



alaska judicial council

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ALASKA JUDICIAL COUNCIL

Alaska Judicial Council Trial Judge Questionnaire

2012 Candidates for Judicial Retention

October 2011

William B. Carey
Name

Ketchikan Superior Court
Court

1. Please estimate your workload during your present term.

- | | |
|-------------------------------------|---------------------------------------------|
| a) <u>45%</u> civil cases | b) <u>6-10</u> # of jury trials/year |
| <u>48%</u> criminal cases | <u>6-10</u> # of non-jury trials/year |
| <u>7%</u> court administrative work | <u>3-4</u> # of administrative appeals/year |
| 100 % Total | |

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

I am presently on the Civil Rule 90.3 Review Committee, which is active. I have advised our past and present P.J.'s of my availability for other committees, etc. and this was the first I was asked to take on. Otherwise, I try to be involved in the local courts activities, Law Day, etc.

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.

The past three years have provided the greatest challenges and the highest level of satisfaction that I have ever had, both professionally and personally. I love my job; I love living in Ketchikan and hope to continue in this position for a long time.

I feel that my varied experience in private practice prepared me well for the many different aspects of this job. It has not always been easy - There has been some ~~feeling~~ feeling of being the new guy in town with a certain amount of feeling out between some members of the bar and myself. But I have worked hard to overcome that by trying to be consistent, patient and professional, as well as good humored.

I have shown that I can work under pressure. A little less than 1 year ago, I was handed a case involving the United States Senate election, an all-consuming endeavor on short time in which I ultimately produced a written decision that was upheld by a Unanimous Supreme Court. That was followed in short order by a 2 month period in which I conducted 4 felony trials, including a month-long trial in Anchorage in *St. v. Rachelle Waterman*, which I feel I handled capably.

I have increased my legal knowledge and judicial skills, as well as my technical skills, through hard work and my innate desire to do the best I can. I have had great examples to go by here in the First Judicial District. I have learned a tremendous amount about what it takes to be an effective judge from the example of my fellow judges here.

I feel that I am improving as a judge every day. I am especially pleased with my new situation after having been the only Superior Court judge in the state without his own JA for over 2 1/2 years. I feel that I have great relations with court staff throughout the district. I am proud to be a Superior Court judge here in Ketchikan.

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 2012 retention elections.

It is not always an easy transformation to come into a new city with an established legal culture as the new judge. I knew most everyone but there was a period of adjustment, to be sure. I have worked hard to be a part of this community and to improve my judicial skills. I have been presented with some wise challenges over this time, but feel that I have been equal to them. I continue to learn, adapt and look for new ways to improve. Having this job and being here is the greatest honor and pleasure of my life.

For questions 7 through 10 please do not list any cases that have pending issues in your court.

- 7. Please list your three most recent jury trials 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 trials. (Attach additional pages if necessary.)

Case Number 1

Case Name: State of Alaska Case Number: IKE-10-234CR
 v. Andrew Wesley

Attorneys Involved:

Name: <u>Nicholas Polasky</u>	Name: <u>Brendan Kelley</u>
Address: <u>415 Main St., Rm. 304</u>	Address: <u>900 W. 5th Ave. Suite 525</u>
City, State, Zip: <u>Ketchikan, AK 99901</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: State of Alaska Case Number: IKE-11-377CR
 v. Stephanie Hill

Attorneys Involved:

Name: <u>Stephen R. West</u>	Name: <u>Leif A. Thompson</u>
Address: <u>415 Main St. Rm 304</u>	Address: <u>306 Main St., Suite 304</u>
City, State, Zip: <u>Ketchikan, AK 99901</u>	City, State, Zip: <u>Ketchikan, AK 99901</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: Haynes v. Cowan Case Number: IKE-07-514 CI
 v. _____

Attorneys Involved:

Name: <u>Michael Heiser</u>	Name: <u>Wayne Watson</u>
Address: <u>300 Mill St. Suite 20</u>	Address: <u>310 W. St. Suite 306</u>
City, State, Zip: <u>Ketchikan, AK 99901</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

- 8. Please list your three most recent non-jury trials 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 trials. (Attach additional pages if necessary.)

Case Number 1

Case Name: Biggerstaff Case Number: IKE-10-689 CI
 v. Biggerstaff

Attorneys Involved:

Name: <u>Leif Thompson</u>	Name: <u>H. Clay Keene</u>
Address: <u>306 Main St., Suite 304</u>	Address: <u>540 Water St., Suite 302</u>
City, State, Zip: <u>Ketchikan, AK 99901</u>	City, State, Zip: <u>Ketchikan, AK 99901</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: McGillis Case Number: IKE-10-876 CI
 v. McGillis

Attorneys Involved:

Name: <u>Blake Chupka</u>	Name: <u>Loren Stanton</u>
Address: <u>306 Main St. STE322</u>	Address: <u>P.O. Box 5558</u>
City, State, Zip: <u>Ketchikan, AK 99901</u>	City, State, Zip: <u>Ketchikan, AK 99901</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: Clark Case Number: IKE-07-273 CI, IKE-10-274 CI
 v. Clark

Attorneys Involved:

Name: <u>David Roseudin</u>	Name: <u>Leif Thompson</u>
Address: <u>1289 Tongass Ave.</u>	Address: <u>306 Main St. Suite 304</u>
City, State, Zip: <u>Ketchikan, AK 99901</u>	City, State, Zip: <u>Ketchikan, AK 99901</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

- 9. Please list your three most recent cases, including case names and numbers, which did not go to trial, but on which you did significant work (such as settlement conference, hearings, motion work, etc.). Please list the names, current addresses, including zip codes and suite numbers where applicable, of each attorney involved in these cases. (Attach additional pages if necessary.)

Case Number 1

Case Name: Hoke Case Number: 1JU-11-935 CI
 v. Alaska School Activities Association

Attorneys Involved:

Name: Fred Triem
 Address: Box 129
 City, State, Zip: Petersburg, AK 99833
 Name: _____
 Address: _____
 City, State, Zip: _____

Name: James Brennan
 Address: 1227 W. 9th Ave Suite 300
 City, State, Zip: Anchorage, AK 99501
 Name: _____
 Address: _____
 City, State, Zip: _____

Case Number 2

Case Name: Atkinson Case Number: IKE-07-404 CI
 v. Metlakatla Indian Community

Attorneys Involved:

Name: Cynthia Ducey
 Address: 1007 W. Third Ave. Suite 400
 City, State, Zip: Anchorage, AK 99501
 Name: _____
 Address: _____
 City, State, Zip: _____

Name: Sherman W. Ernouf
 Address: 3606 Rhone Cir. STE 1
 City, State, Zip: Anchorage, AK 99508
 Name: _____
 Address: _____
 City, State, Zip: _____

Case Number 3

Case Name: In re: S.L. Case Number: IKE-10-9CN
 v. _____

Attorneys Involved:

Name: Hanna Sebold
 Address: Box 110300
 City, State, Zip: Juneau, AK 99811
 Name: _____
 Address: _____
 City, State, Zip: _____

Name: Sam McQuerry
 Address: 415 Main St. Suite 204
 City, State, Zip: Ketchikan, AK 99901
 Name: _____
 Address: _____
 City, State, Zip: _____

- 10. *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 cases. (Attach additional pages if necessary.)

Case Number 1

Case Name: Joe Miller Case Number: 1JU-10-1007 CI

v. State, Division of Elections, et al.
Lieutenant Governor Attorneys Involved:

Name: John Tiemessen
Address: 411 Fourth Ave. Suite 300
City, State, Zip: Fairbanks, AK 99701

Name: Joanne M. Grace
Address: 1031 W. 4th Ave Ste 200
City, State, Zip: Anchorage, AK 99501

Name: Timothy McKeever
Address: 701 W. 8th Ave Suite 700
City, State, Zip: Anchorage, AK 99501

Name: Michael Barnhill
Address: P.O. Box 110200
City, State, Zip: Juneau, AK 99811

Case Number 2

Case Name: State of Alaska Case Number: IKE-04-1312CR

v. Rachelle Waterman
Attorneys Involved:

Name: Stephen West
Address: 415 Main St. Room 304
City, State, Zip: Ketchikan, AK 99901

Name: Steven M. Wells
Address: 1029 W. 3rd Ave. Suite 110
City, State, Zip: Anchorage, AK 99501

Name: Jean Seaton
Address: 304 Lake St. Room 202
City, State, Zip: Sitka, AK 99835

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

Case Number 3

Case Name: Machin Case Number: IKE-09-365 CI

v. Ketchikan Gateway Borough
Attorneys Involved:

Name: Brian J. Stibitz
Address: 500 L St. Suite 300
City, State, Zip: Anchorage, AK 99501

Name: Scott Brandt-Erichsen
Address: 1900 First Ave. Suite 215
City, State, Zip: Ketchikan, AK 99901

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

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

Alaska Judicial Council Recommendation

Judge William Barker Carey, Superior Court, Ketchikan

Judicial Council Recommendation 2012

The Alaska Judicial Council is a non-partisan citizens' commission established by the Alaska constitution. Alaskan law requires the Council to evaluate judges' performance and authorizes the Council to recommend to voters whether judges should be retained in office. The Judicial Council reviews judges' integrity, diligence, legal ability, fairness, demeanor, ability to manage their caseloads, and overall performance of their judicial responsibilities in and out of the courtroom. The Judicial Council finds Judge Carey to be **Qualified** and recommends unanimously that the public vote "YES" to retain him as a superior court judge.

Judicial Council Evaluation

The Judicial Council surveyed thousands of Alaskans including peace and probation officers, court employees, attorneys, jurors, social workers and guardians ad litem about the judges on the ballot. Respondents were asked to rate judicial performance and to submit comments. The Council also reviewed the ratings and observations of the Alaska Judicial Observers, independent community-based volunteers. The Council reviewed the judge's peremptory challenge, recusals, and appellate affirmance and reversal rates; any civil or criminal litigation involving the judge; APOC and court system conflict-of-interest statements; any disciplinary files involving the judge; and whether a judge's pay was withheld for an untimely decision. The Council reviewed other court records and investigated judicial conduct in specific cases. The Council interviewed some judges, attorneys, and court staff, and held a statewide public hearing to obtain comments about judges.

	Attorney Survey	Peace Officer Survey	Juror Survey	Court Employee Survey	Social Workers Guardians ad Litem
Legal Ability	4.3	---	---	---	---
Impartiality	4.5	4.7	4.8	4.6	4.7
Integrity	4.6	4.7	---	4.6	5.0
Temperament	4.5	4.8	4.8	4.5	4.7
Diligence	4.3	4.7	---	4.5	4.3
Overall	4.4	4.7	4.8	4.6	4.5

Ratings are based on a one to five scale. Five is the best rating and three is "acceptable."

Rating Scale
 5.0 = Excellent
 4.0 = Good
 3.0 = Acceptable
 2.0 = Deficient
 1.0 = Poor

Summary of Survey Information

Survey respondents rated Judge Carey on the categories summarized in the table above, using 5 as the highest rating possible. The attorney rating for Judge Carey on overall performance was 4.4. Peace and probation officers gave Judge Carey a rating of 4.7. Jurors rated him 4.8 overall, court employees gave him 4.6, and social workers and guardians ad litem rated him at 4.5.

Recommendation: Vote "YES" to retain Judge William Barker Carey

For more information go to
www.knowyouralaskajudges.com

Judge William Barker Carey: Detailed Information Responses Alaska Bar Association Members

	Legal Ability		Impartiality/ Fairness		Integrity		Judicial Temperament		Diligence		Overall Evaluation	
	Mean	N	Mean	N	Mean	N	Mean	N	Mean	N	Mean	N
Basis for Evaluation												
No Response		0		0		0		0		0		0
Direct Professional	4.3	64	4.5	64	4.6	65	4.5	65	4.3	63	4.4	65
Experience in last 5 yrs	4.4	59	4.6	59	4.7	60	4.5	60	4.4	58	4.5	60
Experience not in last 5 yrs	3.3	3	3.7	3	3.7	3	3.7	3	3.3	3	3.7	3
Professional Reputation	4.1	20	4.4	20	4.3	20	4.3	21	4.2	19	4.2	19
Other Personal Contacts	3.5	4	4.4	5	4.4	5	4.4	5	3.7	3	4.0	5
Type of Practice												
No Response		1		1		0		0		2		0
Private, Solo	4.0	12	4.2	11	4.4	12	4.4	12	4.2	12	4.2	12
Private, 2-5 Attorneys	4.1	7	4.4	7	4.4	7	4.1	7	3.9	7	4.1	7
Private, 6+ Attorneys	4.3	4	4.5	4	4.8	4	4.3	4	4.8	4	4.5	4
Private, Corporate Employee	4.5	2	4.5	2	4.5	2	4.5	2	4.0	2	4.5	2
Judge or Judicial Officer	4.4	23	4.7	24	4.7	24	4.6	24	4.5	22	4.5	24
Government	4.4	13	4.8	13	4.8	13	4.7	13	4.5	13	4.7	13
Public Service Agency/Org	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Other	--	0	--	0	--	0	--	0	--	0	--	0
Years of Practice in Alaska												
No Response		1		1		0		0		2		0
5 Years or fewer	4.7	3	4.7	3	4.7	3	4.7	3	4.3	3	4.7	3
6 to 10 years	4.0	5	4.4	5	4.6	5	4.0	5	3.8	5	4.0	5
11 to 15 years	4.3	4	4.3	4	4.3	4	4.3	4	4.0	3	4.3	4
16 to 20 years	3.4	5	3.8	5	4.2	5	4.2	5	4.0	5	3.8	5
21 years or more	4.4	44	4.7	44	4.7	45	4.6	45	4.5	44	4.6	45
Gender												
No Response		1		1		0		0		2		0
Male	4.3	46	4.5	46	4.6	47	4.5	47	4.3	45	4.4	47
Female	4.4	16	4.7	16	4.7	16	4.7	16	4.6	16	4.6	16
Cases Handled												
No Response		1		1		0		0		2		0
Prosecution	4.3	3	4.7	3	4.7	3	4.3	3	4.3	3	4.7	3
Mainly Criminal	4.5	4	5.0	4	5.0	4	5.0	4	4.7	3	5.0	4
Mixed Criminal & Civil	4.3	32	4.5	32	4.5	33	4.4	33	4.2	32	4.3	33
Mainly Civil	4.3	20	4.6	20	4.8	20	4.7	20	4.6	20	4.6	20
Other	4.3	3	4.7	3	4.7	3	4.7	3	4.3	3	4.3	3
Location of Practice												
No Response		1		1		0		0		2		0
First District	4.3	30	4.6	29	4.7	30	4.6	30	4.4	30	4.5	30
Second District	--	0	--	0	--	0	--	0	--	0	--	0
Third District	4.2	27	4.5	28	4.5	28	4.5	28	4.3	26	4.4	28
Fourth District	4.5	4	4.8	4	4.5	4	4.3	4	4.5	4	4.5	4
Outside of Alaska	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1

Note: Ratings for only those respondents who reported direct professional experience with the judge.

**Juror Survey Results
2012 Retention Evaluation
William Barker Carey**

Survey Category	Mean	Excellent	Good	Acceptable	Deficient	Poor	Total Responses
Impartiality/Fairness	4.8	53	15	0	0	0	68
Respectful/Courteous	4.8	56	12	0	0	0	68
Attentive during Proceedings	4.8	56	12	0	0	0	68
Control over Proceedings	4.8	57	10	0	1	0	68
Intelligence/ Skill as a Judge	4.8	56	11	1	0	0	68
Overall Evaluation	4.8	55	12	1	0	0	68

Distribution of Court Employee Ratings* 2012 Retention Evaluation William Barker Carey							
Survey Category	Number of Responses						
	Total	Excellent	Good	Acceptable	Deficient	Poor	Mean
Impartiality/Fairness	30	18	11	1	0	0	4.6
Integrity	30	20	8	1	1	0	4.6
Judicial Temperament	32	18	12	2	0	0	4.5
Diligence	31	19	9	2	0	1	4.5
Overall Evaluation	32	20	10	2	0	0	4.6

* Ratings are based on direct professional experience.

**Judge William Barker Carey
Peace and Probation Officers**

	Impartiality/ Fairness		Integrity		Judicial Temperament		Diligence		Overall Evaluation	
	Mean	N	Mean	N	Mean	N	Mean	N	Mean	N
Basis for Evaluation										
No Response		0		0		0		1		0
Direct Professional	4.7	19	4.7	19	4.8	19	4.7	18	4.7	19
Experience in last 5 yrs	4.7	18	4.7	18	4.8	18	4.7	17	4.7	18
Experience not in last 5 yrs	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Professional Reputation	4.0	5	3.8	5	3.8	5	3.8	5	3.8	5
Other Personal Contacts	--	0	--	0	--	0	--	0	--	0
Type of Work										
No Response		0		0		0		1		0
State Law Enforcement Officer	5.0	3	5.0	3	5.0	3	5.0	3	5.0	3
Municipal/Borough Law Enforcement Officer	4.8	5	5.0	5	4.8	5	5.0	4	5.0	5
Village Public Safety Officer (VPSO)	--	0	--	0	--	0	--	0	--	0
Probation/Parole Officer	4.6	11	4.6	11	4.7	11	4.6	11	4.6	11
Other	--	0	--	0	--	0	--	0	--	0
Length of Experience										
No Response		0		0		0		1		0
5 Years or fewer	4.4	5	4.4	5	4.6	5	4.6	5	4.4	5
6 to 10 years	5.0	2	5.0	2	5.0	2	5.0	2	5.0	2
11 to 15 years	5.0	6	5.0	6	4.8	6	4.7	6	4.8	6
16 to 20 years	4.6	5	4.6	5	4.8	5	4.8	5	4.8	5
21 years or more	5.0	1	5.0	1	5.0	1	--	0	5.0	1
Gender										
No Response		0		0		0		1		0
Male	4.8	9	4.8	9	4.8	9	4.9	8	4.9	9
Female	4.7	9	4.7	9	4.8	9	4.6	9	4.6	9
Location of Work										
No Response		0		0		0		1		0
First District	4.7	16	4.7	16	4.8	16	4.7	15	4.7	16
Second District	--	0	--	0	--	0	--	0	--	0
Third District	5.0	3	5.0	3	5.0	3	5.0	3	5.0	3
Fourth District	--	0	--	0	--	0	--	0	--	0
Community Population										
No Response		0		0		0		1		0
Under 2,000	4.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Between 2,000 and 35,000	4.8	16	4.7	16	4.8	16	4.7	15	4.7	16
Over 35,000	5.0	2	5.0	2	5.0	2	5.0	2	5.0	2

Note: Ratings for only those respondents who reported direct professional experience with the judge.

**Judge William Barker Carey
Social Workers and Guardians ad Litem**

	Impartiality/ Fairness		Integrity		Judicial Temperament		Diligence		Overall Evaluation	
	Mean	N	Mean	N	Mean	N	Mean	N	Mean	N
Basis for Evaluation										
No Response		0		2		0		1		2
Direct Professional	4.7	3	5.0	2	4.7	3	4.3	3	4.5	2
Experience in last 5 yrs	4.7	3	5.0	2	4.7	3	4.3	3	4.5	2
Experience not in last 5 yrs	--	0	--	0	--	0	--	0	--	0
Professional Reputation	5.0	1	--	0	5.0	1	--	0	--	0
Other Personal Contacts	--	0	--	0	--	0	--	0	--	0
Type of Work										
No Response		0		1		0		0		1
Social Worker	--	0	--	0	--	0	--	0	--	0
Guardian ad Litem	4.7	3	5.0	2	4.7	3	4.3	3	4.5	2
Length of Experience										
No Response		0		1		0		0		1
5 Years or fewer	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
6 to 10 years	4.0	1	5.0	1	5.0	1	4.0	1	--	0
11 to 15 years	5.0	1	--	0	4.0	1	4.0	1	4.0	1
16 to 20 years	--	0	--	0	--	0	--	0	--	0
21 years or more	--	0	--	0	--	0	--	0	--	0
Gender										
No Response		0		1		0		0		1
Male	4.5	2	5.0	2	5.0	2	4.5	2	5.0	1
Female	5.0	1	--	0	4.0	1	4.0	1	4.0	1
Location of Work										
No Response		0		1		0		0		1
First District	4.5	2	5.0	2	5.0	2	4.5	2	5.0	1
Second District	--	0	--	0	--	0	--	0	--	0
Third District	5.0	1	--	0	4.0	1	4.0	1	4.0	1
Fourth District	--	0	--	0	--	0	--	0	--	0
Community Population										
No Response		0		1		0		0		1
Under 2,000	--	0	--	0	--	0	--	0	--	0
Between 2,000 and 35,000	4.7	3	5.0	2	4.7	3	4.3	3	4.5	2
Over 35,000	--	0	--	0	--	0	--	0	--	0

Note: Ratings for only those respondents who reported direct professional experience with the judge.