



alaska judicial council

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Press Release

August 21, 2009

Supreme Court Applicants

ATTORNEY MEMBERS
James H. Cannon
Kevin Fitzgerald
Louis James Menendez

CHAIR, EX OFFICIO
Walter L. Carpeneti
Chief Justice
Supreme Court

Nineteen attorneys are applying for a judgeship on the Alaska Supreme Court. The vacancy was created by the pending retirement of Justice Robert L. Eastaugh. The Alaska Judicial Council evaluates applicants and nominates the most qualified applicants to the governor who makes the appointment.

In nominating applicants to send to the governor for the final appointment, the Judicial Council considers many sources of information. It reviews an applicant's experience, and solicits character references and professional references from all present or prior employers, and attorneys and judges who have recent experience with the applicant. It investigates criminal or disciplinary charges against the applicant, the applicant's credit history, and court cases in which the applicant has been involved. The Council considers an applicant's involvement in community and professional activities, and reviews a writing sample by the applicant. Finally, members solicit public comments about applicants on the Council website, in newspaper advertising, and at a public hearing in the location of the vacancy, and then interview each applicant.

The Council surveys Alaskan attorneys about the professional competence, integrity, fairness, judicial temperament, suitability of the applicant's experience for this vacancy, and overall performance of each applicant. Applicants are rated on a scale of 1 to 5, with 5 being the highest rating and a rating of 3 being "acceptable." Demographic information from survey respondents allows Council members to identify how different groups of attorneys rate judicial applicants. Bar survey ratings are summarized below. More detailed copies of the survey are posted on the Council's website at www.ajc.state.ak.us.

In addition to ratings, the Council solicits comments from attorneys in its bar survey. Attorneys have the option of signing their comments. Council members do not consider unsigned comments unless they are corroborated, substantiated, or acknowledged by an applicant.

The Judicial Council does not use bar survey ratings to rank judicial applicants. The bar survey is one of many tools used by Council members when considering which applicants are the most qualified. Sometimes applicants with the highest bar survey ratings are not nominated by the Council.

| Alaska Supreme Court | | | | | | |
|-----------------------------|--------------------------------|------------------|-----------------|-----------------------------|----------------------------------|---|
| Applicant | Professional Competence | Integrity | Fairness | Judicial Temperament | Suitability of Experience | Overall Professional Performance |
| David S. Case | 4.1 | 4.3 | 3.9 | 3.9 | 3.5 | 3.8 |
| Kevin G. Clarkson | 3.2 | 3.1 | 2.7 | 2.8 | 2.8 | 2.6 |
| Ben Esch | 3.8 | 4.1 | 4.0 | 4.0 | 3.9 | 3.8 |
| Richard H. Foley, Jr. | 3.7 | 4.0 | 3.8 | 3.6 | 3.2 | 3.5 |
| Andy Harrington | 4.4 | 4.4 | 4.2 | 4.2 | 3.9 | 4.1 |
| Michael I. Jeffery | 4.0 | 4.4 | 4.3 | 4.3 | 4.1 | 4.1 |
| Michael Jungreis | 3.3 | 3.6 | 3.5 | 3.4 | 3.1 | 3.1 |
| David A. Lawrence | 3.0 | 3.1 | 3.3 | 2.8 | 2.3 | 2.5 |
| Michael A. MacDonald | 3.9 | 4.2 | 4.1 | 4.1 | 3.7 | 3.8 |
| William F. Morse | 3.7 | 3.8 | 3.4 | 3.0 | 3.6 | 3.3 |
| Frank A. Pfiffner | 3.9 | 3.9 | 3.7 | 3.5 | 3.6 | 3.6 |
| Mark Rindner | 4.3 | 4.3 | 4.0 | 3.8 | 4.1 | 4.0 |
| Eric Smith | 4.2 | 4.2 | 4.0 | 4.0 | 4.2 | 4.0 |
| Spencer C. Sneed | 3.9 | 3.7 | 3.6 | 3.3 | 3.4 | 3.4 |
| Trevor N. Stephens | 4.3 | 4.5 | 4.4 | 4.5 | 4.3 | 4.3 |
| Craig Stowers | 4.2 | 4.3 | 4.2 | 4.1 | 4.1 | 4.1 |
| Terry L. Thurbon | 3.5 | 3.7 | 3.5 | 3.3 | 2.8 | 3.1 |
| Philip R. Volland | 4.4 | 4.5 | 4.3 | 4.2 | 4.3 | 4.3 |
| Daniel Westerborg | 3.9 | 4.1 | 4.0 | 3.9 | 3.6 | 3.7 |

The Judicial Council will interview applicants and conduct a public hearing in Anchorage in October. Following the interviews, the Council will nominate two or more persons to the governor, who then will have 45 days to make the appointment.

PUBLIC COMMENT ON THE QUALIFICATIONS OF ANY OF THE APPLICANTS IS INVITED. PLEASE SUBMIT WRITTEN COMMENTS TO THE ALASKA JUDICIAL COUNCIL, 1029 WEST THIRD AVENUE, SUITE 201, ANCHORAGE, ALASKA 99501-1969, OR TO THE COUNCIL'S WEBSITE AT WWW.AJC.STATE.AK.US.

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