

Choosing & Retaining Judges in Alaska: Merit Selection and Retention

Rabbit Creek Community Council
June 13, 2024



Alaska's Constitution

Alaska's constitutional framers proposed:

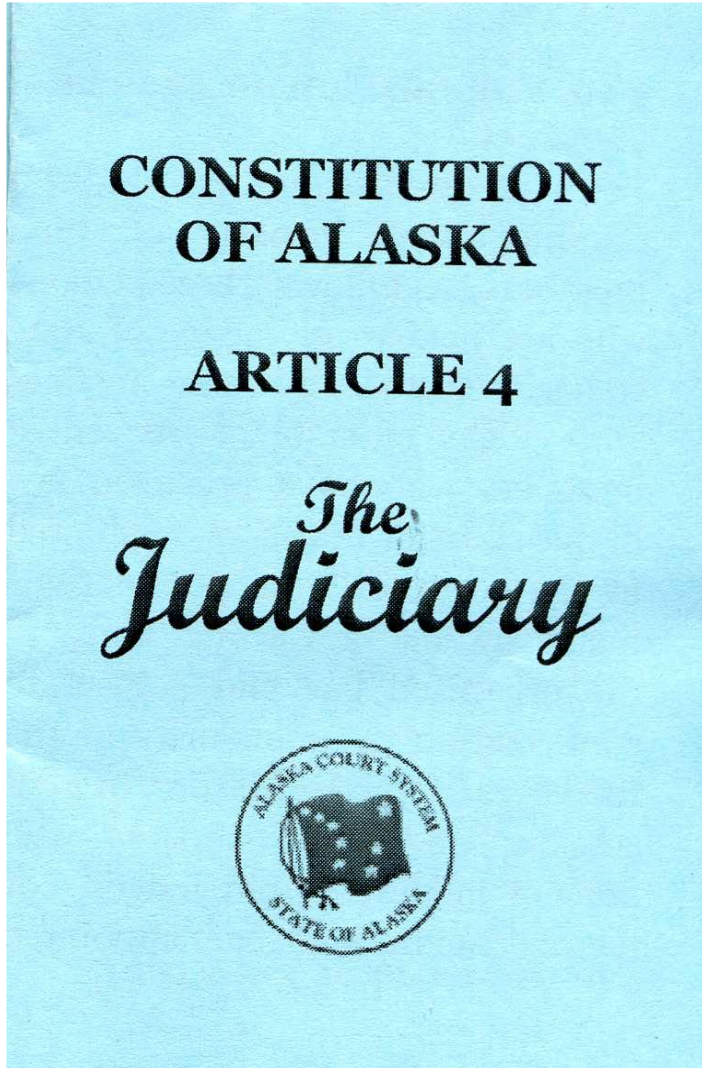
- ❖ A merit selection system for choosing judges, and
- ❖ A retention election system for retaining them in office



Bill Egan, president of the convention, signs the proposed constitution on Feb. 5, 1956

Alaska Constitution, Article 4

Voters approved



Merit Selection to ensure high quality judges;

Retention Elections for accountability to the people

How Merit Selection Works in Alaska



Alaska works together to choose our judges!

www.ajc.state.ak.us

Alaska Judicial Council

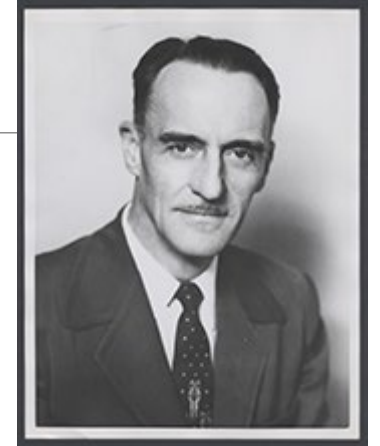
Alaska Judicial Council makes nominations

- ❖ The Alaska Judicial Council is a nonpartisan judicial nominating commission;
- ❖ Members are volunteers (no pay);
- ❖ Judicial Council evaluates applicants on their professional qualifications;
- ❖ Judicial Council nominates the “most qualified”



Alaska Judicial Council, 2021

“the Judicial Council will seek for the best available timber” — Delegate Ralph Rivers



The Judicial Council’s process:

- ❖ solicit input from the public & lawyers;
- ❖ investigate each applicant’s qualifications;
- ❖ interview each applicant;
- ❖ nominate the most qualified (at least two individuals);

The Governor makes the final choice:

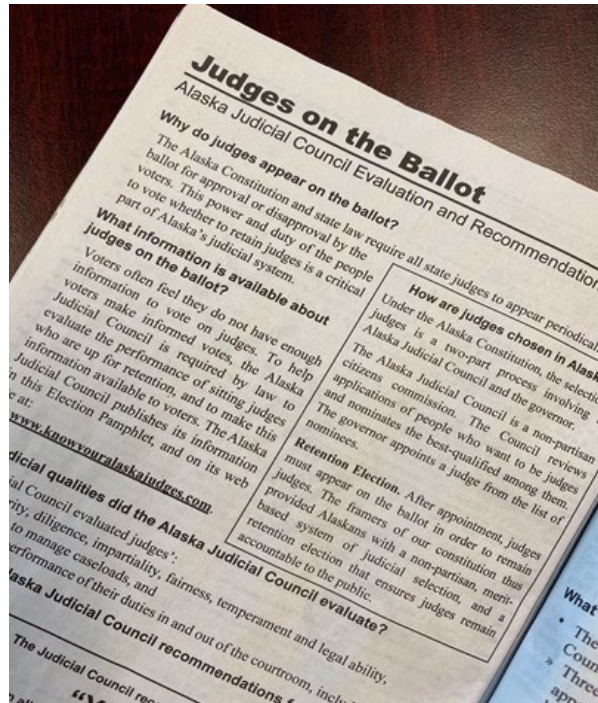
- ❖ appoints a judge from among the Council’s nominees.



Alaska Judicial Council public hearing in Nome, Alaska

Judicial Retention Elections

- ❖ Once appointed, a judge serves a limited term in office;
- ❖ Voters then decide whether the judge should be retained for an additional term in office.

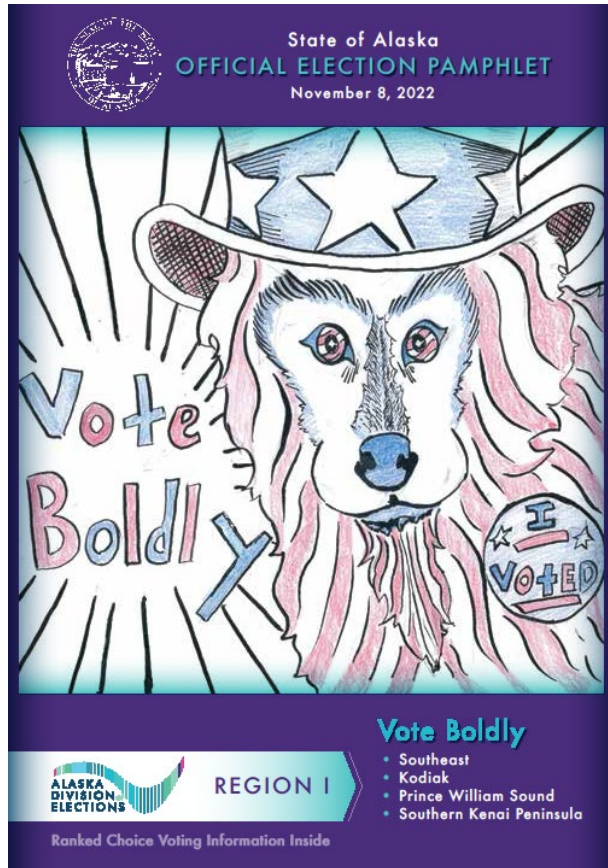


How judicial retention elections work

- ❖ Judges do not run against opponents
- ❖ Nonpartisan ballot
- ❖ Judges cannot campaign unless they become the subject of “active opposition” against their retention
- ❖ Judicial Council evaluates judges & provides information to voters



Judicial Council provides information for voters



Alaska Judicial Council Evaluation

Judge Bethany S. Harbison, Alaska Court of Appeals

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

Other performance indicators: The Council reviewed other performance indicators for Judge Harbison, including financial and conflict of interest statements, and whether pay was withheld for an untimely decision. Judge Harbison performed well in these areas.

Justice System Professionals' Survey Ratings for "Overall" Job Performance for Judge Harbison

Group	Rating
Attorneys, n=115	4.3
Court Employees, n=29	4.9

Rated on a scale from 5 (excellent) to 1 (poor)
*Judges are rated by different groups depending on caseloads.

Find this judge's full performance evaluation at www.ajc.state.ak.us

Summary: After conducting its performance review, the Judicial Council determined that Judge Harbison met or exceeded performance standards on all criteria, including legal ability, integrity, impartiality/fairness, temperament, diligence, and administrative skills. The Council further concluded that Judge Harbison complied with judicial ethics standards.

The Alaska Judicial Council therefore recommends a "yes" vote to retain Judge Harbison in office.

Survey ratings: Attorneys who appeared before Judge Harbison gave her excellent reviews, as did court employees. The chart shows some of the survey ratings received by Judge Harbison. Complete survey ratings are available at www.ajc.state.ak.us.

Professional activities: The Council's review of Judge Harbison's professional activities showed significant contributions to the administration of justice and her community. Judge Harbison made contributions in the areas of committee and work group service, community outreach, teaching, and youth activities. A detailed list of Judge Harbison's professional and community activities is posted at www.ajc.state.ak.us.

PAGE 77 2022 REGION I

Statewide media



Official Election Pamphlet

Information for voters on the Internet

The screenshot shows the Alaska Judicial Council website. At the top, there is a yellow header with the State of Alaska logo and a search bar labeled "Search AJC" with a "find" button. Below this is a blue banner with the Alaska Judicial Council logo and the text "Alaska Judicial Council". A navigation menu includes links for HOME, SELECTION, RETENTION, PUBLICATIONS, LINKS, and ABOUT AJC. The main content area is titled "Judge Performance Evaluations" and features a colorful illustration of a dog in a judge's robe. It includes three dropdown menus: "Select a Community", "Select a Judicial District", and "Select a Judge". There are also two informational boxes: one explaining that if a community is not in the dropdown, users should refer to a Judicial District Chart and Map; another box with a link to "See all judges standing for Retention in 2020". Below the dropdowns, there are sections titled "Why do judges appear on the ballot?" and "How do I know whether the judges on the ballot are doing a good job?". A "Quick Retention Links" sidebar on the right lists various resources like FAQs, evaluation processes, and lists of judges. At the bottom, a note states that the Council issued a press release on September 9, 2020.

State of Alaska Search AJC find

Alaska Judicial Council

HOME SELECTION RETENTION PUBLICATIONS LINKS ABOUT AJC

AJC Home > Retention

Judge Performance Evaluations

See all the judges that will be on my ballot:

Select a Community

Select a Judicial District

Search for a specific judge on the ballot:

Select a Judge

If your community is not in the dropdown menu, please refer to this [Judicial District Chart and Map](#) to find your judicial district.

[See all judges standing for Retention in 2020 »](#)

Why do judges appear on the ballot?

The Alaska Constitution requires a vote of the people for sitting judges to be retained in office. Judges appear on the ballot at the general election in even-numbered years; this is referred to as a "retention election" or a "judicial retention election." A majority of votes determines whether a judge remains in office for another term.

Judicial retention elections are non-partisan. Judges standing for retention do not run "against" anyone; instead, they run to retain their positions, based on their performance in office. Judges are not allowed to campaign unless someone actively opposes their bid to stay in office.

How do I know whether the judges on the ballot are doing a good job?

To give voters information about judges' performance, state law requires the Alaska Judicial Council to evaluate each judge standing for retention. The Judicial Council has developed a process to fairly and accurately evaluate each judge's performance and report that back to you. Judicial evaluations collect information about the judge's performance and input from everyone who has contact with a judge, including jurors, police officers, court staff, lawyers, social services professionals, and litigants. This information is then used to determine whether the judge met performance standards, including their knowledge of the law, and their fairness and diligence.

Quick Retention Links

- › [FAQs about Judges on the Ballot](#)
- › [How Judges are Evaluated](#)
- › [Evaluations of Judges on the 2020 Ballot](#)
- › [Info on All Sitting Judges](#)
- › [Laws about Judges on the Ballot](#)
- › [List of Judges for Upcoming Elections](#)
- › [Comment on Judges](#)
- › [Past Evaluations](#)

The Council issued a [press release](#) announcing their report to the community about judges on the ballot on September 9, 2020.

Voter information on Judicial Council website

The screenshot displays the Alaska Judicial Council website for Judge Kari L. McCrea. At the top, there is a navigation bar with 'State of Alaska' on the left and a search box labeled 'Search AJC' on the right. Below this is the council's logo and the title 'Alaska Judicial Council'. A secondary navigation bar includes links for 'HOME', 'SELECTION', 'RETENTION', 'PUBLICATIONS', 'LINKS', and 'ABOUT AJC'. The main content area is titled 'Kari L. McCrea, Anchorage District Court | Third Judicial District' and features a prominent green box stating 'RETAIN | 6 - 0'. To the left of the text is a portrait of Judge McCrea. The 'Performance Summary' section states that the council determined she met or exceeded performance standards. A bar chart titled 'Justice System Professionals' Survey Ratings for Judge Kari L. McCrea' shows ratings from 1 (poor) to 5 (excellent) for various categories: Legal Ability (4.4), Impartiality (4.4), Integrity (4.6), Temperament (4.7), Diligence (4.6), and Overall (4.5). The chart compares ratings from Attorneys (blue), Peace and Probation Officers (grey), and Court Employees (orange). A note indicates that judges are rated by different groups depending on caseloads. Below the chart, the 'Performance Findings' section lists key findings, including ratings by justice system professionals, jurors, professional activities, other performance indicators, and timeliness.

State of Alaska Search AJC find

Alaska Judicial Council


HOME SELECTION RETENTION PUBLICATIONS LINKS ABOUT AJC

AJC Home > Retention > Kari L. McCrea

Kari L. McCrea

Anchorage District Court | Third Judicial District

RETAIN | 6 - 0



Judge McCrea was appointed to the Anchorage District Court in September of 2017. This is her first retention election. Judge McCrea handles both civil and criminal cases.

Performance Summary

After conducting its performance review, the Judicial Council determined that Judge McCrea met or exceeded performance standards on all criteria, including legal ability, integrity, impartiality/fairness, temperament, diligence, and administrative skills.

The Council also determined that Judge McCrea met or exceeded educational requirements set by the Alaska Supreme Court.

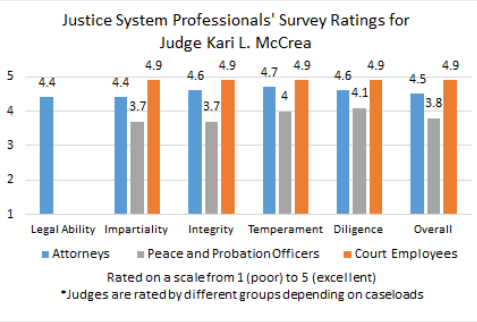
Because Judge McCrea met or exceeded all performance and professional development standards, the Alaska Judicial Council **recommends a "yes" vote** on retention in office.

Performance Findings

The Council conducts a thorough performance review of each judge standing for retention. Key findings for Judge McCrea include:

- Ratings by justice system professionals:** Attorneys and law enforcement officers who appeared before Judge McCrea gave her good reviews, as did court employees. The chart shows the survey ratings received by Judge McCrea.
- Ratings by jurors:** Jurors who served in trials before Judge McCrea during 2018 and 2019 rated her 4.8 overall on a five-point scale. One juror commented, "Overall experience was great. Thank you."
- Professional activities:** The Council's review of Judge McCrea's professional activities showed exceptional contributions to her community and to the administration of justice. Judge McCrea served as a Co-chair of the Alaska Supreme Court Fairness, Diversity, and Equality Committee (a group that works to promote fairness, diversity and equality in the court system), and on a subcommittee to promote cultural competence. She was a member of the court system's Judicial Conduct Rules Committee, and she worked on the "Success Inside and Out" conference at Hiland Mountain Correctional Center. She served as a Training Judge for magistrates. She participated annually in the Color of Justice program (an initiative to encourage diverse youth from throughout the state to consider legal and judicial careers), and she taught court education classes for new citizens. She volunteered to fill in as a judge when the communities of Bethel and Kenai were shorthanded.
- Other performance indicators:** The Council's review of other performance indicators, including Judge McCrea's financial and conflict of interest statements, disqualifications from cases, and appellate reversal rates, raised no performance concerns.
- Timeliness:** Alaska law requires judges' pay be withheld if a decision is pending longer than six months. The Council verified that Judge McCrea was paid on schedule, and she certified that she had no untimely decisions.

Justice System Professionals' Survey Ratings for Judge Kari L. McCrea



Category	Attorneys	Peace and Probation Officers	Court Employees
Legal Ability	4.4		
Impartiality	4.4	3.7	4.9
Integrity	4.6	3.7	4.9
Temperament	4.7	4	4.9
Diligence	4.6	4.1	4.9
Overall	4.5	3.8	4.9

Rated on a scale from 1 (poor) to 5 (excellent)
*Judges are rated by different groups depending on caseloads



Judges on the ballot in November

Supreme court justices: Dario Borghesan and Jennifer Henderson.

Court of Appeals judges: Marjorie Allard and Tim Terrell.

Trial court judges:

Rachel Ahrens
Bride Seifert
Herman Walker, Jr.
Adolf Zeman
Leslie Dickson
Michael Franciosi
J. Patrick Hanley
Michael Logue
Kari McCrea
David Wallace
Pamela Washington

Judicial Retention Elections



**"ALL IT TAKES IS
GOING ONLINE,
LEARNING
ABOUT JUDGES,
AND THEN
GOING TO VOTE."**

- Ruth Miller, student

Review your voter pamphlet or
go to knowyouralaskajudges.org

Judicial Ethics in Alaska

Alaska State Court Judges must follow an ethics code called the Alaska Code of Judicial Conduct

This ethics code is enforced by the Alaska Commission on Judicial Conduct, a body created by the Alaska Constitution



Alaska Judges Must



Disqualify from cases where they have a conflict under the Alaska Disqualification Statute or the Code of Judicial Conduct;

Avoid even the appearance of impropriety in their private and public lives;

Not participate in political activity, except their own retention election;

Provide financial disclosure forms to both the Alaska Public Offices Commission and the Alaska Court System

Questions?

