

NOV 28 2011

ALASKA JUDICIAL COUNCIL



alaska judicial council

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Alaska Judicial Council Trial Judge Questionnaire

2012 Candidates for Judicial Retention

October 2011

J. Patrick Hanley

Anchorage District Court

Name

Court

1. Please estimate your workload during your present term.

a) <u>35</u> % civil cases	b) <u>8</u> # of jury trials/year
<u>60</u> % criminal cases	<u>19</u> # of non-jury trials/year
<u>5</u> % court administrative work	<u>0</u> # of administrative appeals/year
100 % Total	

The non-jury trials includes small claims.

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

In 2009 and 2010 I was the deputy presiding judge for Anchorage District Court, which involved extensive administrative duties. I am also on a committee of three judges which evaluates the operation of district court and ways in which it can improve. I have made presentations on various legal topics at judges' conferences as well as the 2011 statewide magistrate conference. I also represented the district court at bench/bar meetings in Anchorage.

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 have enjoyed my time as a district court judge in Anchorage, and look forward to going to work each day. Our court is a high volume court. We deal with the same type of cases repeatedly. This could lead to "burn-out," but I have found that the essence of my job is not dealing with cases but with people. Each person comes to court with different life experiences and challenges, and each hearing provides an opportunity for people to reflect on the choices they have made and make improvements in their lives. It is rewarding to assist people and be a part of that process.

Two years ago I attended a course at the National Judicial College dedicated to self represented litigants. We have many litigants in court who cannot afford an attorney, and the course caused me to improve my practices and accommodate the litigants while still honoring due process. I have also made legal presentations to my fellow judges at several judicial conferences and the statewide magistrates' conference on a variety of topics. Sharing knowledge with my fellow judicial officers is rewarding, and my skills and base of knowledge have grown significantly in the process of researching, organizing, and presenting. I am always interested in evaluating my performance so that I can improve, and look forward to receiving comments and suggestions provided during the retention process.

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.

I was a defendant in the federal case of "Richard W. Postma, Jr., Plaintiff v. State of Alaska Court System, the Alaska Judicial Council, the Alaska Commission on Judicial Conduct, and the following state actors in their individual capacities: J. Patrick Hanley, Jill Kolberg, Sharon Gleason, Christine Johnson, Charles Christensen, Nancy Meade, Marla Greenstein and Larry Cohn, Defendants." The case number was 3:10-CV-00249-HRH. Mr. Postma alleged seven causes of action in his amended complaint. On December 23, 2010, Mr. Postma filed a motion to dismiss the action. On January 10, 2011, United States District Judge H. Russell Holland signed the order dismissing the case with prejudice. Mr. Postma filed a Rule 60(b) motion for relief from the dismissal order. I have not recently checked the status of that motion.

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.

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: Municipality of Anchorage **Case Number:** 3AN-11-7932CR
 v. Raylene Ortega

Attorneys Involved:

Name: <u>Fred Valdez</u>	Name: <u>Max Holmquist</u>
Address: <u>P.O. Box 196650</u>	Address: <u>737 "M" Street</u>
City, State, Zip: <u>Anchorage, AK 99519</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: Municipality of Anchorage **Case Number:** 3AN-10-12456CR
 v. Robert Pinkston

Attorneys Involved:

Name: <u>Patrick James</u>	Name: <u>Max Holmquist</u>
Address: <u>P.O. Box 196650</u>	Address: <u>737 "M" Street</u>
City, State, Zip: <u>Anchorage, AK 99519</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 3

Case Name: State of Alaska **Case Number:** 3AN-09-10869CR
 v. Dylan Potterf

Attorneys Involved:

Name: <u>Ron Dupuis</u>	Name: <u>John Bernitz</u>
Address: <u>310 "K" Street, Ste. 520</u>	Address: <u>900 W. 5th Ave., Ste. 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: _____

Attachment to p. 4 of 12
Trial Judge Questionnaire, Judge Hanley

My most recent jury trial was on November 18, 2011 in case number 3AN-11-9289CI. This was a presumptive death hearing, which by statute requires a jury. The case was not contested. I did not include it on page 4 of 12 due to the unusual nature of the hearing. However, feel free to contact the only attorney in the case, who was David Freeman. His address is 701 W. 8th Ave., Suite 700, Anchorage, AK, 99501.

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: Rebecca Case **Case Number:** 3AN-10-9735CI
v. Jodie Turner

Attorneys Involved:

Name: Ralph Ertz **Name:** Jed Van Loan
Address: 800 E. Dimond Blvd, St 3-520 **Address:** 517 W. Northern Lights Blvd
City, State, Zip: Anchorage, AK 99515 **City, State, Zip:** Anchorage, AK 99503

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

Case Number 2

Case Name: Mark Rubbert **Case Number:** 3AN-10-7114CI
v. Paul and Jeff Barney

Attorneys Involved:

Name: Michelle Nesbett **Name:** Bill Ingaldson
Address: 745 W. 4th Ave., Ste. 250 **Address:** 813 W. 3rd Ave.
City, State, Zip: Anchorage, AK 99501 **City, State, Zip:** Anchorage, AK 99501

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

Case Number 3

Case Name: Daynight Construction **Case Number:** 3AN-09-10173CI
v. BCS

Attorneys Involved:

Name: Justin Kalmbach **Name:** James Sarafin
Address: 745 W. 4th Ave., Ste. 425 **Address:** 901 Harbor Cir.
City, State, Zip: Anchorage, AK 99501 **City, State, Zip:** Anchorage, AK 99515

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

Attachment to p. 5 of 12
Trial Judge Questionnaire, Judge Hanley

My most recent non-jury trials were:

1. Nathaneal Hall v. Qupqugiaq Inn, LLC, 3AN-11-1964SC
2. Doss v. June, 3AN-11-2871SC
3. Case v. Turner (listed on page 5 of 12).

The first two cases were small claims and did not involve attorneys. On page 5 of 12 I have listed my most recent non-jury trials involving attorneys, as the directions suggest.

- 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: State of Alaska Case Number: 3AN-93-4521CR

v. Eugene Phelps

Attorneys Involved:

Name: Jay Fayette

Name: Cynthia Strout

Address: 310 "K" St., Ste. 520

Address: 745 W. 4th Ave., Ste. 200

City, State, Zip: Anchorage, AK 99501

City, State, Zip: Anchorage, AK 99501

Name: [affirmed by the Court of

Name: _____

Address: Appeals, see 236 P.3d 381

Address: _____

City, State, Zip: (Alaska App. 2010)]

City, State, Zip: _____

Case Number 2

Case Name: Municipality of Anchorage Case Number: 3AN-06-4952CR

v. Brutus Weaver

Attorneys Involved:

Name: Hanley Smith

Name: Michael Graper

Address: 900 W. 5th Ave., Ste. 200

Address: 737 "M" Street

City, State, Zip: Anchorage, AK 99501

City, State, Zip: Anchorage, AK 99501

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: _____

- 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: _____ 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: _____

Alaska Judicial Council Recommendation

Judge J. Patrick Hanley, District Court, Anchorage

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 Hanley to be **Qualified** and recommends unanimously that the public vote "YES" to retain him as a district 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 preemptory 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	4.5	---	---	---	---
Impartiality	4.6	4.8	4.9	4.8	---
Integrity	4.7	4.7	---	4.8	---
Temperament	4.7	4.8	4.9	4.8	---
Diligence	4.6	4.7	---	4.8	---
Overall	4.6	4.8	5.0	4.8	---

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 Hanley on the categories summarized in the table above, using 5 as the highest rating possible. The attorney rating for Judge Hanley on overall performance was 4.6. Peace and probation officers gave Judge Hanley a rating of 4.8. Jurors rated him 5.0 overall and court employees gave him 4.8. No social workers or guardians ad litem rated Judge Hanley. The Alaska Judicial Observers rated him 3.26.

Recommendation: Vote "YES" to retain Judge J. Patrick Hanley

For more information go to
www.knowyouralaskajudges.com

Judge J. Patrick Hanley: 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		11		9		9		8		18		9
Direct Professional	4.5	146	4.6	147	4.7	147	4.7	148	4.6	141	4.6	147
Experience in last 5 yrs	4.6	137	4.6	138	4.7	137	4.7	138	4.6	132	4.7	137
Experience not in last 5 yrs	4.3	7	4.3	7	4.1	8	4.3	8	4.6	7	4.1	8
Professional Reputation	4.1	16	4.2	16	4.3	16	4.1	17	4.2	14	4.1	17
Other Personal Contacts	4.5	4	4.5	5	4.8	5	4.8	4	4.8	4	4.8	4
Type of Practice												
No Response		3		2		2		1		8		2
Private, Solo	4.5	38	4.5	39	4.6	39	4.7	39	4.5	37	4.5	39
Private, 2-5 Attorneys	4.4	26	4.4	26	4.5	26	4.5	27	4.4	25	4.4	27
Private, 6+ Attorneys	4.7	9	4.9	9	4.9	9	4.9	9	4.8	9	4.9	9
Private, Corporate Employee	4.5	2	4.0	2	4.0	2	3.5	2	4.0	2	4.0	2
Judge or Judicial Officer	4.7	32	4.8	32	4.8	32	4.8	32	4.7	30	4.8	32
Government	4.6	35	4.6	35	4.8	35	4.7	35	4.7	34	4.8	34
Public Service Agency/Org	--	0	--	0	--	0	--	0	--	0	--	0
Other	4.7	3	5.0	3	5.0	3	5.0	3	5.0	3	5.0	3
Years of Practice in Alaska												
No Response		3		2		2		1		8		2
5 Years or fewer	4.7	19	4.7	19	4.9	19	4.8	20	4.7	18	4.9	18
6 to 10 years	4.4	12	4.4	13	4.7	13	4.6	12	4.6	12	4.6	13
11 to 15 years	4.8	15	4.9	15	4.9	15	4.7	15	4.9	13	4.9	15
16 to 20 years	4.4	20	4.6	20	4.5	21	4.5	21	4.6	20	4.4	21
21 years or more	4.5	77	4.6	77	4.6	76	4.7	77	4.6	75	4.6	77
Gender												
No Response		3		2		2		1		8		2
Male	4.5	102	4.6	103	4.8	102	4.7	102	4.6	98	4.7	103
Female	4.6	43	4.6	43	4.6	44	4.6	45	4.6	42	4.6	43
Cases Handled												
No Response		3		2		2		1		8		2
Prosecution	4.7	18	4.6	18	4.9	18	4.9	18	4.8	18	4.9	18
Mainly Criminal	4.5	18	4.7	18	4.7	18	4.6	18	4.5	16	4.7	17
Mixed Criminal & Civil	4.4	55	4.5	55	4.6	55	4.6	55	4.6	53	4.5	55
Mainly Civil	4.6	51	4.7	52	4.7	52	4.7	53	4.6	50	4.7	53
Other	5.0	2	5.0	2	5.0	2	5.0	2	5.0	2	5.0	2
Location of Practice												
No Response		3		2		2		1		8		2
First District	4.7	6	4.8	6	4.8	6	4.8	6	4.8	5	4.8	6
Second District	5.0	2	5.0	2	5.0	2	5.0	2	5.0	2	5.0	2
Third District	4.5	125	4.6	126	4.7	126	4.6	127	4.6	121	4.6	126
Fourth District	4.7	7	4.7	7	4.7	7	4.7	7	4.9	7	4.9	7
Outside of Alaska	5.0	2	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.

**Juror Survey Results
2012 Retention Evaluation
J. Patrick Hanley**

Survey Category	Mean	Excellent	Good	Acceptable	Deficient	Poor	Total Responses
Impartiality/Fairness	4.9	75	6	0	0	0	81
Respectful/Courteous	4.9	76	5	0	0	0	81
Attentive during Proceedings	4.9	72	8	1	0	0	81
Control over Proceedings	4.9	75	5	1	0	0	81
Intelligence/ Skill as a Judge	4.9	74	7	0	0	0	81
Overall Evaluation	5.0	77	4	0	0	0	81

Distribution of Court Employee Ratings* 2012 Retention Evaluation J. Patrick Hanley							
Survey Category	Number of Responses						
	Total	Excellent	Good	Acceptable	Deficient	Poor	Mean
Impartiality/Fairness	46	39	5	2	0	0	4.8
Integrity	46	39	5	2	0	0	4.8
Judicial Temperament	46	39	5	2	0	0	4.8
Diligence	45	37	5	3	0	0	4.8
Overall Evaluation	46	39	5	2	0	0	4.8

* Ratings are based on direct professional experience.

**Judge J. Patrick Hanley
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		4		4		3		8		3
Direct Professional	4.8	23	4.7	23	4.8	24	4.7	19	4.8	24
Experience in last 5 yrs	4.8	22	4.8	22	4.7	23	4.7	18	4.7	23
Experience not in last 5 yrs	5.0	1	4.0	1	5.0	1	5.0	1	5.0	1
Professional Reputation	3.8	9	3.8	9	3.8	9	3.8	9	3.8	9
Other Personal Contacts	--	0	--	0	--	0	--	0	--	0
Type of Work										
No Response		3		3		2		7		2
State Law Enforcement Officer	4.8	11	4.8	11	4.7	11	4.9	9	4.8	11
Municipal/Borough Law Enforcement Officer	4.8	12	4.7	12	4.8	13	4.6	10	4.7	13
Village Public Safety Officer (VPSO)	--	0	--	0	--	0	--	0	--	0
Probation/Parole Officer	--	0	--	0	--	0	--	0	--	0
Other	--	0	--	0	--	0	--	0	--	0
Length of Experience										
No Response		3		3		2		7		2
5 Years or fewer	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
6 to 10 years	5.0	7	5.0	7	4.8	8	4.9	7	4.9	8
11 to 15 years	4.6	7	4.6	7	4.6	7	4.5	6	4.6	7
16 to 20 years	4.8	6	4.7	6	5.0	6	4.8	4	4.8	6
21 years or more	4.5	2	4.5	2	4.5	2	5.0	1	4.5	2
Gender										
No Response		3		3		2		7		2
Male	4.8	18	4.7	18	4.7	19	4.8	14	4.7	19
Female	4.8	5	4.8	5	4.8	5	4.6	5	4.8	5
Location of Work										
No Response		3		3		2		7		2
First District	--	0	--	0	--	0	--	0	--	0
Second District	--	0	--	0	--	0	--	0	--	0
Third District	4.8	23	4.7	23	4.8	24	4.7	19	4.8	24
Fourth District	--	0	--	0	--	0	--	0	--	0
Community Population										
No Response		3		3		2		7		2
Under 2,000	--	0	--	0	--	0	--	0	--	0
Between 2,000 and 35,000	--	0	--	0	--	0	--	0	--	0
Over 35,000	4.8	23	4.7	23	4.8	24	4.7	19	4.8	24

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

Current and Prior Retention Scores

J. Patrick Hanley

Appointed	Name of Court
1/14/2005	Anchorage District Ct

Retention Attorney Bar Scores

Year	Legal Ability	Impartiality	Integrity	Temperament	Dilligence	Special Skills	Overall Performance
2008	4.4	4.5	4.6	4.5	4.5		4.5
2012	4.5	4.6	4.7	4.7	4.6		4.6

Peace and Probation Officer Survey Scores

Year	Impartiality	Integrity	Temperament	Diligence	Special Skills	Overall Performance
2008	4.7	4.8	4.8	4.8		4.8
2012	4.8	4.7	4.8	4.7		4.8