

**Alaska Judicial Council
Performance Evaluation for:**

**Justice Susan M. Carney
Alaska Supreme Court**

The Alaska Judicial Council finds Justice Carney met or exceeded performance standards, and recommends a **“YES”** vote for another term in office

Justice Susan M. Carney was appointed to the Alaska Supreme Court in May of 2016. This is her first retention election.

Performance Summary:

After conducting its performance review, the Judicial Council determined that Justice Carney met or exceeded performance standards on all criteria, including legal ability, integrity, impartiality/fairness, temperament, diligence, and administrative skills.

The Council also determined that Justice Carney met or exceeded educational requirements set by the Alaska Supreme Court.

Because Justice Carney met or exceeded all performance and professional development standards, the Alaska Judicial Council recommends a “yes” vote on retention in office.

Performance Findings:

The Council conducts a thorough performance review of each justice standing for retention. Key findings for Justice Carney include:

- **Ratings by justice system professionals:** Justice Carney received very good ratings from attorneys who appeared before her, and from court employees.
- **Professional activities:** The Council’s review of Justice Carney’s professional activities showed exceptional contributions to the community and to the administration of justice. Justice Carney was Co-Chair of the Fairness, Diversity, and Equality Committee, a group that works to promote fairness, diversity and equality in the court system, and as a member of a court system committee to improve court rules for child welfare and delinquency cases. She participated in We the People civics competitions and classes, served as a coach and speaker for Youth Court, and served as a Fostering Law instructor. She also served as a mentor for the Color of Justice, a program that encourages diverse youth from throughout the state to consider legal and judicial careers.

- **Other records:** The Council reviews a variety of other records. The Council's review of Justice Carney's other records, including financial disclosure and conflict of interest statements, and background checks, raised no performance concerns.
- **Timeliness:** Alaska law requires judges' pay be withheld if a decision is pending longer than six months. The Council verified that Justice Carney was paid on schedule, and she certified that she had no untimely decisions.
- **Ethics:** There were no public disciplinary proceedings against Justice Carney, and the Council's review found no ethical concerns.

Documents:

- [Justice Carney's Judge Questionnaire](#)
- [Justice Carney's Attorney Survey Ratings](#)
- [Justice Carney's Court Employee Survey Ratings](#)



Print Questionnaire

alaska judicial council

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E-mail: postmaster@ajc.state.ak.us

Alaska Judicial Council Appellate Judge Questionnaire

2020 Candidates for Judicial Retention

November 2019

Susan M. Carney

Name

Supreme Court

Court

1. Please estimate your workload during your present term.

- a) 70 % civil cases b) 0 # of trials/year (as trial judge, if any)
 10 % criminal cases
 20 % court administrative work
 100 % Total

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

I chair the Child in Need of Aid and Juvenile Delinquency Rules Committee.
I co-chair the Fairness, Diversity, and Equality Committee.
As a supreme court justice, I participate in court administrative meetings at least monthly. The court also meets regularly to discuss and approve the court system budget and any necessary adjustments that must be made to it.
In addition, I have presided over about a half dozen installation ceremonies for newly appointed judges in Fairbanks, Anchorage, Palmer, and Utqiagvik.

3. Please describe any judicial or legal education you have undertaken or provided during your current term in office.

2019
 October--participated in annual statewide judicial conference (Girdwood)
 --participated in annual National Association of Women Judges conference (Los Angeles)
 --received additional security training for appellate judges (Fairbanks)
 May --participated in annual Alaska Bar Association convention (Fairbanks)

2018
 October--participated in annual statewide judicial conference (Girdwood)
 July --participated in national Court Improvement Project conference on changes to federal funding of child protection (C.I.N.A.) cases (Washington, D.C.)
 May --participated in annual Alaska Bar Association convention (Anchorage)
 April --participated in annual National Association of Bar Examiners conference (Philadelphia)

2017
 October--participated in annual statewide judicial conference (Girdwood)
 --participated in intensive education program for new appellate judges (New York University Law School)
 --participated in Alaska Court System new judges training program (Anchorage)
 May --participated in annual Alaska Bar Association convention (Juneau)
 --participated in annual National Association of Bar Examiners conference (San Diego)

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4. Please describe any public outreach activities.

2019
 November -- We the People (high school civics competition / class) coach (Hutchison High School, Fairbanks)
 October -- Supreme Court Live (West Valley High School, Fairbanks)
 -- created public education video at judicial conference
 -- Color of Justice mentor (Anchorage)
 September-- participated in Court Improvement Project presentation on Child in Need of Aid cases (Fairbanks)
 -- met with Facing Foster Care in Alaska (former foster youth) panel members (Fairbanks)
 -- lunch with Facing Foster Care panelist (Fairbanks)
 August -- coach and speaker at Mat-Su Youth Court hearings (Palmer)
 -- participated in National Association of Women Judges reception (Anchorage)
 -- Supreme Court Off the Record presentation (Anchorage)
 July -- juror welcome (Anchorage)
 -- Fostering Law instructor (3-day "camp" for secondary students in foster care) (Fairbanks)
 June -- ceremonial first pitcher at annual Midnight Sun Baseball Game (Fairbanks)
 -- guest at Utqiagvik Rotary Club meeting
 -- guest speaker at Tanana Chiefs Conference annual meeting (Fairbanks)
 April -- We the People coach for national competition preparation (West Valley High School, Fairbanks)
 February -- sponsored law clerks' participation in Literacy Council Spelling Bee (Fairbanks)
 -- Supreme Court Live (West High School, Anchorage)

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3) JUDICIAL OR LEGAL EDUCATION

2017 (cont'd)

May – guest speaker at Alaska Bar Association Appellate Lawyer Section meeting

2016

October – participated in annual statewide judicial conference (Girdwood)

Summer – participated in Alaska Court System security training (Fairbanks)

4) PUBLIC OUTREACH ACTIVITIES

2018

December – guest speaker at Ryan Middle School class (Fairbanks)

-- We the People judge; state competition (Fairbanks)

November – Color of Justice mentor (Mt. Edgecumbe High School, Sitka)

October -- guest speaker at UAF Criminal Justice Dept Chili Feed (Fairbanks)

August -- guest speaker (with Justice Dan Winfree) at Fairbanks Chamber of Commerce lunch (Fairbanks)

May -- led group of law clerks in Fairbanks Cleanup Day (Fairbanks)

April -- guest lecturer at political science classes at Johnson & Wales University (Providence, R.I.)

March -- Supreme Court Live (Kenai High School, Kenai)

February -- sponsored law clerks' participation in Literacy Council Spelling Bee (Fairbanks)

2017

December – guest speaker (by Skype) for 7th & 8th grade social studies classes at Ellis School (Fremont, N.H.)

-- guest speaker for Cook Inlet Tribal Council after school field trip to Boney Courthouse (Anchorage)

-- We the People judge; state competition (Fairbanks)

October -- Color of Justice mentor (Anchorage)

September – guest speaker at Tri Valley School (Healy)

June -- keynote speaker statewide Alaska Youth Courts convention (Fairbanks)

PUBLIC OUTREACH ACTIVITIES (CONT'D)

April -- We the People coach for national competition preparation (West Valley High School, Fairbanks)

March -- invited guest at Alaska Legal Services Corporation 50th anniversary open house (Fairbanks)

2016

December -- We the People judge; state competition (Fairbanks)

October -- Supreme Court Live (Colony High School, Palmer)

September -- guest of honor Anchorage Association of Women Lawyers reception (Anchorage)

5. 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 believe that I have made a successful transition to this very challenging position as a result of the time and effort that I have committed to my new responsibilities. Because my previous career was focused on criminal law and a few areas of civil law (child protection and probate) appointment to this court required me to review and learn many areas of civil law that had not been a part of my practice. I believe that I have refreshed my knowledge in many areas and I continue to research and learn in order to properly address the issues that are presented in the cases before the court.

I also believe that my many years' experience doing criminal and child in need of aid trials adds an important perspective to a court where none of the other justices have that background. And my many years of representing clients allows me to engage with the pro se litigants that appear before us and to help ensure that they feel that they have had a meaningful opportunity to be heard by the supreme court.

6. 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, the Alaska Court System, or any other agency that resulted in public proceedings or sanctions?
☐ Yes ☒ No
7. If your answer to any of the questions above is "yes," please give full details, including dates, facts, case numbers and outcomes.

8. Please provide any other information which you believe would assist the Council in conducting its evaluations and in preparing its recommendations for the 2020 retention elections.

I have continued to remain active in the community, particularly in Fairbanks, since my appointment. I believe that it is essential for judges to continue to participate in community and civic affairs in order to make clear both that we continue to be community members and that we continue to be the same people we were before we were appointed to the bench. I have continued to devote much of my attention to reaching students and other young Alaskans because they represent the future of the state and our justice system.

For questions 9 and 10, please do not list any cases that have pending issues in your court.

9. 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: ***PLEASE SEE ATTACHED PAGES****

Case Number: _____

v. _____

Attorneys Involved:

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Case Number 2

Case Name: _____

Case Number: _____

v. _____

Attorneys Involved:

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Case Number 3

Case Name: _____

Case Number: _____

v. _____

Attorneys Involved:

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

In Re Hospitalization of Luciano G. 16654 Oct. 17
Megan Webb, Asst. PD
900 West 5th Avenue Ste 200
Anchorage AK 99501

Dario Borghesan, Asst AG
1031 West 4th Avenue Ste 200
Anchorage AK 99501

Collins v. Hall 16795 Sept. 27
Joseph W. Geldhof, Law Office of Joseph W. Geldhof
2 Marine Way, Ste 207
Juneau AK 99801

Anthony M. Sholty, Falkner Banfield, PC
8420 Airport Blvd Ste101
Juneau AK 99801

Jack B. McGee, Law Office of Jack B. McGee
445 Nelson
Juneau AK 99801

Perry v. Perry 17184 Sept. 27
Justin Eschbacher, G.R. Eschbecher
718 Barrow Street
Anchorage AK 99501

Joseph P. Josephson, Josephson Law Offices, LLC
912 West 6th Avenue
Anchorage AK 99501

Case Number 4**Case Name:** ***PLEASE SEE ATTACHED PAGES*****Case Number:** _____

v. _____

Attorneys Involved:

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Case Number 5**Case Name:** _____**Case Number:** _____

v. _____

Attorneys Involved:

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Case Number 6**Case Name:** _____**Case Number:** _____

v. _____

Attorneys Involved:

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Name: _____

Name: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Farthest North Girl Scout Council v. Girl Scouts of USA 17144 Sept. 13
Susan Orlansky, Reeves Amoldio LLC
500 L Street Ste 300
Anchorage AK 99501

James Torgerson, Stoel Rives LLP
510 L Street Ste 500
Anchorage AK 99501

Annette H. v. State, OCS 17290 Aug. 30
J. Adam Bartlett, Law Office of J. Adam Bartlett, LLC
1101 West 7th Avenue
Anchorage AK 99501

Laura Wolfe, Asst AG
1031 West 4th Avenue, Ste200
Anchorage AK 99501

Smith/Anagick v. State, DOC 16711 Aug. 22
Billy D. Smith, pro per
Spring Creek Correctional
3600 Bette Cato
Seward AK 99664

Jacob L. Anagick, pro per
Wildwood Correctional Center
Chugach Avenue Building 10
Kenai AK 99611

Matthias R. Cicotte, AG
1031 West 4th Avenue Ste 200
Anchorage AK 99501

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 appeals. (Attach additional pages if necessary.)

Case Number 1

Case Name: ****PLEASE SEE ATTACHED PAGES**** **Case Number:** _____

v. _____

Attorneys Involved:

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

Case Number 2

Case Name: _____ **Case Number:** _____

v. _____

Attorneys Involved:

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

Case Number 3

Case Name: _____ **Case Number:** _____

v. _____

Attorneys Involved:

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

In Re Hospitalization of Naomi B.
Rachel Cella, Asst. PD,
900 W. 5th Avenue Ste 200
Anchorage AK 99501

15859

Jan 11

Laura Fox, Asst AG
1031 W. 4th Avenue Ste 200
Anchorage AK 99501

State v. Planned Parenthood
Margaret Paton-Walsh, AGO
1031 West 4th Avenue, Ste 200
Anchorage AK 99501

16123

Sept. 6

Susan Orlansky, Reeves Amodio, LLC
500 L Street, Ste 300
Anchorage AK 99501

Table 11
Justice Susan M. Carney
Demographic Description of Respondents - Bar Association Members

	<i>n</i>	<i>%</i>
All respondents	270	100
Experience with Judge		
Direct professional experience	180	66.7
Professional reputation	67	24.8
Other personal contacts	23	8.5
Detailed Experience*		
Recent experience (within last 5 years)	162	92.0
Substantial amount of experience	51	28.7
Moderate amount of experience	70	39.3
Limited amount of experience	57	32.0
Type of Practice		
No response	5	1.9
Private, solo	41	15.2
Private, 2-5 attorneys	32	11.9
Private, 6+ attorneys	31	11.5
Private, corporate employee	4	1.5
Judge or judicial officer	49	18.1
Government	62	23.0
Public service agency or organization	16	5.9
Retired	27	10.0
Other	3	1.1
Length of Alaska Practice		
No response	7	2.6
5 years or fewer	17	6.3
6 to 10 years	25	9.3
11 to 15 years	18	6.7
16 to 20 years	38	14.1
More than 20 years	165	61.1
Cases Handled		
No response	5	1.9
Prosecution	9	3.3
Criminal	27	10.0
Mixed criminal & civil	84	31.1
Civil	127	47.0
Other	18	6.7
Location of Practice		
No response	4	1.5
First District	19	7.0
Second District	4	1.5
Third District	184	68.1
Fourth District	55	20.4
Outside Alaska	4	1.5
Gender		
No response	7	2.6
Male	147	54.4
Female	116	43.0

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

Table 12
Justice Susan M. Carney
Detailed Responses - Bar Association Members

		Legal Ability	Impartiality/ Fairness	Integrity	Judicial Temperament	Diligence	Overall
	<i>n</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>
All respondents	270	4.6	4.6	4.8	4.7	4.6	4.6
Basis for Evaluation							
Direct professional experience	180	4.5	4.5	4.7	4.7	4.6	4.6
Experience within last 5 years	162	4.5	4.5	4.7	4.7	4.6	4.6
Experience not within last 5 years	14	4.8	4.8	4.9	4.8	4.8	4.8
Substantial amount of experience	51	4.4	4.5	4.7	4.6	4.5	4.5
Moderate amount of experience	70	4.6	4.5	4.8	4.8	4.8	4.6
Limited amount of experience	57	4.5	4.6	4.7	4.7	4.5	4.6
Professional reputation	67	4.5	4.6	4.8	4.6	4.6	4.6
Other personal contacts	23	4.8	4.8	4.9	4.7	4.8	4.9
Type of Practice*							
Private, solo	29	4.3	4.3	4.3	4.6	4.2	4.2
Private, 2-5 attorneys	19	4.7	4.7	4.9	4.8	4.7	4.7
Private, 6+ attorneys	21	4.6	4.7	4.9	4.9	4.8	4.7
Private, corporate employee	2	5.0	5.0	5.0	5.0	5.0	5.0
Judge or judicial officer	38	4.7	4.8	4.9	4.8	4.7	4.8
Government	43	4.4	4.3	4.7	4.7	4.7	4.5
Public service agency or organization	6	4.8	4.8	4.8	4.7	4.8	4.8
Retired	17	4.6	4.7	4.8	4.6	4.7	4.7
Other	2	4.5	4.5	5.0	4.5	4.5	4.5
Length of Alaska Practice*							
5 years or fewer	5	4.5	5.0	5.0	5.0	5.0	4.8
6 to 10 years	17	4.6	4.6	4.9	4.8	4.9	4.8
11 to 15 years	9	4.9	4.8	5.0	4.9	5.0	4.9
16 to 20 years	28	4.6	4.6	4.9	4.8	4.7	4.7
More than 20 years	116	4.5	4.5	4.7	4.6	4.5	4.5
Cases Handled*							
Prosecution	6	4.2	4.2	4.7	4.7	4.5	4.3
Criminal	16	4.8	4.9	5.0	4.9	4.9	4.8
Mixed criminal & civil	61	4.6	4.6	4.7	4.7	4.6	4.6
Civil	81	4.5	4.5	4.7	4.7	4.6	4.5
Other	13	4.7	4.6	4.9	4.8	4.8	4.7
Location of Practice*							
First District	9	4.6	4.8	4.8	4.8	4.7	4.6
Second District	3	5.0	5.0	5.0	4.5	4.5	5.0
Third District	128	4.5	4.6	4.8	4.7	4.6	4.6
Fourth District	35	4.5	4.4	4.6	4.6	4.6	4.5
Outside Alaska	3	5.0	5.0	5.0	5.0	5.0	5.0
Gender*							
Male	97	4.5	4.5	4.6	4.6	4.5	4.5
Female	79	4.6	4.6	4.9	4.8	4.8	4.7

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

Table 5
Justice Susan Carney
Description of Respondents' Experience - Court Employees

	<i>n</i>	%
All respondents	39	100
Experience with Judge		
Direct professional experience	29	74.4
Professional reputation	4	10.3
Other personal contacts	6	15.4
Detailed Experience*		
Recent experience (within last 5 years)	28	96.6
Substantial amount of experience	8	27.6
Moderate amount of experience	6	20.7
Limited amount of experience	15	51.7

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

Table 6
Justice Susan Carney
Detailed Responses - Court Employees

		Impartiality/ Fairness	Integrity	Judicial Temperament	Diligence	Overall
	<i>n</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>
All respondents	39	4.7	4.8	4.6	4.6	4.6
Basis for Evaluation						
Direct professional experience	29	4.8	4.8	4.6	4.6	4.6
Experience within last 5 years	28	4.7	4.8	4.5	4.6	4.6
Experience not within last 5 years	1	5.0	5.0	5.0	5.0	5.0
Substantial amount of experience	8	4.6	4.6	4.0	4.0	4.0
Moderate amount of experience	6	4.7	4.8	4.5	4.8	4.7
Limited amount of experience	15	4.9	4.9	4.9	4.9	4.9
Professional reputation	4	4.7	4.8	5.0	4.8	5.0
Other personal contacts	6	4.5	5.0	4.8	4.0	4.8