

**Alaska Judicial Council
Summary of Performance Evaluation for:**

**Judge Marjorie K. Allard
Alaska Court of Appeals**

The Judicial Council finds Judge Allard to be **qualified** and recommends unanimously that the public vote “**YES**” to retain her as a court of appeals judge.

Summary

The Judicial Council’s recommendation to vote “YES” on Judge Allard is based on her overall performance, including: evaluations by attorneys and other professionals who have direct experience with Judge Allard; public records; APOC files; and any disciplinary files.

The Council researched other aspects of Judge Allard’s performance, such as whether her pay was withheld for untimely decisions. Based on its review of all this information, the Judicial Council recommends a “YES” vote on Judge Allard. Performance evaluation information about Judge Allard is detailed below.

Details

1. **Biographical Information.** Judge Allard has been an appeals court judge since 2012. This is her first retention election. For more biographical information about Judge Allard, click [here](#).
2. **Survey Ratings.** People who had direct experience with the judge took a survey to rate her on qualities such as legal ability, impartiality and fairness, integrity, judicial temperament, diligence, and overall performance. These survey participants used a 1 to 5 scale to evaluate the judge’s performance, where 5.0 was “excellent,” 4.0 was “good,” 3.0 was “acceptable,” 2.0 was “deficient,” and 1.0 was “poor.”

Attorney Survey Results. Attorneys who responded to the Judicial Council’s survey on Judge Allard’s performance gave her an average rating of 4.5 overall. For detailed attorney survey results on Judge Allard, click [here](#).

Court Employee Survey Results. Court employees who responded to the Judicial Council’s survey on Judge Allard gave her an average rating of 4.7 overall. For detailed court employee survey results on Judge Allard, click [here](#).

3. **Salary Withholdings.** Alaska law requires a judge’s pay to be withheld for unfinished work. No salary was withheld for Judge Allard during this time. For general information about salary withholding, click [here](#).



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ALASKA JUDICIAL COUNCIL

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Alaska Judicial Council Appellate Judge Questionnaire

2016 Candidates for Judicial Retention

October 2015

Marjorie K. Allard

Alaska Court of Appeals

Name

Court

1. Please estimate your workload during your present term.

- a) _____ % civil cases b) _____ # of trials/year (as trial judge, if any)
 _____ % criminal cases
 _____ % court administrative work
 100 % Total

2. Please describe your participation on court/bar committees or other administrative activities during your current term of office.

Alaska Court System Judicial Education Conference Planning Committee
 Alaska Supreme Court Fairness, Diversity, and Equality Committee
 Appellate Rules Committee (past member)
 National Association of Women Judges

In addition, I help organize our annual Court of Appeals law clerk training and have presented on criminal law at the state-wide trial court law clerk training. I have also presented on appellate advocacy and judging for various CLEs organized by the Appellate Section and the Young Lawyer Section of the Bar. I also served as a moderator for the Department of Corrections panel at the most recent judicial conference. I routinely represent the Court of Appeals at swearing-in ceremonies for new Bar members and installation ceremonies for new judges.

3. Please assess, in one or two paragraphs, your judicial performance during your present term. Appropriate areas of comment could include: satisfaction with your judicial role, specific contributions to the judiciary or the field of law, increases in legal knowledge and judicial skills, or other measures of judicial abilities that you believe to be important.

I was appointed by Governor Sean Parnell in November 2012 and began serving as a judge on the Court of Appeals on January 2, 2013.

The last three years have been a turbulent time for the court. Soon after I began, Justice Bolger was appointed to the Supreme Court and, during most of the time I have served, the third judge position has been filled by a series of rotating pro tem judges. Despite these challenges, I have greatly enjoyed my time on the court and have particularly appreciated getting to work with so many outstanding retired appellate judges and current trial court judges. Each of them has brought a wealth of experience and a new perspective to our weekly conferences.

The Alaska Court of Appeals is a high-volume court and its caseload has substantially increased over the past five years. It is also, in most instances, the court of last resort for criminal matters in this state. This combination makes serving as a judge on this court extraordinarily difficult but also uniquely rewarding.

I have worked hard to try to address the criminal appellate backlog that still faces our court. In the last three years, I have personally issued over 150 opinions and memorandum opinions and participated in over 400 decisions by the court. I have also been actively involved in trying to find workable solutions for the continuing problem of appellate delay.

I also continue to work hard to maintain the high degree of analytical rigor, thoroughness, and clarity that have been the hallmark of this court for so long. I approach each case with a clean slate and an open mind, and I carefully review the briefing and trial court record for each matter before me. I prepare diligently for each conference with the other judges (often there are multiple conferences because of the different pro tem judges), and I am learning how best to take advantage of the opportunities provided by oral argument. I greatly enjoy the group decision-making that defines a multi-judge appellate court and I believe that I continue to grow both as a judge and as a person through my daily interactions with my colleagues, the law clerks, the staff attorneys, the judicial assistants, the case managers, and the other people who work directly with the court.

It is a true privilege to serve the State of Alaska through my work on the Alaska Court of Appeals and I am honored to have this opportunity.

4. During your most recent term as a judge, have you:
- a) had a tax lien filed or other collection procedure instituted against you by federal, state, or local authorities? Yes No
 - b) been involved in a non-judicial capacity in any legal proceeding whether as a party or otherwise? Yes No
 - c) engaged in the practice of law (other than as a judge)? Yes No
 - d) held office in any political party? Yes No
 - e) held any other local, state or federal office? Yes No
 - f) had any complaints, charges or grievances filed against you with the Alaska Commission on Judicial Conduct, the Alaska Bar Association, or with the Alaska Court System that resulted in public proceedings or sanctions? Yes No

5. If your answer to any of the questions above is "yes," please give full details, including dates, facts, case numbers and outcomes.

6. Please provide any other information which you believe would assist the Council in conducting its evaluations and in preparing its recommendations for the 2016 retention elections.

For questions 7 and 8, please do not list any cases that have pending issues in your court.

- 7. Please list your six most recent opinions including case names and numbers. Please list the names, current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these appeals. (Attach additional pages if necessary.)

Case Number 1

Case Name: Rose M. Olson Case Number: A-11627
 v. State

Attorneys Involved:

Name: <u>Gavin Kentch</u>	Name: <u>Ben Wohlfeil</u>
Address: <u>601 W. 5th Ave, 2nd Floor</u>	Address: <u>310 K. Street, Suite 520</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: Florence Martha Ledlow Case Number: A-11437
 v. State

Attorneys Involved:

Name: <u>Jane B. Martinez</u>	Name: <u>Eric Ringsmuth</u>
Address: <u>PO Box 113201</u>	Address: <u>310 K. Street, Suite 308</u>
City, State, Zip: <u>Anchorage, AK 99561</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: Everett Maurice McKinnon Case Number: A-11439
 v. State

Attorneys Involved:

Name: <u>Dan S. Bair</u>	Name: <u>Michael Sean McLaughlin</u>
Address: <u>1016 W. 6th Ave, Suite 100</u>	Address: <u>310 K. Street, Suite 308</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 4

Case Name: Eli M. Mitchell Sr. **Case Number:** A-11621
v. State

Attorneys Involved:

Name: <u>Doug Miller</u>	Name: <u>Terisia K. Chleborad</u>
Address: <u>PO Box 92873</u>	Address: <u>310 K. Street, Suite 308</u>
City, State, Zip: <u>Anchorage, AK 99509</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 5

Case Name: Wilbert Paul Bowlin **Case Number:** A-11465
v. State

Attorneys Involved:

Name: <u>Susan Orlansky</u>	Name: <u>Diane L. Wendlandt</u>
Address: <u>500 L. Street, Suite 300</u>	Address: <u>310 K. Street, Suite 308</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 6

Case Name: Douglas Lee Seitz **Case Number:** A-11509
v. State

Attorneys Involved:

Name: <u>Megan Webb</u>	Name: <u>Ann Black</u>
Address: <u>900 W. 5th Ave, Suite 200</u>	Address: <u>310 K. Street, Suite 308</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>

Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

- 8. *Optional:* If you deem it helpful to the Council, please list up to three other cases during your past term in which you believe your work was particularly noteworthy. Please list the names, current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these appeals. (Attach additional pages if necessary.)

Case Number 1

Case Name: State *Case Number:* A-11430
v. Howard

Attorneys Involved:

Name: <u>Michael Sean McLaughlin</u>	Name: <u>Tracey Wollenberg</u>
Address: <u>310 K Street, Suite 308</u>	Address: <u>900 W. 5th Ave, Suite 200</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: Public Defender Agency *Case Number:* A-12053
v. Superior Court

Attorneys Involved:

Name: <u>Douglas O. Moody</u>	Name: <u>Dani Crosby</u>
Address: <u>900 W. 5th Ave, Suite 200</u>	Address: <u>1227 W. 9th Ave, Suite 301</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: Kelley *Case Number:* A-10882
v. State

Attorneys Involved:

Name: <u>Margi Mock</u>	Name: <u>Eric Ringsmuth</u>
Address: <u>900 W. 5th Ave, Suite 200</u>	Address: <u>310 K Street, Suite 308</u>
City, State, Zip: <u>Anchorage, AK 99501</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Table 14
Marjorie K. Allard
Demographic Description of Respondents

	<i>n</i>	%
All respondents	150	100.0
Experience with Judge		
Direct professional experience	97	64.7
Professional reputation	38	25.3
Other personal contacts	15	10.0
Detailed Experience*		
Recent experience (within last 5 years)	91	93.8
Substantial amount of experience	45	46.4
Moderate amount of experience	32	33.0
Limited amount of experience	20	20.6
Type of Practice		
No response	1	0.7
Private, solo	17	11.3
Private, 2-5 attorneys	11	7.3
Private, 6+ attorneys	13	8.7
Private, corporate employee	1	0.7
Judge or judicial officer	37	24.7
Government	59	39.3
Public service agency or organization	1	0.7
Retired	7	4.7
Other	3	2.0
Length of Alaska Practice		
No response	3	2.0
5 years or fewer	19	12.7
6 to 10 years	10	6.7
11 to 15 years	17	11.3
16 to 20 years	19	12.7
More than 20 years	82	54.7
Cases Handled		
No response	1	0.7
Prosecution	14	9.3
Criminal	32	21.3
Mixed criminal & civil	50	33.3
Civil	41	27.3
Other	12	8.0
Location of Practice		
No response	1	0.7
First District	7	4.7
Second District	2	1.3
Third District	130	86.7
Fourth District	8	5.3
Outside Alaska	2	1.3
Gender		
No response	1	0.7
Male	88	58.7
Female	61	40.7

*Only among those respondents reporting direct professional experience with the judge.

Table 15
Marjorie K. Allard
Detailed Responses

	<i>n</i>	Legal Ability <i>M</i>	Impartiality/ Fairness <i>M</i>	Integrity <i>M</i>	Judicial Temperament <i>M</i>	Diligence <i>M</i>	Overall <i>M</i>
All respondents	150	4.6	4.4	4.6	4.3	4.5	4.5
Basis for Evaluation							
Direct professional experience	97	4.6	4.4	4.5	4.2	4.4	4.5
Experience within last 5 years	91	4.6	4.4	4.5	4.1	4.4	4.5
Experience not within last 5 years	5	4.3	4.4	4.6	4.4	4.2	4.4
Substantial amount of experience	45	4.7	4.4	4.5	4.1	4.4	4.5
Moderate amount of experience	32	4.4	4.2	4.4	4.0	4.2	4.3
Limited amount of experience	20	4.7	4.6	4.6	4.5	4.8	4.6
Professional reputation	38	4.6	4.5	4.7	4.5	4.5	4.5
Other personal contacts	15	4.8	4.7	4.6	4.4	4.8	4.8
Type of Practice*							
Private, solo	8	4.1	4.5	4.6	4.4	4.0	4.4
Private, 2-5 attorneys	5	4.2	3.7	3.8	4.0	3.5	3.8
Private, 6+ attorneys	3	5.0	5.0	5.0	5.0	5.0	5.0
Private, corporate employee	1	3.0	3.0	4.0	3.0	3.0	3.0
Judge or judicial officer	27	4.7	4.5	4.7	4.3	4.6	4.7
Government	43	4.6	4.2	4.3	3.9	4.5	4.3
Public service agency or organization	-	-	-	-	-	-	-
Retired	6	4.8	4.8	4.8	4.8	4.8	4.8
Other	2	5.0	4.7	5.0	4.3	5.0	5.0
Length of Alaska Practice*							
5 years or fewer	10	4.8	4.4	4.1	3.7	4.4	4.2
6 to 10 years	5	4.8	4.8	5.0	3.8	4.5	5.0
11 to 15 years	7	4.4	4.0	4.1	3.7	4.0	4.0
16 to 20 years	13	4.7	4.4	4.6	4.2	4.5	4.6
More than 20 years	60	4.5	4.4	4.5	4.3	4.5	4.5
Cases Handled*							
Prosecution	10	4.5	4.2	4.1	3.8	4.7	4.0
Criminal	26	4.8	4.5	4.6	4.2	4.5	4.7
Mixed criminal & civil	37	4.4	4.2	4.4	4.2	4.2	4.4
Civil	17	4.5	4.4	4.6	4.2	4.4	4.5
Other	6	4.9	4.4	4.6	4.1	5.0	4.7
Location of Practice*							
First District	3	4.7	4.7	5.0	4.7	4.5	4.7
Second District	1	4.0	4.0	3.0	3.0	4.0	4.0
Third District	85	4.6	4.4	4.5	4.2	4.5	4.5
Fourth District	6	4.0	3.8	4.3	3.8	4.0	4.0
Outside Alaska	1	5.0	2.0	2.0	1.0	3.0	2.0
Gender*							
Male	55	4.5	4.3	4.4	4.1	4.4	4.4
Female	41	4.7	4.4	4.5	4.2	4.5	4.5

*Ratings from only those respondents reporting direct professional experience with the judge.

Table 8
Marjorie K. Allard
Description of Respondents' Experience

	<i>n</i>	<i>%</i>
All respondents	26	100.0
Experience with Justice		
Direct professional experience	19	73.1
Professional reputation	1	3.8
Other personal contacts	6	23.1
Detailed Experience*		
Recent experience (within last 5 years)	19	100.0
Substantial amount of experience	11	57.9
Moderate amount of experience	5	26.3
Limited amount of experience	3	15.8

*Only among those respondents reporting direct professional experience with the judge.

Table 9
Marjorie K. Allard
Detailed Responses

	<i>n</i>	Impartiality/ Fairness <i>M</i>	Integrity <i>M</i>	Judicial Temperament <i>M</i>	Diligence <i>M</i>	Overall Evaluation <i>M</i>
All respondents	26	4.7	4.8	4.4	4.7	4.7
Basis for Evaluation						
Direct professional experience	19	4.7	4.8	4.4	4.8	4.7
Experience within last 5 years	19	4.7	4.8	4.4	4.8	4.7
Experience not within last 5 years	-	-	-	-	-	-
Substantial amount of experience	11	4.8	5.0	4.5	5.0	4.9
Moderate amount of experience	5	4.4	4.6	4.3	4.3	4.4
Limited amount of experience	3	4.7	4.7	4.3	4.7	4.7
Professional reputation	1	5.0	5.0	5.0	5.0	5.0
Other personal contacts	6	4.5	4.7	4.2	4.2	4.5



alaska judicial council

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Salary Warrant Withholding

Alaska law states: "A salary disbursement may not be issued to a [justice or judge] until the [justice or judge] has filed with the state officer designated to issue salary disbursements an affidavit that no matter referred to the [justice or judge] for opinion or decision has been uncompleted or undecided by the judge for a period of more than six months." As soon as the judge completes or decides the matter and signs the affidavit, the salary warrant may be issued.

No appellate judge had any salary warrants withheld. The appellate judges on the 2016 ballot are Supreme Court Justice Peter Maassen, Supreme Court Justice Joel Bolger, and Court of Appeals Judge Marjorie Allard.

Of the sixteen superior court judges on the ballot in 2016, two had pay withheld during the evaluation period:

Judge Pallenberg had four salary warrants withheld during the evaluation period:

<u>Pay period</u>	<u>Regular warrant date:</u>	<u>Late Pay issued:</u>
2/29/2012	3/9/2012	3/13/2012
1/15/2013	1/25/2013	1/31/2013
2/15/2015	2/24/2015	3/2/2015
3/31/2015	4/9/2015	4/13/2015

Judge White had two salary warrants withheld during the evaluation period:

<u>Pay period</u>	<u>Regular warrant date:</u>	<u>Late Pay issued:</u>
10/31/2010	10/09/2010	11/24/2010
2/15/2011	2/24/2011	3/8/2011

Judges Eric Aarseth, Catherine Easter, David George, Bethany Harbison, Jane Kauvar, Kari Kristiansen, Michael MacDonald, Erin Marston, Dwayne McConnell, Anna Moran, Mark Rindner, Kevin Saxby, Jack Smith, and Trevor Stephens had no salary warrants withheld.

No district court judge appearing on the 2016 ballot had salary warrants withheld. The district court judges on the 2016 ballot are Matthew Christian, Patrick Hammers, J. Patrick Hanley, Jennifer Henderson, Margaret Murphy, Thomas Nave, Nathaniel Peters, Daniel Schally, Alex Swiderski, David Wallace, Pamela Washington, and David Zwink.