

 **NORTHRIM ASSOCIATES**

AN ANALYSIS OF THE RESULTS OF A SURVEY
FOR THE ALASKA JUDICIAL COUNCIL

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INTRODUCTION

As part of a continuing effort at self-evaluation, the Alaska Judicial Council commissioned this study concerning judge retention voting behavior and attitudes in early 1979. This report summarizes the results of this study, a survey of voters who voted in the 1978 Fall election. The survey questioned respondents about their voting behavior, particularly regarding their selection of judges for retention or non-retention, asked for their knowledge of or familiarity with the present system of judge evaluation used by the Alaska Judicial Council, their knowledge of or familiarity with the Alaska Judicial Council itself, requested suggestions for improvements in the rating and evaluation system now used and for preferences as to methods which the Alaska Judicial Council could use to communicate its evaluations and recommendations.

The study was conducted during the months of April - May 1979, by mail. A random sample of 1001 voters in the Third Judicial District was selected by computer to proportionally represent voters throughout the district. Each was mailed at least one of three mailings which included the survey questionnaire itself, a letter explaining briefly the reason for the study, and a return envelope. Second and third mailings were sent to those who did not respond to previous mailings or whose survey did not return due to a change of address. To protect the confidentiality of all respondents, mailing labels were used and stripped off returned

surveys on arrival. The questionnaire was designed in consultation with the Judicial Council Executive Director and was refined in consultation with him. Letters to respondents were written and mailed on Judicial Council letterhead.

Sample Design:

Table a shows the random sampling design and sample characteristics of the Alaska Judicial Council survey respondents by community of residence. Of the original 1001 voters selected, 75 questionnaires were returned as undeliverable, leaving 926 questionnaires presumably delivered to respondents. The first mailing resulted in 216 returned questionnaires, or 37.8 percent of the total.¹ The second mailing resulted in 187 returns, or 32.7 percent. Between the second and third mailings, telephone calls were made to 45 percent of the remaining sample over three evenings. With this additional encouragement, 168 returns or 29.4 percent of the 586 questionnaires were returned in time for computer processing. A total of 236 telephone calls were completed between May 29 and May 31, 1979.

Of the 926 delivered questionnaires, 586 were returned before computer processing. Another 9 were returned after computer processing and an additional 51 were eliminated either because they obviously had been completed by someone other than the respondent chosen, the respondent said they did not vote in the 1978 election or failed to complete any of the information requested in the questionnaire. A total of 571 valid questionnaires remain

1. Total of 571 analyzed

as the basis for the analysis which follows. This represents a 62 percent response rate based on the 926 delivered questionnaires.

Table a. Sample Design and Alaska Judicial Council Sample Characteristics by District

DISTRICT	No. Votes Cast 1978 Election	Percent of Total Votes	Sample N	AJC Survey Returns Percent	N =
5 - Valdez Cordova- Seward	4,071	5.3	53	5.0	28
6 - Matanuska Valley	6,515	8.5	85	9.3	52
7 - 12 Anchorage	53,180	69.2	692	69.3	388
13 - Western Kenai	8,109	10.6	106	10.5	59
14 - Kodiak	2,133	2.8	28	3.6	20
15 - Aleutian Chain	1,211	1.6	16	0.7	4
16 - Bristol ¹ Bay	1,354	1.8	18	1.4	8
19 - Copper ¹ Center Glenallen	224	0.3	3	0.2	1
	<u>76,797</u>	<u>100.1</u>	<u>1001</u>	<u>100.0</u>	<u>560²</u>

1. Only certain precincts within these election districts are also included in the Third Judicial District. The sample size and mailings are, therefore, limited to only those certain precincts.
2. Percentages were calculated from a base of 560 cases, since 11 respondents did not indicate community of residence.

Demographic Characteristics:

In keeping with the intent of this study and in order to maintain the strict confidentiality of respondents, little demographic information was obtained from those who returned the survey questionnaire. Only community of residence, sex, age and educational attainment were asked. While the results of the comparison of sample size by community of residence shown in Table a indicates that our sample is quite representative of the Third Judicial District as a whole on this factor, there is no direct comparison of our sample with a comparable population on other demographic characteristics. At this time, official election statistics are not maintained on a precinct level by age and sex although the State Elections Office did provide age and sex tabulations of Fall, 1978 voters for the State as a whole. Table b shows a comparison of the Alaska Judicial Council sex and age distributions as of 1978. While the sex distributions are quite similar, median age for our sample reflects a sample of voters as opposed to a total population reflected in the Anchorage Municipal age statistics.

Our sample of voters appears to be somewhat skewed in favor of better educated voters, since 67.6 percent of the sample have attained at least some college. The Anchorage Urban Observatory's statistics for 1978 indicate a total population median educational attainment of 13.2 years, with 54.9 percent having some college or more education. Table c compares these Anchorage municipal education levels with sample educational attainment levels.

Table b: Comparison of 1978 Official Election Statistics and 1978 Statistics for the Municipality of Anchorage and Alaska Judicial Council Survey sample age and sex characteristics, 1979

SEX	1979 AJC SURVEY SAMPLE	1978 MUNICIPALITY OF ANCHORAGE	1978 ALASKA VOTERS
PERCENT MALE	52.2	52.4	54.1
PERCENT FEMALE	47.8	47.6	45.9

PERCENTAGE IN SELECTED AGE CATEGORIES

<u>AJC SURVEY SAMPLE</u>		<u>1978 MUNICIPALITY OF ANCHORAGE</u>		<u>1978 ALASKA VOTERS</u>	
18 & 19	1.9	15 - 19	10.5	18 & 19	2.4
20	0.8			20	2.0
21	0.6			21	2.4
22 - 24	5.6	20 - 24	11.4	22 - 24	9.4
25 - 34	34.5	25 - 34	21.1	25 - 34	33.9
35 - 44	23.7	35 - 44	14.1	35 - 44	21.4
45 - 54	16.9	45 - 54	9.6	45 - 54	14.9
55 - 59	6.2	55 - 59	2.4	55 - 59	5.6
60 - 61	2.5			60 - 61	1.6
62 - 64	2.2	60 - 64	2.1	62 - 64	2.0
65 - 74	5.1	65 - 74	1.9	65 - 74	3.2
74 +	-			74 +	1.1
TOTAL	100.0		73.1		100.0

SOURCE: Alaska Judicial Council Survey, 1979, by NORTHTRIM ASSOCIATES, INC.; Anchorage Urban Observatory, 1978 Population Profile, Municipality of Anchorage, reprinted as Table II-3 in Anchorage Annual Planning Information FY 1980, Alaska Department of Labor, 1979; State Division of Elections, Statistical Summary of 1978-2 Elections, February 18, 1979 computer tabulation.

TABLE c: Comparison of Anchorage Municipal and Alaska Judicial Council Survey Educational Attainment Levels

	ALASKA JUDICIAL COUNCIL SURVEY - 1979 - VOTERS		ANCHORAGE MUNICIPALITY Total Population - 1978	
EDUCATIONAL ATTAINMENT	1 - 8 years	2.8	1 - 11 years	12.9
LEVEL	9 - 12 years	29.6	12 years	32.2
	13 - 16	48.7	13 - 15 years	25.6
	17 +	18.9	16 years	14.3
			17 +	15.0
	TOTAL	100.0	TOTAL	100.0

SOURCE: ALASKA JUDICIAL COUNCIL SURVEY, 1979, by NORTHRIM ASSOCIATES, INC. and ANCHORAGE URBAN OBSERVATORY, 1978 POPULATION PROFILE, MUNICIPALITY OF ANCHORAGE, 1979.

Organization of the Report:

The report is organized into three sections. The first section reports the results of the analysis of all 571 cases by question. The second section reviews significant trends obtained from analysis of three groups of voters - those who voted a straight no ticket in judicial elections, those who voted a straight yes ticket and those who discriminated in their vote - i.e. those who voted both to retain and to not retain judges in the 1978 election. Finally, the third section reviews selected cross-tabulations which were found to be significantly related to three questions: 1) What influenced Third Judicial District voter's voting behavior, 2) What is the voter's evaluation of the current Judicial evaluation system and 3) What methods of communication are favored in communicating Alaska Judicial Council evaluations to the public before elections. The report concludes with policy recommendations based on these three analyses.

An Appendix presents the questionnaire, letters to respondents, a complete set of tables used in the analyses, and a sampling of responses for each of the code categories used in the interpretation of open-ended responses. Selected answers to question 18 which encouraged respondents to freely express additional thoughts on the survey are also included in the appendix.

ANALYSIS OF THE TOTAL SAMPLE

Voting Behavior:

The first questions in the survey concerned respondents' actual voting behavior in the Fall, 1978 election. Questions 1,2,8 and 9 below show the percentage and total number of respondents who voted in the Fall 1978 election, who voted for or against judges in that election, and who specifically voted for or against the retention of the judges on the 1978 ballot.

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?

YES	NO
100.0% n = 571	-

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

YES	NO
91.9% n = 519	8.1% n = 46

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

YES	NO
89.7% n = 481	10.3% n = 55

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

YES	NO
76.1% n = 386	23.9% n = 121

Since the survey was conducted to assess the impact of the present system of judicial evaluation on voter decision-making, the few cases of respondents who did not vote in the Fall, 1978 election were eliminated from the analysis. Of the 571 valid cases, 519 or 92 percent also stated that they voted either for or against the judges on the ballot.² Slightly fewer (90 percent) stated that they voted to retain at least some of the judges on the ballot, while 76 percent stated that they voted to not retain "any of the judges on the ballot."

Pre-voting behavior: How prepared are voters in judicial elections? How informed are they about the judges they vote to retain or not retain? In an attempt to understand these pre-voting decisions and behaviors, the survey asked a number of questions including questions 3, 4, 5, 6 and 10 which are described below.

2. This and subsequent percentage comparisons are based on a total number which excludes these cases which had missing information or in which the question was unanswered. In this case, 519 is 92% of 563 cases, since 8 respondents did not answer this question.

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

	YES		NO
70.5%	n = 397	29.5%	n = 166

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

	YES		NO
45.9%	n = 257	54.1%	n = 303

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

	YES		NO
71.1%	n = 401	38.9%	n = 163

6. If you read those ratings, what was your opinion of them?

Helpful	55.4%	n = 230
Good Idea	38.1%	n = 158
Of No Use	4.3%	n = 18
Should be Eliminated	2.2%	n = 9

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

<u>Percent</u>	<u>n =</u>	
7.5	39	1. Judge's summary
23.4	121	2. Alaska Judicial Council Rating
7.9	41	3. AJC Recommendation
51.9	269	4. Knowledge of judge based on such things as media coverage of his/her decisions and actions
0.6	3	5. Paid ads
8.7	45	6. Other: (Please specify) _____

The first question concerned whether the voter had read the judge's own personal summary presented in the Election Pamphlet. Seventy percent of the respondents stated that they had read the Judge's summary. Slightly more stated that they had read the Alaska Judicial Council ratings prior to voting. (71 percent). A total of 46 percent stated that they had seen or heard advertisements in the media on behalf of or against judges before the Fall 1978 election.

When asked to evaluate how helpful the Judicial Council ratings were in providing pre-voting information on which to base voting decisions, 93 percent of the respondents responded favorably to the rating system, 55 percent of the sample stated that they found the ratings helpful and another 38 percent stated the ratings are a good idea. Only 6 percent felt the ratings were either "of no use" or "should be eliminated."

Question 10 asked "In deciding whether to retain or not retain a judge, which source of information was most important to you?" Rather surprisingly, 52 percent of the respondents mentioned "knowledge of the judge based on such things as media coverage of his/her decisions and actions" as their most important source of information. The Alaska Judicial Council rating was second in importance but drew significantly fewer respondents - 23 percent. The council's recommendation of the judge received another 7.9 percent of the responses.

Two additional open-ended questions shed some light on the pre-voting decision-making process.

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

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

Responses to question 8A suggest that the most important reason for retaining a judge is satisfaction with the judge's performance. Voter satisfaction is based on either positive reports of the judge's performance or no negative reports. For example, respondents stated "They have done adequate jobs" but they also said "I knew nothing against them."

Additional factors mentioned as important under question 8A were the judge's performance record, the Alaska Judicial Council's ratings of the judge and personal knowledge of the judge. Fifth in importance was "information contained in the voter pamphlet", which could be interpreted either as the judge's summary or Alaska Judicial Council ratings or both.

Table 5 gives the percentage responses to this question. If we combine "doing adequate job", "judge's record" and "personal attributes of the judge" we find that 56.2 percent of the responses refer to one of these personal assessments of judicial performance. Combining "Alaska Judicial Council ratings" and "information in the voter pamphlet" yields an additional 20.4 percent of responses.

A second open-ended question asked why voters voted to not retain a judge, if they had done so. (Question 9A.) Twenty-eight percent of those respondents who voted against retention of judges in the Fall, 1978 election mentioned that the judge's performance was their primary reason for voting not to retain him/her. In contrast to responses to question 8A, respondents who voted not to retain a judge indicate some direct knowledge of the judge's performance in their answers. Examples of this choice are the following:

"Incompetent to serve"
"Unfair judge"
"Questioned integrity"
"Thought someone else could do
a better job"

The second most frequent response to this question was that the judge in question "was too lenient with criminals." The Alaska Judicial Council ratings of the judge and personal experience or knowledge of the judge were further criteria used in the decision to vote against retention, receiving 13.5 and 10.8 percent of the total responses to question 9A.

Combining the "doing an inadequate job", "judicial performance record" and "too lenient with criminals" categories, we find that 50.7 percent of the responses to question 9A are directly related to personal assessment of judicial performance. "Information in the voter pamphlet" and "Alaska Judicial Council ratings" received another 20.4 percent of the responses to question 9A. Another 13.2 percent cited either "personal opinion or experience" or "discussions with others" as their most important reason for voting not to retain

a judge. (See Table 6)

Knowledge of the Alaska Judicial Council: A central concern of the survey was a better understanding of voter awareness of the Alaska Judicial Council, its rating system and other components of the judicial evaluation system. Questions 13, 13a, and 13b addressed these issues.

13. Had you heard about the Alaska Judicial Council before the Fall, 1978 election?

YES		NO	
19.7%	n = 104	80.3%	n = 423

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

	<u>PERCENT</u>	<u>N =</u>
"That it existed"	43.5	37
"That it recommended/ evaluated judges"	35.3	30
"Doing a good job"	8.2	7
"Miscellaneous/other"	8.2	7

13b. How, or in what connection had you heard about the Council?

	<u>PERCENT</u>	<u>N =</u>
Media	46.1	47
Voter pamphlet	22.5	23
Friends in profession	13.7	14

There is still considerable lack of awareness about the Judicial Council on the part of many voters. When asked if they had heard about the Council prior to voting, 20 percent of the respondents stated that they had. Of those who had heard of the Council, 44 percent mentioned that they had heard it existed while another

35 percent mentioned that they knew that the Judicial Council rated and evaluated judges. When asked how they had heard about the Alaska Judicial Council, most respondents mentioned a media source (46 percent). The voter pamphlet was the second most important source of voter information. Unfortunately, with so few having information about the Judicial Council only 102 responded to this question. The extreme lack of information about the Alaska Judicial Council has important effects on utilization of the Judicial Council's rating system in voting as will be discussed in greater detail later in the report.

The Alaska Judicial Council System of Evaluation and Suggestions
for Improvement:

Several questions in the survey were related to a list of characteristics of judges used by the Alaska Judicial Council in its present system of judicial evaluation. Question 11a below lists the first, second and third preferences of respondents on this list of characteristics. The top three characteristics are 1) the judge's sense of basic fairness and justice, 2) his/her legal knowledge and reasoning ability and 3) integrity.

A second question (question 11b) asked respondents to eliminate those factors from the same list which were considered unimportant in rating judges. The bottom three choices were: 1) willingness to work diligently, 2) human understanding and compassion and 3) consideration of relevant sentencing factors.

A third question (question 11c) asked for additional factors that might be added to the judicial rating system. The "judge's performance history" received 31.0 percent of the responses to this question. Other responses - a miscellaneous category - and "Personal attributes of the judge" each received about 20 percent of the responses to this question.

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 to 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 - 5 - SENSE OF BASIC FAIRNESS AND JUSTICE

Second Most Important - 1 - LEGAL KNOWLEDGE AND REASONING ABILITY

Third Most Important - 8 - INTEGRITY

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.)

7 - WILLINGNESS TO WORK DILIGENTLY

6 - HUMAN UNDERSTANDING AND COMPASSION

2 - CONSIDERATION OF RELEVANT SENTENCING FACTORS

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

	<u>PERCENT</u>	<u>N =</u>
Judge's performance history	31.0	31
Other	20.0	20
Personal attributes of judge	19.0	19

Another question (12) asked for other suggestions for improving the judicial evaluation system, other than surveying lawyers, peace officers and jurors. Respondents were evenly split concerning whether or not other ways of evaluating should be tried. Another virtually equal group did not respond to this question at all. Of those who answered yes to this question, the most frequent addition to the evaluation system they suggested was information about the judges' performance history. Two other choices to question 12a receiving at least 10 percent of the remaining responses were "more questionnaires" and various media approaches. A miscellaneous "other" category also received 14 percent of the responses to this open-ended question.

12. 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?

YES		NO	
50.1%	n = 188	49.9%	n = 187

12a. If YES: what are these ways?

	<u>WAYS</u>	<u>n =</u>
Judge's performance record	37.7%	69
Other	14.2%	26
More questionnaires	13.1%	24
Media approaches	12.0%	22

	YES	NO
Survey people who appeared before the judge	8.7%	16
Survey people who work with judges	7.1%	13
Evaluate recidivism	3.8%	7
Make judges campaign	3.3%	6
	<u>99.9%</u>	<u>183</u>

Another question asked earlier in the survey (question 7) also addresses the needs of an expanded information base on which to evaluate judges prior to voting. It asks: "If you believe that more information should be provided, what would you like to know?" A typical response to this open-ended question is the following:

"I think we should know their views on drugs, alcohol and murder. How he or she feels about different races. What their reason for becoming a judge was - to help society or for personal profit."

Another response states:

"Laws can often be bent in favor or against a person. The "best" lawyers may protect a rich man. A judge shouldn't let this happen. If loop-holes are found they are responsible to change or help change the laws to penalize criminals and protect the public. If we could know which judges were which!"

These wide-ranging responses are difficult to categorize. The percentage distribution on this question is presented below. The reader may also wish to check the appendix to see how specific responses to this question were categorized.

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

	<u>PERCENT</u>	<u>N =</u>
1. Judges performance record	44.1	89
2. Personal attributes of the judge	13.4	27
3. Position on key laws, issues	11.4	23
4. Courtroom opinion	3.0	6
5. Need more information	10.4	21
6. Prejudice for/against special interests	4.5	9
7. Alaska - specific knowledge	1.5	3
8. Miscellaneous	11.9	24
	<hr/> 100.0	<hr/> 202

While there was a fairly wide range of responses to this question, only the judge's performance record received close to a majority of responses (44 percent). The judge's personal attributes, his/her position on key laws or legal issues and a general request for "more information" were the next most frequently mentioned.

Methods of Communication:

One of the goals of this survey was to obtain information concerning voters views about the communication of information about judges prior to or during an election in which judge retention is on the ballot. Question 14 asked respondents whether the Alaska Judicial Council should publish information about judges in the Election Pamphlet - i.e. as in the present system. Not surprisingly, 94 percent of the respondents agreed that the

the Judicial Council should do so.

Question 15 asked whether the Alaska Judicial Council should make recommendations for or against retention of judges it evaluates. Here, only 60 percent of the respondents favored a recommendation by the Alaska Judicial Council.

Question 16 asked respondents to circle methods of communication which the Alaska Judicial Council might use to communicate its evaluation to voters.

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?

YES		NO	
93.6%	n = 500	6.4%	n = 34

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?

YES		NO	
60.5%	n = 319	39.5%	n = 208

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.

	<u>PERCENT CIRCLED</u>
1. The Official Alaska Election Pamphlet.	74.4
2. By direct mail to all registered voters.	58.3

	<u>PERCENT CIRCLED</u>
3. Speeches and other public appearances by Council members and staff explaining the results of the evaluation.	26.4
4. Newspaper advertising.	42.2
5. Radio and television advertising.	31.9
6. Other: (please specify)	5.6

100.0

N =

571

Responses to question 16 indicate a rather strong trend in favor of official, direct mail or newspaper advertising as acceptable means of communicating judicial evaluations. A full 74.4 percent of the responses were in favor of the Official Alaska Election Pamphlet. Second in support was direct mail appeals to registered voters (58.3 percent) Third with 42.2 percent support was newspaper advertising. Radio and television advertising received 31.9 percent support, while "speeches and other public appearances by Council members and staff explaining the results of the Evaluation" received only 26.4 percent support.

Finally, a serious concern of the Alaska Judicial Council is addressed in question 17 - how to inform voters when, after a judicial rating and evaluation is completed, it is determined that a judge is unqualified.

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?"

Express no opinion	10.7
Only express opinion in Official Election Pamphlet	40.1
Strongly advertise	<u>49.1</u>
Total	100.0
N =	521

Responses to this question show that 49.1 percent of the voters are in favor of strong advertising in important non-retention cases, another 40.1 percent were in favor of strictly expressing opinion in the Official Election Pamphlet. Only 10.7 percent of survey respondents favored no expression of opinion by the Alaska Judicial Council. Later analysis indicates that these responses vary somewhat with three types of voters - voters who voted a straight yes ticket in judicial elections, those who voted straight no and those who voted both yes and no in judicial elections. The analysis of these three groups of voters follows in the next section of this report.

THREE GROUPS OF VOTERS

Is there a difference between voters who vote only for judges, those who vote only against judges, and voters who vary their voting behavior to fit the judge, based on the judge's ratings and other information provided or known about this judge. In an attempt to determine whether these differences could be discerned, we divided the total sample into three groups of voters. The first group, "no voters", stated that they voted not to retain at least one of the judges on the ballot (question 9), but they also did not report having voted to retain any judges (question 8). There were 32 respondents who fit this category of voters voting only against retention.

The second group we called the "yes voters" because they said they voted to retain judges (question 8) but they answered no to question 9--i.e., they did not vote against any of the judges on the Fall, 1978 ballot. There were 124 "yes voters" among our respondents.

The third group, the "Discriminators", voted both to retain judges (question 8) and to not retain judges (question 9). The majority of respondents fit into this group (355). An additional 60 cases could not be categorized in any of the above groups and are excluded from the present analysis.

The analysis which follows selects the most important questions in the survey and compares these three groups of voters in their response to these question. It also addresses the issue of the extent to which these three groupings are the most important ones that could be made in assessing the variation in voter opinion and behavior concerning judicial retention. In other words, are there other influences that are more important than voting behavior itself which might be said to distinguish voters in judicial elections and about which we have information? Perhaps educational attainment is itself as important as whether one votes no, yes, or discriminates? Perhaps age or community of residence are as important in determining what one reads or attends to in the judicial voting process? Perhaps these characteristics of voters are more important than how one votes in determining how one would receive different types of communication about judicial performance.

Pre-voting Behavior:

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

	YES		NO	
No voters	62.5%	n = 20	37.5%	n = 12
Yes voters	59.3%	n = 73	40.7%	n = 50
Discriminators	80.1%	n = 282	19.9%	n = 70

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

	YES		NO	
No voters	35.5%	n = 11	64.5%	n = 20
Yes voters	37.1%	n = 46	62.9%	n = 78
Discriminators	53.0%	n = 184	47.0%	n = 163

5. Before you voted, had you read the Judicial Council's rating of judges published in the Election Pamphlet?

	YES		NO	
No voters	65.6%	n = 21	34.4%	n = 11
Yes voters	53.3%	n = 65	46.7%	n = 57
Discriminators	84.1%	n = 296	15.9%	n = 56

6. If you read those ratings, what was your opinion of them?

	1. Helpful		2. Good idea, but want more information	
No voters	27.3%	n = 6	63.6%	n = 14
Yes voters	69.7%	n = 46	27.3%	n = 18
Discriminators	55.1%	n = 167	37.6%	n = 114

	3. Of no use	4. Should be eliminated
No voters	9.1% n = 2	- -
Yes voters	1.5% n = 1	1.5% n = 1
Discriminators	4.6% n = 14	2.6% n = 8

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)

RANKING BY MENTION

<u>No Voters</u>	<u>Yes Voters</u>	<u>Discriminators</u>	
2	3	4	1. The judge's own summary of his/her background.
4	2	2	2. The Alaska Judicial Council's rating of the judge.
3	5	3	3. The Judicial Council's recommendation of the judge.
1	1	1	4. A knowledge of the judge based on such things as media coverage of his/her decisions and actions.
-	6	5	5. Paid advertisements for or against the judge published or broadcast in the media.
2	4	4	6. Other: (Please specify) _____

While no voters and yes voters are about the same in their responses to all three pre-voting questions dealing with voter preparation in Judicial elections, the discriminator group is considerably better informed. They not only were more likely to have read the judges summary (question 3), they also were considerably more likely to have read the Judicial Council's ratings of judges--i.e., to have used the voter election pamphlet prior to voting (question 5). These voters were also more likely to have seen advertisements for or against a judge prior to voting--i.e., to have attended to ads

prior to voting (question 4). In keeping with this more informed stance, the discriminator group also was more balanced between wanting more information and feeling that the Judicial Council rating system is helpful as it is (question 10). Few of the respondents in any of the groups felt the rating system was "of no use" or "should be eliminated."

On Question 10, there are both similarities and differences between the three groups of voters. A knowledge of the judge based on media coverage of his/her decisions and actions ranked first for all three groups. For both the yes voters and discriminators, Judicial Council ratings or recommendations ranked second. No voters were more idiosyncratic in their choice of information, and appeared more swayed in their vote by personal characteristics of the judge. Yes voters and discriminators relied more heavily on information contained in the voter election pamphlet.

Knowledge of the Alaska Judicial Council:

As in the case of questions pertaining to pre-voting behavior, answers to question 13, 13a and 13b also reflect more knowledge of the Alaska Judicial Council on the part of the discriminator group. Almost twice the percentage of discriminators had heard of the Alaska Judicial Council, for example. Their source of information was primarily the Alaska Election Pamphlet or "word of mouth."

"Now we would like to ask you about the Alaska Judicial Council."

13. Had you heard about the Alaska Judicial Council before the Fall, 1978 election?

	YES		NO	
No voters	13.3%	n = 4	86.7%	n = 26
Yes voters	12.7%	n = 15	87.3%	n = 103
Discriminators	25.1%	n = 83	74.9%	n = 248

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

Heard that it existed:

No voters	-	-
Yes voters	25.0%	n = 3
Discriminators	48.5%	n = 33

Heard it rated judges:

No voters	66.7%	n = 2
Yes voters	50.0%	n = 6
Discriminators	30.9%	n = 21

Council too biased:

No voters	-	-
Yes voters	-	-
Discriminators	2.9%	n = 2

Other/miscellaneous:

No voters	-	-
Yes voters	16.7%	n = 2
Discriminators	7.4%	n = 5

13b. How, or in what connection had you heard about the Council?

Voter pamphlet:

No voters	25.0%	n = 1
Yes voters	22.2%	n = 4
Discriminators	22.1%	n = 17

Word of mouth:

No voters	-	-
Yes voters	16.7%	n = 3
Discriminators	5.2%	n = 4

Personal experience:

No voters	-	-
Yes voters	-	-
Discriminators	11.7%	n = 9

Friends in profession:

No voters	25.0%	n = 1
Yes voters	11.1%	n = 2
Discriminators	14.3%	n = 11

Media:

No voters	50.0%	n = 2
Yes voters	50.0%	n = 9
Discriminators	44.2%	n = 34

Other:

No voters	-	-
Yes voters	-	-
Discriminators	2.6%	n = 2

The Alaska Judicial Council System of Evaluation and Suggestions for Improvement:

Question 11 asked the respondents to consider a list of factors used in the Alaska Judicial Council's current rating system, and to select the most important and least important factors from this list. In comparing the three groups of voters, virtually no difference appears in either the positive or the negative ranking of these factors, as compared with rankings for the sample as a whole. In all three groups, willingness to work diligently, human understanding and compassion and consideration of relevant sentencing factors ranked as least important, while sense of basic fairness and justice, legal knowledge and reasoning ability and integrity were ranked as top three. Equal treatment regardless of race, sex, social or economic status and restraint from favoritism toward either the prosecution or defense in criminal cases fell in the middle of both scales.

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 - 5 - SENSE OF BASIC FAIRNESS AND JUSTICE

Second Most Important - 1 - LEGAL KNOWLEDGE AND REASONING ABILITY

Third Most Important - 8 - INTEGRITY

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.)

Least Important - 7 - WILLINGNESS TO WORK DILIGENTLY

Second Least Important - 6 - HUMAN UNDERSTANDING AND COMPASSION

Third Least Important - 2 - CONSIDERATION OF RELEVANT SENTENCING FACTORS

While slight differences between the three groups and the sample as a whole did occur, the overall order in each group is virtually the same as that found for the total sample. It appears that evaluation of these basic characteristics of judges is unaffected by one's voting behavior. (See tables 8 and 9).

12. 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?

	YES		NO	
No voters	45.0%	n = 9	55.0%	n = 11
Yes voters	34.6%	n = 28	65.4%	n = 53
Discriminators	56.9%	n = 144	43.1%	n = 109

Question 12 asked whether respondents felt that additions to the system of judicial evaluation could be made that would "make it easier for voters to decide whether or not to retain a judge." Again, discriminators favored additions to the system more than did the other two groups. No voters showed more interest in additional

information than did yes voters. The type of information that could be added does not appear to differ greatly between the three groups. As in the case of the total sample, more information about the judge's performance record ranked first and personal information about the judge ranked second in responses to the open-ended question 12a "What are these ways?" More use of questionnaires and surveys of people who have appeared before the judge were also suggested by the yes voters and discriminators especially. Since the number of no voters is small, there are fewer responses for this group. Yet for all three groups, only the judge's performance record appears as a significant choice - chosen by at least one-third of each group. Other choices show little consensus about other additions to the system and considerable variety of choice. (See table 10)

Questions 14 and 15 indicate little difference between the three groups of voters concerning Alaska Judicial Council evaluation and recommendation per se, but answers to question 16 indicate some difference in approach suggested by the three groups of voters.

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?

		YES		NO	
No voters	93.3%	n = 28	6.7%	n = 2	
Yes voters	94.9%	n = 112	5.1%	n = 6	
Discriminators	94.1%	n = 321	5.9%	n = 20	

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?

		YES		NO
No voters	58.1%	n = 18	41.9%	n = 13
Yes voters	57.0%	n = 65	43.0%	n = 49
Discriminators	63.2%	n = 213	36.8%	n = 124

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 YOU THINK IS PROPER.

<u>No</u>	<u>Yes</u>	<u>Discriminators</u>	
75.0	70.2	79.4	1. The Official Alaska Election Pamphlet
56.3	57.3	61.1	2. By direct mail to all registered voters
28.1	30.6	27.0	3. Speeches and other public appearances by Council members and staff explaining the results of the evaluation
46.9	44.4	43.1	4. Newspaper advertising
46.9	33.1	30.7	5. Radio and television advertising
9.4	3.2	6.5	6. Other: (Please specify) _____

It appears that different voting behavior is associated with different preferences regarding methods of communication in cases of judicial non-retention. Not surprisingly, no voters are more likely to favor strong advertising methods in cases of non-retention. Discriminators are more likely to favor the official election pamphlet or direct mail approaches. Yes voters fall in the middle of the other two groups on all approaches.

FURTHER ANALYSIS

We know that the three groups of voters each respond differently to questions asked in the survey. In an attempt to validate the distinctiveness of these three groups of voters, and their associated behavior and opinions, an additional analysis was undertaken. This analysis introduced additional demographic variables into a cross-tabulation of different questions in the survey for each of the three groups of voters. For example, we looked at pre-voting behavior for each of the three groups holding constant each group's educational attainment level, or age, or community of residence. Sex of respondent was also introduced but produced no significant differences. Table d shows the distribution of each of the three groups of voters on three important demographic characteristics.

Table d : Distribution of respondents by education, age, and residence inside or outside Anchorage by Judicial voting behavior

JUDICIAL VOTING BEHAVIOR						
EDUCATION	NO VOTER	YES VOTER	DISCRIMINATOR	TOTAL		
High School Graduate or less	(14) 46.7	(47) 39.2	(94) 27.4	(155) 100.0		
Some college or more	(16) 54.3	(73) 60.8	(249) 72.6	(338)	68.6	
<u>AGE</u>						
Up to 36	(15) 55.5	(56) 49.5	(166) 50.3	(237)	50.4	
37 or over	(12) 44.5	(57) 50.5	(164) 49.7	(233)	49.6	
<u>RESIDENCE</u>						
Inside Anchorage	(19) 63.3	(78) 63.9	(249) 71.1	(346)	68.9	
Outside Anchorage	(11) 36.7	(44) 36.1	(101) 29.9	(156)	31.1	

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

It is clear that the discriminator group is both the largest group in the total sample and is also the most highly educated and the most likely to live inside Anchorage. Perhaps these two characteristics are themselves more important than voting behavior per se in explaining certain behaviors and opinions. Without benefit of regression analysis, we cannot establish the priority of importance of the variables compared, but our analysis does indicate that votive behavior is the most important explanatory variable for at least one of the questions analyzed.

The presentation which follows is organized to provide a comparison for each of the groups of voters and the sample as a whole on the demographic characteristics mentioned. For ease of presentation, only the percentage comparisons are listed. "Less Education" refers to respondents with high school education or less (Total n=155). "More Education" refers to those with a college education or more (Total n=338). "Younger" refers to respondents 36 years of age or younger (Total n=237). "Older" refers to those who are 37 years or older (Total n=233). "Inside Anchorage" refers to respondents inside districts 7-12 (Total n=346); "Outside Anchorage" includes all others (Total n=156).

The number of cases in the no-voter, yes-voter, and discriminator categories for each of these comparisons is, in some cases, quite

small. Where this is the case, interpretations in the text take this into account.

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

PERCENT YES:	<u>TOTAL</u>	<u>NO VOTERS</u>	<u>YES VOTERS</u>	<u>DISCRIMINATORS</u>
ORIGINAL PER- CENTAGE:	71.1	65.6	53.3	84.1
LESS EDUCATION	75.2	78.6	50.0	87.1
MORE EDUCATION	76.4	56.3	55.6	83.8
YOUNGER	74.9	60.0	47.3	85.5
OLDER	77.4	83.3	58.9	83.3
IN ANCHORAGE	78.4	73.7	55.3	85.8
OUT OF ANCHORAGE	71.6	54.5	52.3	82.0

In the original percentage comparison between the three groups, the discriminators (84.1 percent) are almost one-third more likely to have utilized the Judicial Council ratings before voting than the yes voters, and close to 20 percent more likely to have done so than the no voters. This difference increases among the less educated voters but declines among the more educated--i.e., the difference between discriminators and yes voters is 28.2 percent and between discriminators and no voters is 27.5 percent. While the discriminators are still better informed, better educated no and yes voters approach each other in their preparation. Similarly, residents outside Anchorage who are no voters or yes voters are virtually alike in their preparation, while in Anchorage, no voters are closer to discriminators in preparation (73.7 percent vs. 85.8

percent). Among younger voters, discriminators are far and above either of the other two groups in preparation but among older voters, these differences decline. For older no voters, there is no difference in preparation for voting from that found for the discriminator group (83.3 in both cases).

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

<u>PERCENT PREFERRING AJC RATING AND/OR RECOMMENDATION</u>	<u>TOTAL</u>	<u>NO VOTERS</u>	<u>YES VOTERS</u>	<u>DISCRIMINATORS</u>
ORIGINAL PERCENTAGE	31.3	10.0	24.6	36.2
LESS EDUCATION	37.1	25.0	31.7	41.0
MORE EDUCATION	30.5	-	21.6	34.8
YOUNGER	34.2	7.1	23.5	39.8
OLDER	30.6	16.6	27.1	32.7
INSIDE ANCHORAGE	29.8	5.6	15.7	35.6
OUT OF ANCHORAGE	37.6	20.0	40.0	38.4

For question 10, the percent preferring either the Alaska Judicial Council rating or the Alaska Judicial Council recommendation gradually increases from a low among no voters to a high among discriminators with yes voters virtually equidistant between the two other groups of voters. This relationship between the three groups of voters is unchanged in each of the comparisons by education, age, and residence. In contrast to question 5, where preparation for voting was affected by age and residence in Anchorage in particular, preference for the Judicial Council ratings is unchanged by these factors.

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?

	<u>TOTAL</u>	<u>NO VOTERS</u>	<u>YES VOTERS</u>	<u>DISCRIMINATORS</u>
ORIGINAL PERCENTAGE				
Express no opinion	10.7	13.8	6.8	11.1
Only Election Pamphlet	40.1	20.7	48.3	40.0
Strongly advertise	49.1	65.5	44.9	48.9
LESS EDUCATION				
Express no opinion	7.5	7.7	4.3	9.2
Only Election Pamphlet	34.0	7.7	51.1	28.7
Strongly advertise	58.5	84.6	44.7	62.1
MORE EDUCATION				
Express no opinion	10.4	13.3	7.2	11.2
Only Election Pamphlet	44.5	33.3	46.4	44.6
Strongly advertise	45.1	53.3	46.4	44.2
YOUNGER				
Express no opinion	12.2	-	7.1	15.0
Only Election Pamphlet	43.7	38.5	48.2	42.5
Strongly advertise	44.1	61.5	44.6	42.5
OLDER				
Express no opinion	8.1	16.7	5.7	8.2
Only Election Pamphlet	38.1	8.3	49.1	36.7
Strongly advertise	53.8	75.0	45.3	55.1

17. (Cont'd.)	<u>TOTAL</u>	<u>NO VOTERS</u>	<u>YES VOTERS</u>	<u>DISCRIMINATORS</u>
IN ANCHORAGE				
Express no opinion	10.4	12.5	8.1	11.0
Only Election Pamphlet	39.7	12.5	45.9	39.6
Strongly advertise	49.8	75.0	45.9	49.3
OUT OF ANCHORAGE				
Express no opinion	8.8	9.1	2.4	11.6
Only Election Pamphlet	44.6	36.4	52.4	42.1
Strongly advertise	46.6	54.5	45.2	46.3

In the original percentage comparison, no voters are most likely to favor strong advertising in cases where a judge is evaluated as unqualified. Yes voters are almost equally likely to favor publication of information only in the election pamphlet or strong advertising. Discriminators, like no voters, are more likely to favor strong advertising, but their position is less extreme than the no voters. In comparing no voters in each of the demographic comparisons, one finds that no voters who are better educated closely resemble yes voters and discriminators in their choices on question 10, while less educated no voters are even more extreme in their preference for strong advertising. Less educated discriminators, too, are more extreme than other groups of discriminators. Throughout all comparisons, yes voters have a distinct preference for presentation in the Election Pamphlet only, except among better educated

voters, where they are equally likely to favor the Election Pamphlet choice or the strong advertising choice.

Summary:

We have seen that in two of the comparisons, age, education, and residence do alter the relationships between the three groups. In preparation for voting and attitudes toward various approaches to voter information in non-retention cases, education and age both increase the differences between groups. Less educated and younger voters are less prepared (question 5) and less educated and older voters are more likely to favor strong advertising (question 17) than other voters. Better educated voters tend to approach each other in their preferences on methods of communication--they are almost equally divided between favoring strong advertising and publication only in the election pamphlet.

This analysis indicates that utilization of the Judicial rating and evaluation system is more influenced by voting behavior per se, while preparation for voting and attitudes toward methods of communication vary somewhat with age, residence and education.

THREE QUESTIONS

From the preceding analyses, what do we know about the central concerns of this survey--i.e., 1) what most influenced people's voting behavior in judicial elections? 2) what do the voters believe are the strengths and weaknesses of the current judicial evaluation system; and 3) how should Alaska Judicial Council evaluations and recommendations be communicated before elections?

Question 1: What most influenced people's voting behavior in judicial elections? We know that over 70 percent of the survey respondents read the judge's summary, 46 percent read or saw advertisements about judges and 71 percent read Alaska Judicial Council ratings prior to voting in the last election. In each of these cases, discriminators were more likely to have used, read or attended to information concerning judicial retention or non-retention and to have utilized this information in voting. Only in the cases of older no-voters and Anchorage no-voters, do the percentage utilizing Alaska Judicial Council ratings approach the percentage for the discriminator group. Yes voters are uniformly less prepared, regardless of age, education, or residence inside or outside Anchorage.

Among voters who considered the Alaska Judicial Council ratings "helpful" (question 6), 53 percent also stated that they found the Alaska Judicial Council rating and/or the Alaska Judicial Council recommendation to be their most important source of information (question 10). On the other hand, if they mentioned that the

Alaska Judicial Council rating system was "a good idea", fewer of these voters mentioned Alaska Judicial Council ratings or recommendations in question 10, and more stated they relied on "knowledge of the judge, based on media coverage of his/her decisions and actions".

Table e : Relationship between Question 6 and Question 10: Opinion of ratings by most important source of information in judicial elections: selected percentages

6. If you read those ratings, what was your opinion of them?

HELPFUL		GOOD IDEA	
<u>Percent on Question 10</u>		<u>Percent on Question 10</u>	
38.8	AJC Rating	55.3	Knowledge of the judge based on media reports of decisions/actions
14.2	AJC Recommendation	21.7	AJC Ratings
32.9	Knowledge of the judge based on media reports of decisions/actions	5.3	AJC Recommendations
5.5	Judge's summary	7.2	Judge's Summary

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

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

This can be seen in Table e above.

It appears that the voters who are satisfied with the Alaska Judicial Council rating system are most likely to use it in voting, while those who are more skeptical rely more heavily on media reports of judge's decisions or actions.

Is there a difference between voter's needs in retention elections and their needs in cases where they vote to not retain a judge? To answer this question, we cross-tabulated question 8a (why the voter voted to retain judges) by question 10--their most important source of information. We also cross-tabulated question 9a (why the voter voted to not retain judges) by question 10. The results of these cross-tabulations are presented in tables e and g . Of those voters who chose "knowledge of the judge, based on media reports of his/her decisions/actions" on question 10, 40 percent stated that the judge "is doing an adequate job" and another 23 percent stated that they based their choice on the "judge's performance record". Those voters who selected either the Alaska Judicial Council rating or recommendation as their most important source of information, were also more likely to select Alaska Judicial Council ratings on question 8a, and less likely to rely on the judge's performance record or their assessment of his/her performance (doing adequate job).

Among voters who voted to not retain judges, a similar pattern emerges when this question is cross-tabulated with question 10. For those voters who state that "knowledge of the judge based on media reports of his/her decisions/actions" is their most important source of information, 30.5 percent state that the judges they voted against were "doing an adequate job" and another 26.9 percent stated that he/she is "too lenient with criminals". Of those relying on either Alaska Judicial Council ratings or recommendations, the rating system (26.1 percent and 48.4 percent respectively) and "information in the voter pamphlet" (15.9 and 16.1 percent, respectively) are more important than the voter's own assessment of the judge's performance ("doing an adequate job").

Table f : Relationship between Question 8a and Question 10

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

MOST IMPORTANT SOURCE OF INFORMATION

<u>WHY RETAIN</u>	<u>KNOWLEDGE OF JUDGE</u>	<u>AJC RATING</u>	<u>AJC RECOMMENDATION</u>	<u>TOTAL</u>
Doing adequate job	(72) 39.6	(26) 26.8	(11) 32.4	(126) 34.6
Judge's Recommendation	(41) 22.5	(13) 13.4	(2) 5.9	(64) 17.6
AJC Rating	(4) 2.2	(24) 24.7	(14) 41.2	(45) 12.4
Read Everything	(18) 9.9	(7) 7.2	(1) 2.4	(27) 7.4
Voter's Pamphlet	(3) 1.6	(16) 16.5	(5) 14.7	(31) 8.5
Personal Attributes	(7) 3.8	(5) 5.2	(0) 0.0	(14) 3.8
Personal Knowledge	(24) 13.2	(3) 3.1	(1) 2.9	(36) 9.9
TOTALS	(182) 50.0	(97) 26.6	(34) 9.3	(364) 100.0

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

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

The consistency between these two voting decisions can be seen in Table h below, where questions 8a and 9a are cross-tabulated. In this table two percentages are presented in each table. The top percentage is the row percentage (read across), and the bottom percentage is the column percentage (read down) in each case. In considering either column or row percentages, it is clear that voters

tend to use the same standards in both retention and non-retention voting. Those who rely heavily on their own judgements (doing adequate job, doing inadequate job) tend to vote that way in both retention and non-retention cases. Those who rely on the judge's performance record do so in both cases. Those who rely on Alaska Judicial Council ratings do so in both cases.

Table g : Relationship between Question 9a and Question 10

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

MOST IMPORTANT SOURCE OF INFORMATION

<u>WHY NOT RETAIN</u>	<u>KNOWLEDGE OF JUDGE</u>	<u>AJC RATING</u>	<u>AJC RECOMMENDATION</u>	<u>TOTAL</u>
Inadequate Job	(51) 30.5	(23) 26.1	(3) 9.7	(91) 27.6
Sentencing Record	(14) 8.4	(3) 3.4	(1) 3.2	(19) 5.8
Too Lenient	(45) 26.9	(6) 6.8	(1) 3.2	(57) 17.3
AJC Rating	(4) 2.4	(23) 26.1	(15) 48.4	(45) 13.6
Information in Pamphlet	(2) 1.2	(14) 15.9	(5) 16.1	(23) 7.0
Media Reports	(14) 8.4	(5) 5.7	(1) 3.2	(21) 6.4
Personal Opinion	(15) 9.0	(11) 12.5	(2) 6.5	(36) 10.9
Discussion with Others	(7) 4.2			
TOTAL	(167) 50.6	(88) 26.7	(31) 9.4	(330) 100.0

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

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

Summary of Question 1:

Several themes are evident in a review of analyses already completed as well as present cross-tabulations aimed at answering this question. First, over 70 percent of voters and even more of the discriminators, who are themselves the majority of the sample, use Alaska Judicial Council ratings and the judge's summary provided in the Alaska Election Pamphlet. Fewer voters (46 percent) rely on advertisements preceeding elections.

The extent to which voters rely on Alaska Judicial Council ratings and recommendations is closely associated with their satisfaction with the present system of evaluation. The more satisfied they are, the more likely they are to use the ratings and recommendations in voting. This applies in both retention and non-retention cases.

Of all the characteristics used in voting, some measure or assessment of the judge's performance record is the most important factor in voting decisions--both for retention and non-retention. Voters who are most in favor of the present Judicial rating system rely heavily on judicial ratings of performance. Voters less satisfied with the present rating system rely more heavily on their own assessments of judicial performance or on attitudes about the judge's performance. It is clear that judicial performance is the dominant factor considered in voting, but the question still remains, to what extent does the present system of evaluation give adequate information about judicial performance to satisfy most voters? This question will be the focus of question 2 below.

Table h: Relationship between Question 8a and Question 9a

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

WHY RETAIN	WHY NOT TO RETAIN							
	Inadequate Job		Performance Record/ Too Lenient with Criminals		AJC Ratings			
Doing adequate job	(52)	54.2 62.7	(17)	17.7 18.7	(7)	7.3 16.3	(96)	34.4
Based on Judge's Record	(11)	23.9 13.3	(24)	52.2 44.4	(3)	6.5 7.0	(46)	16.5
AJC Ratings	(4)	9.8 4.8	(2)	4.8 3.7	(31)	75.6 72.1	(41)	14.7
	(83)	29.7	(54)	19.4	(43)	15.4	(279)	100.0

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

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

Question 2: What do voters believe are the strengths and weaknesses of the current judicial evaluation system? The relationship between satisfaction with the present system of evaluation and needs for additional information is addressed in a cross-tabulation of question 7 ("If you believe that more information should be provided, what would you like to know?") with question 6 (opinion of the ratings). Table i shows this cross-tabulation. Among those stating that the judicial rating system is "helpful", 58 percent favor more information about the judge's performance history. In other words, they responded either "judges performance record" (50.9 percent) or they

referred to the judge's "prejudice for or against special interests" (7.5 percent). While "position on key laws or issues" would appear also to be a performance-related response, the statements coded under this heading indicate that this category reflects more of a respondent's attitudes toward judges than a perception of his/her performance.

Table i : Relationship between Question 6 and Question 7: Opinion of ratings by composite of three suggested additions to the judicial evaluation system

6. If you read those ratings, what was your opinion of them?

<u>SUGGESTED ADDITIONS</u>	<u>OPINION OF RATINGS</u>			
	<u>HELPFUL</u>		<u>GOOD IDEA</u>	
Judge's Performance History	(27)	50.9	(58)	36.0
Personal Attributes of Judge	(11)	20.7	(26)	16.1
Courtroom Opinion	(5)	9.4	(4)	2.5
Miscellaneous Comments	(5)	9.4	(18)	11.2
Prejudice for/against Special Interests	(4)	7.5	(13)	8.1
Position on Key Laws, Issues	(3)	5.7	(23)	14.3
More Information Needed	(2)	3.8	(16)	9.9
Alaska Knowledge	(1)	1.9	(3)	1.9

n = 53

n = 161

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

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

Of those voters who ranked the judicial rating system as "a good idea", fewer stressed judicial performance history. Again combining "judge's performance history" and "prejudice for or against special interests" yields a total of 44 percent emphasizing performance.

No other choice is as important among voters who rate the system as "helpful" or among those who rate it as "a good idea". Personal attributes of judges ranked second in both cases with 20.7 percent (among the "helpful" group) and 16.1 percent (among the "good idea" group).

Another cross-tabulation also points to this relationship between satisfaction with the present system and utilization of the judicial rating system. Table j shows the important percentage comparisons between question 6 (opinion of the Alaska Judicial Council ratings) and question 11c, which asked respondents to suggest additions to the list of qualities of judges, if they felt the present list is incomplete.

The voters who stated that the present system of evaluation is "helpful"--i.e., those voters most satisfied with the present system, were less likely to state that "judge's performance record" should be added to the rating system, while those less satisfied--those who stated the system is a "good idea"--were more likely to stress addition of the judge's performance record. On the other hand, both voters selecting "helpful" and those selecting "good idea" among the choices on question 6 were more in favor of adding "judge's performance record" than any other choice on question 11c. In other words,

while the less satisfied stressed the judge's performance record more than did the more satisfied, it was the significant choice in both cases.

Table j : Relationship between Question 6 and Question 11c: Opinion of ratings by what should be added to the present list of judicial characteristics--selected percentages

6. If you read those ratings, what was your opinion of them?

HELPFUL		GOOD IDEA	
<u>Percent on Question 11c</u>		<u>Percent on Question 11c</u>	
32.4	Judge's performance record	38.2	Judge's Performance Record
13.5	Personal attributes of the judge	20.6	Personal attributes of the judge
47.4	Total in Helpful Column	43.6	Total in Good Idea Column
n = 37		n = 34	

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

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

This theme runs throughout all of the analysis conducted so far. The less convinced voters are about the completeness of the Judicial evaluation system, the more likely they are to rely more heavily on reports of judicial decisions and actions. For example, in earlier analyses, older and better educated discriminators were the ones least likely to rely on Alaska Judicial Council ratings and recommendations--compared with other discriminators. These voters are more skeptical of the present system of evaluation without a component relating to judicial performance history. In each of the three groups,

the top choice on question 10 was "knowledge of the judge based on media coverage of his/her decisions and actions." This percentage increases for better educated discriminators and for older discriminators.

On the other hand, a second theme is also evident: regardless of satisfaction with the present system of evaluation, judicial performance history is the first and most important additional factor suggested.

Question 12 asked respondents, "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?" And 12a asked "IF YES: What are these ways?" Table k shows the cross tabulation of question 12a responses with question 6 (opinion of the Judicial ratings). Again judicial performance history is the single most important choice both for respondents who rate the present system as "helpful" and for those who consider it a "good idea". Forty-five percent of the respondents who rate the system as helpful also responded "judicial performance history" while 31.2 percent of the "good idea" respondents also chose "judicial performance history".

Summary of Question 2:

Clearly, the major improvement in the present system of evaluation suggested by our sample of 1978 voters is addition of judicial per-

formance history to the system of evaluation. Without a measure of judicial performance over time, voters evaluate judicial performance themselves. There is considerable consensus about the factors which are important in judicial performance. This does not fluctuate with no voters, yes voters, or discriminators. It is consistent across education, age, and residence groupings. While there is consensus about the qualities of judges that are most important--a sense of fairness and justice, legal knowledge, and reasoning ability and integrity--without a measure of a judge's performance history built into the present rating system, voters must fall back on other sources of information in their choice of which judges to retain or not retain at election. In retention cases, voters tend to assume that the judge is doing an adequate job, unless they are confronted with information that is sufficiently convincing to establish that the judge is not "doing an adequate job". In non-retention cases, only those voters who are sufficiently informed or aware of specific cases that suggest judicial incompetence vote no. This is clear from the responses to "doing an inadequate job" which are quite specific. Unless the evidence is quite convincing, the tendency to give judges the benefit of the doubt and to respect their high prestige and their general isolation from the more personal aspects of political campaigning appear to outweigh other considerations.

Table k : Relationship between Question 6 and Question 12a: Opinion of ratings by suggestions for improving the Alaska Judicial Council evaluation system

6. If you read those ratings, what was your opinion of them?

OPINION OF RATINGS	SUGGESTIONS FOR ADDITIONS				Those Who Work W/Them	TOTAL
	Judge's Performance History	Evaluate Recidivism	More Questionnaires	Survey People Who Appeared		
HELPFUL	(25) 45.5 45.5	(1) 1.8 14.3	(6) 10.4 33.3	(4) 7.3 33.3	(4) 7.3 40.0	(55) 37.1
GOOD IDEA	(24) 31.2 43.6	(5) 6.5 71.4	(11) 14.3 61.1	(8) 10.4 66.7	(5) 6.5 50.0	
TOTAL	(55) 37.7	(7) 4.8	(18) 12.3	(12) 8.2	(10) 6.8	(146) 100.0

12a. If YES: What are these ways?

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

Question 3: How should Alaska Judicial Council evaluations and recommendations be communicated before elections? To answer this question, we related responses to three questions concerning the extent to which the Alaska Judicial Council should publish and recommend in cases where an evaluation determines that a judge is unqualified with one relating to methods of communication. Table 1 shows the relationship between question 14 (should the Alaska Judicial Council publish information . . .) and question 16 (method of communication preferred). Clearly most respondents favor both publishing information about judicial evaluations and utilizing the

Official Election Pamphlet (75.3 percent). This level of consensus drops sharply when other methods of communication are suggested. Still a majority (58.8 percent) favor both publishing the information and using direct mail approaches to voters prior to the election. Only 26.4 percent of those favoring the publishing of information favor speeches by the Judicial Council members and staff. Forty-two percent of those favoring publishing of information also approve of newspaper advertising and 31.1 percent of these respondents favor radio and TV advertising.

Table 1 : Relationship between Question 14 and Question 16

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?

	METHOD OF COMMUNICATION		
	<u>Circled</u>	<u>Not Circled</u>	<u>Total</u>
	ELECTION PAMPHLET		
YES	(402) 75.3	(98) 18.4	(500) 93.6
	DIRECT MAIL		
YES	(314) 58.8	(186) 34.8	(500) 93.6
	SPEECHES		
YES	(141) 26.4	(359) 67.2	(500) 93.6
	NEWSPAPER ADS		
YES	(224) 41.9	(276) 51.7	(500) 93.6
	RADIO/TV ADS		
YES	(166) 31.1	(334) 62.5	(500) 93.6

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?

We know from our earlier analysis that while 93.6 percent of the sample favored publishing of information about judicial evaluations in the official election pamphlet, only 60.5 percent favored Judicial Council recommendations in favor of or against any judge it evaluates. Table m shows the relationship between responses to question 14 and responses to question 15. We see that over half of all respondents answered yes to both questions. Yet a significant third of those respondents in favor of the Alaska Judicial Council's publication of evaluations in the Official Election Pamphlet did not favor recommendations by the Council.

Table m : Relationship between responses to question 14 and question 15

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 14	QUESTION 15		<u>Row Total</u>
	<u>Yes</u>	<u>No</u>	
YES	(313) 60.2	(174) 33.5	(487) 93.7
NO	(4) 0.8	(29) 5.6	(33) 6.3
COLUMN TOTAL	(317) 61.0	(203) 39.0	(520) 100.0

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?

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

Table n relates responses to question 15 (should the Alaska Judicial Council recommend) to question 16 (methods of communication). Again we see that publication in the Official Election Pamphlet receives high acceptance, direct mail approaches are less acceptable, followed by newspaper ads, radio and TV advertising and, finally, speeches by Council members or staff.

Table n : Relationship between question 15 and question 16

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?

	<u>Circled</u>	<u>Not Circled</u>	<u>Total</u>	
				ELECTION PAMPHLET
YES	81.2	18.8	(527)	60.5
				DIRECT MAIL
YES	63.3	36.7	(527)	60.5
				SPEECHES
YES	31.7	68.3	(527)	60.5
				NEWSPAPER ADS
YES	48.9	51.1	(527)	60.5
				RADIO/TV ADS
YES	36.7	63.3	(527)	60.5

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.

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

In fact, the percentage of respondents who favor both Alaska Judicial Council recommendations and publication in the Official Election Pamphlet is higher than for the earlier question 14 by 16 cross-tabulation. In other words, once one agrees that recommendation is a proper role for the Alaska Judicial Council, then there is even greater support for those recommendations within the context of the Official Election Pamphlet.

Similarly, the percentage in favor of each of the alternatives to communication is slightly higher among those favoring Judicial Council recommendations than for those responding to the earlier question on publishing of judicial evaluations. While those favoring Judicial Council recommendations appear more willing to support official, direct mail and newspaper approaches, there is still less support for either radio or television advertising or for speeches by Judicial Council members or staff. Even though the percentages for these two approaches are slightly higher than among respondents to question 14 (Table 1) there are still only 32 percent who favor speeches and 37 percent who favor radio or TV advertising here.

There is one more cross-tabulation that directly relates to the extent to which the Alaska Judicial Council should become directly involved in advertising against judges it determines, after evaluation, are unqualified. Table o shows the relationship between question 16 (method of communication) with question 17, which asked "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?" Percentage comparisons are proportions of the sample as a whole, except for column and row percents.

First of all, few of the survey respondents favor the first alternative--express no opinion. Virtually all responses fall in the other two categories--i.e., either "Publish only in the Official Election Pamphlet" or "strongly advertise". For those who circled the election pamphlet, there is almost equal preference for communication only in the election pamphlet and strong advertising. For those who circled direct mail, slightly more are in favor of strong advertising. For those who circled speeches and newspaper ads, twice as many favored strong advertising as favored publication only in the Official Election Pamphlet. For those in favor of radio/TV advertising, three times as many favor strong advertising in cases of non-retention.

As in the case with Judicial Council recommendations, (question 15) the smaller proportion of respondents who favor newspaper advertising speeches and radio/TV advertising are also more likely to favor strong advertising in cases of judicial non-retention. In the cases of speeches and radio/TV ads, those not circling these choices are almost equally divided between favoring publication in the election pamphlet and strong advertising. In other words, the few who favor strong advertising are consistent in their choice of methods of communication, while the majority of respondents are almost equally divided between supporting publication only in the Official Election Pamphlet and strong advertising. This ambivalence is apparent throughout the

survey in responses to questions dealing with non-retention. Only a distinct minority of survey respondents have conquered this ambivalence sufficiently to whole-heartedly support full-scale campaigns in cases of judicial non-retention. The majority of responses indicate that only official, direct mail or newspaper advertising will receive substantial support.

Summary of Question 3: Our sample of 1978 Judicial election voters appear somewhat ambivalent concerning methods of communication in cases of non-retention. The largest support is for the evaluation system itself and for the publication of results in the official election pamphlet. Direct mail appeals to voters are also supported by a majority of respondents. Newspaper advertising is supported by close to half the respondents to the survey. These three approaches appear to be supported consistently throughout the present analysis. Speeches, and radio and TV advertising, like the option "strong advertising" attract fewer supporters and those who support one tend to support the other. The majority of the survey respondents are equally divided between favoring strong advertising and favoring publication only in the election pamphlet in cases of judicial non-retention.

Table 0 : Relationship between Question 16 and Question 17 responses

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)

QUESTION 17

QUESTION 16

	ELECTION PAMPHLET		DIRECT MAIL		SPEECHES				
	Circled	Not Circled	Total	Circled	Not Circled	Total			
Express No Opinion	7.9	2.9	10.7	6.7	4.0	10.7	2.3	8.4	10.7
Only in Election Pamphlet	33.8	6.3	40.1	22.3	17.9	40.1	8.1	32.1	40.1
Strongly advertise	35.9	13.2	49.1	32.6	16.5	49.1	16.7	32.4	49.1
TOTAL	77.5	22.5	100.0 (521)	38.4	61.6	100.0 (521)	27.1	72.9	100.0 (521)

N =

NEWSPAPER ADS RADIO/TV ADS

	NEWSPAPER ADS		RADIO/TV ADS			
	Circled	Not Circled	Total	Circled	Not Circled	Total
Express No Opinion	3.8	6.9	10.7	3.1	7.7	10.7
Only in Election Pamphlet	10.6	29.6	40.1	7.7	32.4	40.1
Strongly advertise	29.4	19.8	49.1	22.1	27.1	49.1
TOTAL	43.8	56.2	100.1	32.8	67.2	100.0 (521)

N =

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?

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

SUMMARY AND CONCLUSIONS

This study was conducted to aid the Alaska Judicial Council in its efforts at self-evaluation of the present judicial rating system used in judicial elections. It surveyed voters in the Fall, 1978 judicial election, asked them about their voting behavior, their attitudes, opinions, and knowledge about the present judicial rating system, their preparation for voting, asked for suggestions for improving the present system of judicial evaluation as well as for preferences for methods of communication to be used in informing voters of judicial evaluations.

Our sample of 571 voters in the Fall, 1978 judicial election provided a great deal of information about these issues as well as insight into the judicial voting process as it is experienced by voters in judicial elections. It is on the basis of these answers and insights that this summary is constructed.

Preparation for Voting:

Of our sample of 571 voters, 92 percent said they voted for or against judges in the Fall, 1978 election. Ninety percent said they voted for judges on the ballot and 76 percent said they voted against judges on the ballot. Most of these voters stated that they read the judge's summary before voting (71 percent). Most said they read the Judicial Council ratings of judges before

voting (71 percent). Slightly less than half (46 percent) had read advertisements about judges prior to voting.

Of those who read the ratings prior to voting, over half felt the ratings were helpful and another 38 percent felt they were "a good idea". The more satisfied they were, the more likely they were to use the rating system in voting.

Of all the sources of information provided, respondents mentioned "knowledge of the judge, based on such things as media coverage of his/her decisions and actions" as their primary source of information, in spite of the fact that less than half said they saw advertisements concerning judicial retention prior to voting. Emphasis on knowledge of judicial performance is the first and dominant theme running throughout the survey. Dissatisfaction with the present system of evaluation centers on the need for additional information about judicial performance over time. Discussion of additions to the system and preference for types of information center consistently on some form of quantitative measure of judicial performance. In the absence of this information, it is clear that voters make their own judgements based on media reports, personal knowledge or associations, or "word of mouth".

Responding to questions asking for why they voted to retain or not retain judges, voters continually stated that it was because the judge was "doing an adequate job" or "doing an inadequate job".

But the knowledge base used to make the assessment that a judge is "doing an adequate job" is far smaller than that needed to make an assessment that he/she is "doing an inadequate job". Responses to the latter show a high degree of specific information. In contrast, "doing an adequate job" is both an assessment based on no negative information and/or an assessment based on positive reports or ratings. If we combine similar response categories on these two questions, we find that over half of the responses to each one have to do with judicial performance history. Either they state "doing an adequate job" or they refer to "judge's record" or to "personal attributes of the judge". Either they state "doing an inadequate job" or they state "too lenient with criminals."

Answers to these two "why" questions are consistent with each other as well. If a voter votes to retain judges based on his/her personal assessment of their performance, then he or she uses the same standards in voting against judges. If the voter stresses the judge's performance record or a specific stance taken by a judge ("too lenient with criminals") then these decisions, based on the judge's record are consistent in both retention and non-retention voting. If the voter utilizes the Alaska Judicial Council rating system in voting to retain a judge he/she is likely to use it in non-retention voting decisions as well.

Knowledge of the Judicial Council:

Very few of the respondents to this survey had heard of the Alaska Judicial Council or remembered that they had. While they were familiar with the rating system used in the Official Election Pamphlet, it appears few associated this rating system with the Alaska Judicial Council per se. Fewer still had a clear idea of the functions served by the Council or its relationship to the Judicial System.

Without a clear sense of identity, the Alaska Judicial Council's recommendations are attended to within the context of the Official Election Pamphlet, but outside this official source, it appears voters become confused. They prefer the dignity and demeanor associated with the Judicial system itself above and beyond the necessity to advertise in cases of non-retention. Their tendency to give judges the benefit of the doubt, coupled with very low identification with the Alaska Judicial Council appear to converge in non-retention cases in particular. Without benefit of a clearly negative rating on the few cases of non-retention in the last election, and without a highly visible Council or other source of prestige to pin their choice, most voters either voted for these judges or they used their own personal decision-making process in voting against retention.

Assessments of the Current Alaska Judicial Council Rating System:

Surveyed voters appear satisfied with the list of characteristics

used in the present judicial rating system. Top ranked characteristics were "sense of basic fairness and justice", "legal knowledge and reasoning ability" and "integrity". Those characteristics considered least important by the survey respondents were "willingness to work diligently", "human understanding and compassion", and "consideration of relevant sentencing factors". When asked what should be added to the present list, only one choice appeared frequently enough to be considered significant--judicial performance history. Another question also yields the same result--when asked what should be added to the present evaluation system, 38 percent of the respondents mentioned "judge's performance record". A third question, which asked "If you believe that more information should be provided, what would you like to know?" yielded the same result--"judge's performance record".

Methods of Communication:

Almost all of the surveyed voters felt the Alaska Judicial Council should publish information and ratings about judges in the Official Election Pamphlet, but fewer (60 percent) agreed the Alaska Judicial Council should recommend for or against judicial retention. Similarly, when asked how information about judges should be communicated, the highest support was for the Official Election Pamphlet (74 percent) followed by "direct mail" approaches (58 percent) and newspaper advertising (42 percent). Other methods drew lower support. Only 32 percent favored radio or television advertising and 26 percent favored speeches and other public appearances by Council members or staff.

Yes-Voters, No-Voters, and Discriminators:

The largest group of voters in this survey voted both for some judges and against some judges in the Fall, 1978 election--close to two-thirds of the sample. A few respondents voted only against one or more judges on the ballot and slightly more than 20 percent voted only in favor of judges on the ballot. We found that the discriminator group is more likely to live in Anchorage and to be better educated. While these two characteristics in themselves influence voting behavior and attitudes, we found that discriminators are also more likely to be prepared in the voting process--to have read the information available and to have attended to advertisements about judges prior to voting.

Discriminators are more likely to both use the judicial rating system prior to voting, to have heard of the Alaska Judicial Council, and to feel that there are improvements in the present system of evaluation which should be considered to improve its effectiveness. They do not appear to differ from the other two groups on their choice of judicial characteristics which are part of the current rating system. They also do not differ in their choice of additions to the system--favoring judicial performance history and personal information about the judge above other additions.

Discriminators are slightly more likely to favor use of the Official Alaska Election Pamphlet or direct mail above other

methods of communication. They are less in favor of speeches and radio and television advertising than the other two groups. What they appear to reflect is the majority opinion in the survey which favors slight improvements in the judicial evaluation system, particularly in the area of judicial performance history, but a continuation of the dignified and non-obtrusive style of the present judicial evaluation system and its official, written, or printed methods of communication.

RECOMMENDATIONS

There are several related recommendations that derive from analysis of this voter survey. First, the current system of evaluation needs to include some quantitative measurement of judicial performance over time.

Second, the qualitative aspects of judicial evaluation need to be clearly explained and justified to provide the additional context within which voters can determine the strengths and weaknesses of individual candidates and make their choices in voting to retain or not retain.

Third, the respect for the high prestige of judges and a general reluctance to force them into the political arena appears to discourage non-retention voting. Faced with a general reluctance to vote against judges, and without benefit of a rating system which shows a wide disparity between judges who are recommended and those who are recommended against, the voter either votes to retain or uses his/her own basis for deciding to retain or not retain.

Fourth, the Alaska Judicial Council should consider weighting procedures within the rating system that would allow for more dispersion in the scores of individual judges. Weighting could be based on the ranking of judicial characteristics by this sample of voters, or on other methods.

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

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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.

		PERCENT		
<u>Ratings are:</u>	<u>Total</u>	<u>No Voters</u>	<u>Yes Voters</u>	<u>Discriminators</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	4.6
Should Be Eliminated	2.2	-	1.5	2.6
	_____	_____	_____	_____
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			
B. OF THOSE WHO HAD HEARD OF THE ALASKA JUDICIAL COUNCIL	<u>Total</u>	<u>No Voters</u>	<u>Yes Voters</u>	<u>Discriminators</u>
<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	-	-	2.6
Total	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>
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 fav- oritism	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	68	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
	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>
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
Only express opinion in Official Election Pamphlet	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

Incompetant 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 QUESTIONNAIRES 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

Namely, due to 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

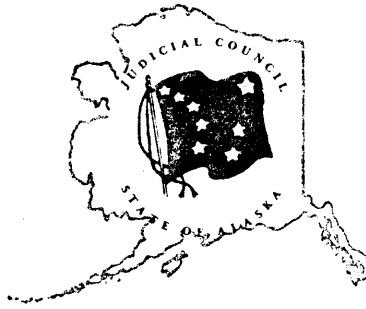
Repeat offenses of criminals

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

APPENDIX D

LETTERS TO VOTERS



Alaska Judicial Council

303 K STREET
ANCHORAGE, ALASKA
99501

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

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.

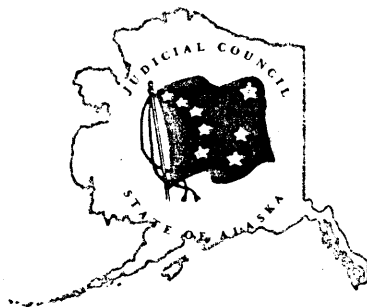
Enclosed is a questionnaire and a self-addressed, stamped envelope. Your answers will be kept confidential. The envelope and the questionnaire are separated as soon as they are received by Northrim. The return envelope contains your name only so that Northrim Associates can keep track of who returns 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



Alaska Judicial Council

303 K STREET
ANCHORAGE, ALASKA
99501

EXECUTIVE DIRECTOR
MICHAEL L. RUBINSTEIN

LAY MEMBERS
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JOSEPH L. YOUNG

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

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.

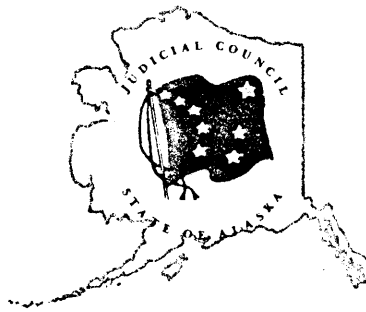
Please take the next few minutes to fill out the questionnaire and return it in the enclosed envelope.

Thank you for your time.

Sincerely

Michael L. Rubinstein
Executive Director

Enclosure



Alaska Judicial Council

303 K STREET
ANCHORAGE, ALASKA
99501

EXECUTIVE DIRECTOR
MICHAEL L. RUBINSTEIN

LAY MEMBERS
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JOSEPH L. YOUNG

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

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. _____

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?

- _____
- _____

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?

- _____
- _____

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) _____

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

12. 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?

- 1. Yes
- 2. No

36

12a. If YES: what are these ways?

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

37

38

39

Now, we would like to ask you about the Alaska Judicial Council.

13. Had you heard about the Alaska Judicial Council before the Fall 1978 election?

- 1. Yes
- 2. No

40

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

- _____
- _____
- _____

41

42

13b. How, or in what connection had you heard about the Council?

- _____
- _____
- _____

43

44

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?

- 1. Yes
- 2. No

45

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?

- 1. Yes
- 2. No

46

- | | | | |
|-----|---|----|-------|
| 16. | Alaska State law <u>requires</u> the Alaska Judicial Council to provide <u>information</u> 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. | 47 | |
| | 2. By direct mail to all registered voters. | | 48 |
| | 3. Speeches and other public appearances by Council members and staff explaining the results of the evaluation. | | 49 |
| | 4. Newspaper advertising. | 50 | |
| | 5. Radio and television advertising. | | 51 |
| | 6. Other: (please specify) _____ | | |
| | _____ | 52 | 53 |
| 17. | If the Alaska Judicial Council, as a result of its evaluation, concludes that a judge is <u>unqualified</u> to remain in office, what should the Council do? (Please choose only one). | | |
| | 1. <u>Only</u> express its opinion in the Official Election Pamphlet. | | 54 |
| | 2. Strongly advertise its conclusion in the media to reach as many voters as possible. | | 55 |
| | 3. Express no opinion on the matter. (Keep its conclusions to itself). | | 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: _____ | 63 | |
| | Years of schooling completed: 1-8 9-12 13-16 17+ | | 64 |
| | Community of residence: _____ | | 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 intellegence,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 Samne 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 vot 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 setencing 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 credability 03=prejudice for/against special interests 04=extent judge keeps up with new leas/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

Column Number	Variable 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 soonerafter 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 columns68-69)	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