Roth disputes the Missouri Plan's underlying theory that selection of judges based on ratings by members of the bar insures obtaining better qualified persons while keeping the selection process out of politics. The proposition that lawyers know lawyers better than laymen do, or that they are in a better position to find out, is "a complete fallacy," says the judge.

There are simply too many lawyers, and no lawyer can honestly say that he has accurate knowledge of the character and competence of lawyers with whom he has not dealt. In many cases, laymen can give a more accurate appraisal of a lawyer than other lawyers can. Moreover, is there any reason why the results of the bar's screening method cannot be made known to the public for its consideration under an elective plan?

Second, the judge argues in the strongest language that political pressure which the Missouri Plan purports to eliminate is in reality increased. There is a firm of politics understood by the general public and to which the governor as final appointive power is subject. In addition there is "organized bar politics which is not understood by the public, nor are they of interest to the vast majority of lawyers, and to which the public and the vast majority of lawyers are not privy and which, in contrast to general politics, is an exact science

practiced by a self-perpetuating inner group.

To be sure, the suggestion that an election process could be totally depoliticized is nothing short of naive. However, Judge Roth says this form of politics is less undesirable than bar politics, which merely leads to appointment of the bar association buffs whose "primary claim to the job is his devotion to bar association personalities and his willingness to perform their chores."

Furthermore, by making the office of judge non-partisan, election by the people is freed of the intense party involvement which Chief Justice Bochever rightfully asserts may lead to political corruption.

On the other hand, judges elected by the people are more likely to reflect a broad range of social, ethnic, cultural and educational backgrounds than judges chosen by the bar's self-perpetuating inner group. "The history of bar politics has demonstrated that the organized bar or organized bar groups do not have the same hospitable attitude toward those who are members of ethnic minorities as does the public or an elected official," quoting Judge Roth.

In summary, the current manner of judge selection, while offering neither more competent nor less political judges, also offers none of the advantages of election by the people. What it does do is vest virtually exclusive power over judge selection in an elite and privileged few who are not accountable to or representative of the general public or even of the majority of lawyers.

Chief Justice Bochever's point that judges ought to be beholden to none is well taken. However, can he assert with equanimity that an elite clique of bar members who would hire legislative lobbyists to further special interests may not seek to use its power over judge selection to influence the judicial process as well?

The people of Alaska deserve better.

Ronald Wielkopolski
710 N. Pine St.

Sen. W. E. (BRAD) Bradley

Elective Justice

PROPOSALS to elect Alaska's attorney general and judges aren't exactly the hottest political issues of the day. But if the two questions reach the November ballot, they will become big issues.

Before the Senate are resolutions placing the two proposed constitutional amendments on the ballot. Both would make major changes in Alaska's justice system. Consequently, they have attracted considerable attention from the legal community if not from the general public.

Under the Alaska Constitution the attorney general and all judges are appointed by the governor. In the case of judges, the appointments are made from candidates selected by the Alaska Bar Association and the Alaska Judicial Council.

MOST STATES operate differently. Forty-three states elect their attorneys general. Twenty-six elect all their judges; 12 others elect some of them. Only Alaska and Arizona use the system whereby all judges are appointed to their first term then confirmed by voters later. In 10 states all judges are appointed with no confirmation vote.

Framers of the Alaska Constitution went against the tradition of elective judges and attorneys general because they wanted to free the court system from partisan politics and make the attorney general answerable to the governor.

THE QUESTION of electing the attorney general is not so complex as that of electing judges. Alaska's history has shown that, as an appointee, the attorney general is first and foremost the governor's lawyer. His job is to make a case for the governor's position. He is also supposed to be the state's chief law enforcement officer. Sometimes those two roles conflict.

An elected attorney general would not be subordinate to the governor. He would be free to enforce the laws impartially and effectively. His success would depend on his performance instead of the pleasure of the governor. He would be free to blow the whistle on the governor and his

administrative team if they stray from the straight and narrow path prescribed by the law.

Politicians fear that an elected attorney general would use the powers of his office to advance himself to the governorship. But the experiences of the 43 states that elect them do not prove this. In states where the attorney general is elected, few have been advanced to governor. Statistics compiled by the Legislative Affairs Agency in Juneau show that in the 41-year span from 1933 to 1974 four West Virginia attorneys general were elected governor. In 24 states the attorney general never made it, if he tried. A smattering of others had one, two or three instances where he did.

ELECTING JUDGES is another matter. Valid arguments abound on either side.

No one wants the court system subjected to partisan political pressures. On the other hand, Alaska's present system makes it possible for judges to operate in a legal ivory tower, virtually free from the responsibility of answering to the people.

If the courts stray away from interpreting the law in a manner acceptable to the people, the citizenry has virtually no way to change things.

Since the Bar Association plays a big part in selecting judges, many people believe judges are more responsible to lawyers than to the general public.

STATE SENATORS have tough decisions to make before voting on resolutions to place the two questions before voters.

Senators should be bold enough to vote against the proposals if they see no merit to them. But they also should consider the people's right to make the final decision at the ballot box.

As they debate the proposals in their own minds and on the Senate floor, one factor certainly should be that a significant number of Alaskans are concerned enough to want the issues on the fall ballot.

Another is that the decision at the polls will be more representative than one made in the political maze of the Legislature.

Sen. W. E. (Bud) Bradley

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

MEMORANDUM

February 9, 1978

SUBJECT: Selection of Judges (Supplement to W.O. #4382)

TO: The Honorable W. E. "Brad" Bradley

FROM: A. R. Latham
Research Analyst

In our previous memorandum to you (November, 1977) we indicated that much of the data requested was not available in a convenient central source. Thus, we were required to poll the fifty states. Unfortunately, the response to our poll was not at all prompt. Responses now are essentially complete (39 of 50); waiting for additional replies would be fruitless.

No state which replied to our poll indicated that there has been any recent move to change the method of selection of judges.

With respect to each state's age, residency, citizenship, education, past experience, and bar examination requirements, please refer to the attached tables which summarize our findings.

ARL:jm
Attachments

Table 1
Selected Statistics on Judgeships

State	Selection	Past Experience Required	Required Education	Bar Examination	Years Elected
Alabama	e	None f	b	Yes	d
Arizona	e/a	5-10 yrs f	b	Yes	
Arkansas	e	6- 8 yrs f	b	Yes	d
California	a/e	10 yrs f	b	Yes	d
Colorado	a	5 yrs f	None	Yes	
Florida	e	5-10 yrs f	b	Yes	d
Hawaii	a	5-10 yrs f	b	Yes	
Illinois	e	None	b	Yes	d
Indiana	e	Variable	b	Yes	d
Iowa	e/a	None f	b	Yes	n/a
Kansas	e/a	5-10 yrs f	b	Yes	117 yrs
Kentucky	e	2- 8 yrs f	b	Yes	d
Louisiana	e	5 yrs f	b	Yes	126 yrs
Maine	a	None	None	No	
Maryland	a/e	None	None	No	116 yrs
Michigan	e	None	None	No	d
Minnesota	e	None f	None	Yes	d
Mississippi	a	5 yrs f	b	Yes	
Missouri	a/e	None	b	Yes	129 yrs
Nebraska	a	None f	b	Yes	
New Jersey	a	10 yrs f	b	Yes	
New Mexico	e	3 yrs f	b	Yes	56 yrs

State	Selection	Past Experience Required	Required Education	Bar Examination	Years Elected
New York	a/e	f 10 yrs	b	Yes	138 yrs
North Carolina	e	None	None	No	110 yrs
North Dakota	e	None	b	Yes	d
Ohio	e	f 6 yrs	b	Yes	156 yrs
Oklahoma	e	f 4-5 yrs	b	Yes	46 yrs
Oregon	e	None	b	Yes	119 yrs
Pennsylvania	e/a	Mem. Bar 1 yr	b	Yes	n/a
South Carolina	e/a	Lic. Attny 5 yrs	None	No	d
South Dakota	e/a	f 1 yr	Learned in Law	n/a	n/a
Tennessee	a/e	None	b	Yes	n/a
Texas	e	f 4-10 yrs	None	No	112 yrs
Vermont	a/e	None	b	Yes	n/a
Virginia	e	f 5 yrs	b	Yes	d
Washington	e	f 5 yrs	b	Yes	d
Wisconsin	e	f 5 yrs	b	Yes	n/a
Wyoming	a	f 5-9 yrs	Learned in Law	n/a	
West Virginia	e	f 5-10 yrs		No	d

a = appointed
b = graduate of an accredited law school
d = since statehood
e = elected
f = practiced law
n/a = not available/not supplied when requested

Prepared by:
Legislative Affairs Agency
Research Division
9 February 1978

Table 3
Qualifications of Judges of State Appellate Courts and Trial Courts of General Jurisdiction

State or other jurisdiction	U.S. citizenship		Years of minimum residence				Minimum age		Learned in the law		Years of legal experience		Other	
	A.	T.	In State		In district		A.	T.	A.	T.	A.	T.	A.	T.
			A.	T.	A.	T.								
Alabama	x	x	5	5	..	1	25	25	x(a)	x(a)	..	..	..	..
Alaska	x	x	3	3	..	..	..	..	x	x	8	5	x(a)	x(a)
Arizona	x	x	10(b)	5	x(c)	..	30(c)	30	x	x	10(b)	5	x(z,d)	x(d)
Arkansas	x	x	2	2	..	..	30	28	x	x	8	6	x(d)	x(d)
California	x	x	..	..	..	..	31	31	x	x	10	10	x(a)	x(a)
Colorado	x	x	1	1	..	x	..	..	..	..	5	5	..	..
Connecticut	..	..	..	..	..	..	..	..	x	x	..	..	x(a)	x(a)
Delaware	x	x	..	..	..	..	..	..	x	x	..	..	..	..
Florida	x	x	(c)	..	..	..	..	..	x	x	..	..	x(a,e)	x(a)
Georgia	x	x	3	3	..	..	30	30	x	x	7	7	..	..
Hawaii	x	x	1	1	..	..	..	..	x	x	10	10	x(a)	x(a)
Idaho	x	x	..	..	..	x	..	30	x	x	..	5	x(a,f,g)	x(f,g)
Illinois	x	x	..	..	x	x	..	..	x	x	..	..	x(a,c)	x(a,c)
Indiana	x	x	5	x	x	x	21	21	x	x	10(h)	x	x(a)	x(a)
Iowa	x	x	..	..	..	..	..	..	x	x(i)	..	..	x(i)	x(i)
Kansas	x	x	..	x	..	x	30	30	x	x(x)	10	4	..	..
Kentucky(r)	..	..	5	2	2	2	35	35	x	x	8	8	x(c)	x(c)
Louisiana	..	..	2	2	2	2	..	..	..	..	5	5	x(a)	x(a)
Maine	x	x	..	..	..	..	..	..	x	x	..	..	x(i)	x(i)
Maryland	x	x	5	5	x	x	30	30	x	x	..	..	x(a,d)	x(a,d)
Massachusetts	No legal qualifications in state constitution													
Michigan	..	..	..	..	..	..	..	..	x	x	..	..	x(a,g)	x(a,g)
Minnesota	..	..	..	..	..	x	..	21	x	x	..	..	..	..
Mississippi	..	..	5	5	..	..	30	26	x	x	x	5	..	x(f)
Missouri	x	x	9(k)	3(k)	x	x	30	30	x	x	..	..	x(f)	x(f)
Montana	x	x	2	2	..	x	..	..	x	x	5	5	x(a)	x(a)
Nbraska	x	x	3	3	x	x	30	30	x	x	..	..	x(a)	x(a)
Nevada	x	x	2	..	..	..	25	25	x	x	..	..	x(a,f)	x(a,f)
New Hampshire	No legal qualifications													
New Jersey	Residence of principal law office in N.J.													
							28	28	x	x	10	10	x(a)	x(a)
New Mexico	x	x	3	3	..	x	30	30	x	x	3	3	..	..
New York	x	x	x	x	..	x	18	18	x	x	10	10	x(a)	x(a)
North Carolina	x	x	1 mo.	1 mo.	..	x	21	21	..	..	..	..	x(f)	x(f)
North Dakota	x	x	3	2	..	x	30	25	x	x	..	..	..	..
Ohio	x	x	1	..	..	1	..	..	x	x	6	6	(a)	(a)
Oklahoma	x	x	..	1	1	6 mos.	30	18(!)	x	x	5	4(l)	(m)	(m)
Oregon	x	x	..	..	..	x	21	21	x	x	..	..	x(a,f)	x(a)
Pennsylvania	x	x	1	1	..	1	21	21	x	x	..	..	x(a,c)	x(a,c)
Rhode Island	x	x	2	2	..	..	21	21	..	x	..	..	..	..
South Carolina	x	x	5	5	..	x	26	26	..	x	5	5	..	..
South Dakota	x	x	1	1	x	x	18	18	x	x	..	..	(a)	(a)
Tennessee	..	..	5	5	..	x	35(n)	30	x	x	..	..	..	..
Texas	x	x	x	x	..	2	35	25	..	..	10	4	(v)	(e)
Utah	..	..	5	3	..	x	30	25	x	x	x	x	..	..
Vermont	x	x	x	x	..	..	..	..	..	..	x	5(u)	..	..

Virginia	x	x	..	..	..	..	21	21	..	..	5	5	..	..
Washington	x	x	1	1	..	..	21	21	x	x	..	..	x(a)	x(a)
West Virginia	x	x	5	5	..	..	30	30	..	..	10	5	x(f)	x(f)
Wisconsin	x	x	6 mos.	6 mos.	..	x	25	25	x	x	5	5	x(a,f)	x(a,f)
Wyoming	x	x	3	2	..	..	30	28	x	x	9	5	x(p)	x(p)
Dist. of Col.(q)	x	x	x	x	..	..	..	..	..	..	5	5	..	..
Guam	x	x	..	..	..	..	..	..	x	x	..	..	..	..
Puerto Rico	x	x	5	..	..	..	..	25	..	..	10	..	x(a)	x(a)

Symbols:

- A. Judges of courts of last resort and intermediate appellate courts.
- T. Judges of trial courts of general jurisdiction.
- x Indicates requirement exists.

(a) Member of, or admitted to, bar. In Alabama, licensed to practice law in the State. In Nevada, licensed and admitted to practice law in all courts in State. In Connecticut, Nebraska, New York, and Washington, shall not engage in private practice. In Montana and Wisconsin, member of the bar at least five years. In New Jersey, no outside law practice.

(b) For court of appeals, 5 years.

(c) For court of appeals.

(d) Good character. In Maryland, integrity and wisdom.

(e) State citizenship.

(f) Qualified voter. In Nevada, qualified elector in State for Supreme Court Justices; in State and district for trial court judges. In Oregon, qualified elector in county of residence for court of appeals judges.

(g) In Idaho and Michigan, judges must be under 70 at time of election or appointment.

(h) Member of state bar 10 years, or five years a trial judge.

(i) In Iowa, part-time judicial magistrates not required to be learned in the law, but like full-time magistrates, must be an elector of the county of appointment, less than 72 years of age, and retire upon attaining that age. Judges of Supreme Court and District Court Judges at time of appointment must be of an age which will permit them to serve an initial and one regular term before reaching an age of 72.

(j) Sobriety of manner.

(k) Required number of years as qualified voters.

(l) Associate district judges required to be licensed to practice in the State; number of years of practice and age not specified.

(m) Shall continue to be licensed attorney while holding office.

(n) Thirty years for judges of court of appeals and court of criminal appeals.

(o) Five out of 10 years preceding appointment or election.

(p) Shall have practiced law in the State at least one year immediately preceding election or appointment.

(q) Reflects 1974 survey. Later information not available.

(r) See footnote (d) on Table 10.

* District and associate district judges must be regularly admitted to the bar; district magistrate judges need not be admitted to the bar, but ^{must} be certified by the supreme court as qualified to serve. (The statute does state that a district magistrate judge must be a high school graduate. no specific educational requirement is indicated for any other judgeships.)

SENATE JUDICIARY COMMITTEE

Bill Number SJR 5 Original Sponser(s) BRADLEY

Title AMENDMENT TO CONSTITUTION PROVIDING FOR ELECTION OF SUPREME CT

Originally Recieved From JUSTICES AND SUPERIOR CT. JUDGES.

Contact BRADLEY Date 1-14-81

Committee Recommendation (MAJORITY) _____

Report Attached yes no) Supporters _____

MINORITY _____

Report Attached yes no) Supporters _____

Object of Bill _____

Committee Amendments _____

Fiscal Impact

LAA Legal/Research Contact

Research/Information

Concerned Parties:

Supporting

Opposing

BRADLEY

AK JUDICIAL COUNCIL

Supporting

Opposing

Additional Remarks:

Called Bradley 1-20-81 for back-up material