

## Sample Memo



# alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1969  
<http://www.ajc.state.ak.us>

(907) 279-2526 FAX (907) 276-5046  
E-mail: [postmaster@ajc.state.ak.us](mailto:postmaster@ajc.state.ak.us)

EXECUTIVE DIRECTOR  
Larry Cohn

NON-ATTORNEY MEMBERS  
Eleanor Andrews  
Bill Gordon  
Christena Williams

ATTORNEY MEMBERS  
Douglas Baily  
James H. Gannon  
Susan Orlansky

CHAIR, EX OFFICIO  
Alexander O. Bryner  
Chief Justice  
Supreme Court

## MEMORANDUM

**TO:** Judicial Council

**FROM:** Staff

**DATE:** April 24, 2006

**RE:** Appellate Evaluation of Judges Eligible for Retention in 2006

### **I. Introduction**

The Judicial Council staff has several ways of evaluating judges' performance in addition to the surveys it commissions. One way it evaluates judges is to compare how each judge's decisions withstand appellate review.

The review process begins with a staff member, usually the staff attorney, reviewing every published appellate decision and memorandum opinion and judgment after the appellate court releases it. Staff first determines how many issues were on appeal and then decides whether the appellate court "affirmed" each of the trial judge's decisions on appeal. Only decisions specifically "affirmed" are classified as such - decisions requiring reversal, remand or vacating of the trial court judge's ruling or judgment are not classified as "affirmed." Mooted issues and issues arising only upon appeal, which were not ruled on by the trial judge, are not taken into account. When the Supreme Court or Court of Appeals *clearly* overrules a prior statement of law upon which the trial court reasonably relied to decide an issue, that issue is not considered. These cases are very rare.

After deciding how many issues in a case were affirmed, the case is given a score. For instance, if two of ten issues are affirmed, the case is given a score of "20% affirmed." It should be noted that the scoring system is different than the court system's methodology, which notes only