



alaska judicial council

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Alaska Judicial Council Trial Judge Questionnaire

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ALASKA JUDICIAL COUNCIL

2012 Candidates for Judicial Retention

October 2011

Michael P. McConahy

Fairbanks Superior Court

Name

Court

1. Please estimate your workload during your present term.

- | | |
|---------------------------------------|---|
| a) <u>45</u> % civil cases | b) <u>5-8</u> # of jury trials/year |
| <u>45</u> % criminal cases | <u>9-18</u> # of non-jury trials/year |
| <u>10</u> % court administrative work | <u>4-6</u> # of administrative appeals/year |
| 100 % Total | |

Civil and criminal cases fairly evenly split. Non-jury trials include original divorce/custody actions, modification hearings of custody/visitation, and CINA hearings ranging from emergency custody, adjudication, permanency determination, and placement review. Administrative work includes court committee work and magistrate training.

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

Member of the Supreme Court Access to Justice Committee and ad hoc member of its sister committee regarding diversity. Magistrate Training Judge for 4th Judicial District. Member of Legal Issues Committee regarding implementation of new bail project. Member of Board of Directors for North Star Youth Court and participate in training/swearing in of members. Repeat court representative/speaker for National Adoption Day. Speaker at local high schools on court system and promotion of the Supreme Court Live program. Member of local judge group initiating outreach to local bar and local young lawyers encouraging diversity in the judicial application and selection process.

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.

My experience as a trial attorney developed a skill set necessary to comprehend and analyze the factual and legal issues in each case. I am sensible of the uniqueness of each case and the rigors required to bring to bear the full attention of the court to the specific issues in that case. It is a challenge I enjoy. As with any skill, I hope to continue to develop and improve my performance.

I had substantial experience in a specific branch of statutory/administrative law before becoming a judge. I did not have direct experience with CINA matters. This area of law is statutorily and rule specific. There was an immediate learning curve, but I believe I have grasped (although certainly not mastered) this area of law. I have had several occasions to address new Court Appointed Special Assistants in the CINA area and have encouraged them to have patience in the process. I appreciate the attorneys and professionals that work in this field, and I hope to continue to improve my handling of these sensitive matters.

The case load is substantial. My goal is to be effective and, if possible, efficient. But the emphasis is always on effectively providing a fair, just, and predictable decision based in fact and law.

I have been honored to serve as a judicial officer since 2009 and look forward to further service. I find the service to be professionally and personally satisfying and remain hopeful that efforts to promote awareness of the benefit of diversity in all aspects of the judicial process will bear fruit.

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.

N/A

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.

I was a judicial applicant for two previous openings for the Superior Court in Fairbanks. Judges MacDonald and Lyle were selected in those instances. Those applications may be of assistance. I also applied for a district court position in the mid-80s, but that information may be dated for present purposes.

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 Case Number: 4FA-10-1604CR

v. [REDACTED]

Attorneys Involved:

Name: Scott Mattern	Name: Justin Racette
Address: 455 3rd Ave., #150	Address: 900 W. 5th Ave., #20
City, State, Zip: Fairbanks, AK 99701	City, State, Zip: Fairbanks, AK 99701
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: State Case Number: 4FA-10-791CR

v. Shawn Justice

Attorneys Involved:

Name: Gayle Garrigues	Name: Nelson Traverso
Address: 455 3rd Ave., #150	Address: 312 5th Ave.
City, State, Zip: Fairbanks, AK 99701	City, State, Zip: Fairbanks, AK 99701
Name: _____	Name: Steven Hansen
Address: _____	Address: 900 W. 5th Ave., #20
City, State, Zip: _____	City, State, Zip: Fairbanks, AK 99701

Case Number 3

Case Name: State Case Number: 4FA-09-4508 CR

v. Lyndon Pasion

Attorneys Involved:

Name: Corinne Vorenkamp	Name: Karla Taylor-Welch
Address: 455 3rd Ave., #150	Address: 100 Cushman St., #502
City, State, Zip: Fairbanks, AK 99701	City, State, Zip: Fairbanks, AK 99701
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: Hill **Case Number:** 4FA-10-3077CI
v. Marinez

Attorneys Involved:

Name: Craig Partyka **Name:** Kristin Farleigh
Address: 714 4th Ave., #200 **Address:** 1008 16th Ave., #200
City, State, Zip: Fairbanks, AK 99701 **City, State, Zip:** Fairbanks, AK 99701

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

Case Number 2

Case Name: Lesser **Case Number:** 4FA-10-2057CI
v. Lesser

Attorneys Involved:

Name: Mila Neubert **Name:** Jason Weiner
Address: 330 Wendell St., #E **Address:** 1008 16th Ave., #200
City, State, Zip: Fairbanks, AK 99701 **City, State, Zip:** Fairbanks, AK 99701

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

Case Number 3

Case Name: Holladay **Case Number:** 4FA-10-1643CI
v. Holladay

Attorneys Involved:

Name: Dennis Cook **Name:** Jason Weiner
Address: 714 4th Ave., #200 **Address:** 1008 16th Ave., #200
City, State, Zip: Fairbanks, AK 99701 **City, State, Zip:** Fairbanks, AK 99701

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: John Case Number: 4FA-10-01862 CI
v. Yukon Flats School District

Attorneys Involved:

Name: Ward Merdes Name: Matthew Singer
Address: 455 3rd Ave., #225 Address: 3000 A Street, Suite 300
City, State, Zip: Fairbanks, AK 99701 City, State, Zip: Anchorage, AK 99503

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

Case Number 2

Case Name: AFWCF Case Number: 4FA-11-1474CI
v. State/Ahtna

Attorneys Involved:

Name: Michael Kramer Name: Kevin Saxby
Address: 100 Cushman St., #311 Address: 1031 W. 4th Ave., #200
City, State, Zip: Fairbanks, AK 99707 City, State, Zip: Anchorage, AK 99501

Name: John Starkey Name: _____
Address: 4800 Snow Cir Address: _____
City, State, Zip: Anchorage, AK 99508 City, State, Zip: _____

Case Number 3

Case Name: Perry Case Number: 4FA-11-00973CI
v. Treadwell/State

Attorneys Involved:

Name: Thomas Wickwire Name: Laura Fox
Address: 2775 Hanson Road, #1 Address: 1031 W.4th Ave., #200
City, State, Zip: Fairbanks, AK 99709 City, State, Zip: Anchorage, AK 99501

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: State Case Number: 4FA-10-639CR
v. Katairoak

Attorneys Involved:

Name: Andrew Baldock Name: Robert John
Address: 455 3rd Ave., #150 Address: POB 73570
City, State, Zip: Fairbanks, AK 99701 City, State, Zip: Fairbanks, AK 99707

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

Case Number 2

Case Name: Attla Case Number: 4FA-11-1424CI
v. Trans World Insurance

Attorneys Involved:

Name: Ward Merdes Name: Zane Wilson
Address: 455 3rd Ave., #225 Address: 714 4th Ave., #200
City, State, Zip: Fairbanks, AK 99701 City, State, Zip: Fairbanks, Alaska 99701

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

Case Number 3

Case Name: Kozhanova Case Number: 4FA-10-1042CI
v. State

Attorneys Involved:

Name: Dawn Austin Name: Elizabeth Crail
Address: 310 K. Street, #200 Address: 455 3rd Ave., #150
City, State, Zip: Anchorage, AK 99501 City, State, Zip: Fairbanks, AK 99701

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

Alaska Judicial Council Recommendation

Judge Michael P. McConahy, Superior Court, Fairbanks

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 McConahy 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 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	4.2	---	---	---	---
Impartiality	4.2	4.2	4.8	4.3	3.5
Integrity	4.3	4.3	---	4.3	4.0
Temperament	4.3	4.2	4.9	4.1	4.0
Diligence	4.3	4.2	---	4.2	3.5
Overall	4.2	4.3	4.9	4.2	4.0

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 McConahy on the categories summarized in the table above, using 5 as the highest rating possible. The attorney rating for Judge McConahy on overall performance was 4.2. Peace and probation officers gave Judge McConahy a rating of 4.3. Jurors rated him 4.9 overall, court employees gave him 4.2, and social workers and guardians ad litem rated him at 4.0.

Recommendation: Vote "YES" to retain Judge Michael P. McConahy

For more information go to
www.knowyouralaskajudges.com

Judge Michael P. McConahy: 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		10		6		7		8		15		9
Direct Professional	4.2	88	4.2	92	4.3	90	4.3	90	4.3	86	4.2	90
Experience in last 5 yrs	4.2	83	4.2	86	4.3	85	4.3	86	4.3	81	4.1	85
Experience not in last 5 yrs	4.0	3	4.3	3	3.3	3	4.5	2	4.3	3	4.5	2
Professional Reputation	4.1	19	4.3	18	4.3	18	4.3	18	4.3	18	4.3	18
Other Personal Contacts	4.8	5	4.7	6	5.0	7	4.8	6	5.0	3	4.8	5
Type of Practice												
No Response		4		0		2		2		6		2
Private, Solo	4.3	16	4.1	18	4.3	16	4.3	16	4.4	16	4.2	17
Private, 2-5 Attorneys	3.9	19	3.9	19	4.1	19	4.1	19	4.1	18	3.8	18
Private, 6+ Attorneys	4.5	10	4.5	11	4.5	11	4.6	11	4.6	10	4.5	11
Private, Corporate Employee	--	0	--	0	--	0	--	0	--	0	--	0
Judge or Judicial Officer	4.5	15	4.6	15	4.6	15	4.6	15	4.5	14	4.5	15
Government	4.1	28	4.1	29	4.1	29	4.1	29	4.2	28	4.1	29
Public Service Agency/Org	--	0	--	0	--	0	--	0	--	0	--	0
Other	--	0	--	0	--	0	--	0	--	0	--	0
Years of Practice in Alaska												
No Response		4		0		2		2		6		2
5 Years or fewer	4.4	10	4.2	10	4.5	10	4.5	10	4.5	10	4.3	10
6 to 10 years	4.2	11	4.3	12	4.3	12	4.4	12	4.5	12	4.2	12
11 to 15 years	4.1	9	3.8	9	4.0	9	4.0	9	3.9	9	3.9	9
16 to 20 years	3.6	7	3.9	7	3.6	7	3.6	7	3.9	7	3.7	7
21 years or more	4.3	51	4.3	54	4.3	52	4.4	52	4.4	48	4.2	52
Gender												
No Response		4		0		2		2		6		2
Male	4.3	59	4.3	61	4.4	59	4.4	59	4.4	58	4.3	59
Female	3.9	27	3.9	29	4.0	29	4.0	29	4.0	26	3.9	29
Cases Handled												
No Response		4		0		2		2		5		2
Prosecution	4.8	10	4.8	10	4.9	10	4.9	10	4.9	10	4.8	10
Mainly Criminal	4.0	2	3.5	2	4.0	2	3.5	2	4.5	2	4.0	2
Mixed Criminal & Civil	4.0	28	3.9	29	4.1	28	4.1	29	4.2	28	3.9	28
Mainly Civil	4.3	41	4.3	43	4.3	42	4.4	42	4.3	40	4.2	43
Other	3.8	6	3.7	7	3.7	7	3.7	6	4.0	6	3.8	6
Location of Practice												
No Response		4		0		2		2		5		2
First District	--	0	--	0	--	0	--	0	--	0	--	0
Second District	4.5	2	5.0	2	5.0	2	5.0	2	5.0	2	5.0	2
Third District	4.3	29	4.4	31	4.2	30	4.4	29	4.3	29	4.3	29
Fourth District	4.1	55	4.0	57	4.2	56	4.2	57	4.3	54	4.0	57
Outside of Alaska	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1

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

**Juror Survey Results
2012 Retention Evaluation
Michael P. McConahy**

Survey Category	Mean	Excellent	Good	Acceptable	Deficient	Poor	Total Responses
Impartiality/Fairness	4.8	34	6	1	0	0	41
Respectful/Courteous	4.9	37	3	1	0	0	41
Attentive during Proceedings	4.8	35	4	2	0	0	41
Control over Proceedings	4.8	34	6	1	0	0	41
Intelligence/ Skill as a Judge	4.9	36	4	1	0	0	41
Overall Evaluation	4.9	37	4	0	0	0	41

Distribution of Court Employee Ratings* 2012 Retention Evaluation Michael P. McConahy							
Survey Category	Number of Responses						
	Total	Excellent	Good	Acceptable	Deficient	Poor	Mean
Impartiality/Fairness	32	18	9	3	1	1	4.3
Integrity	33	21	5	5	1	1	4.3
Judicial Temperament	35	18	8	4	3	2	4.1
Diligence	33	19	7	3	3	1	4.2
Overall Evaluation	35	18	10	5	1	1	4.2

* Ratings are based on direct professional experience.

**Judge Michael P. McConahy
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		2		2		2		2		2
Direct Professional	4.2	23	4.3	23	4.2	23	4.2	23	4.3	23
Experience in last 5 yrs	4.2	23	4.3	23	4.2	23	4.2	23	4.3	23
Experience not in last 5 yrs	--	0	--	0	--	0	--	0	--	0
Professional Reputation	4.0	8	4.1	8	4.1	8	4.1	8	4.1	8
Other Personal Contacts	--	0	--	0	--	0	--	0	--	0
Type of Work										
No Response		0		0		0		0		0
State Law Enforcement Officer	4.7	6	4.7	6	4.7	6	4.7	6	4.7	6
Municipal/Borough Law Enforcement Officer	4.0	5	4.0	5	4.0	5	4.0	5	4.0	5
Village Public Safety Officer (VPSO)	--	0	--	0	--	0	--	0	--	0
Probation/Parole Officer	4.0	12	4.2	12	4.1	12	4.0	12	4.2	12
Other	--	0	--	0	--	0	--	0	--	0
Length of Experience										
No Response		0		0		0		0		0
5 Years or fewer	4.3	10	4.5	10	4.5	10	4.4	10	4.5	10
6 to 10 years	4.2	6	4.2	6	4.2	6	4.2	6	4.2	6
11 to 15 years	4.0	6	4.0	6	3.8	6	3.8	6	4.0	6
16 to 20 years	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1
21 years or more	--	0	--	0	--	0	--	0	--	0
Gender										
No Response		0		0		0		0		0
Male	4.3	12	4.3	12	4.3	12	4.3	12	4.3	12
Female	4.1	11	4.2	11	4.2	11	4.0	11	4.2	11
Location of Work										
No Response		0		0		0		0		0
First District	--	0	--	0	--	0	--	0	--	0
Second District	--	0	--	0	--	0	--	0	--	0
Third District	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1
Fourth District	4.2	22	4.3	22	4.2	22	4.2	22	4.3	22
Community Population										
No Response		0		0		0		0		0
Under 2,000	--	0	--	0	--	0	--	0	--	0
Between 2,000 and 35,000	4.0	5	4.0	5	4.2	5	4.0	5	4.0	5
Over 35,000	4.2	18	4.3	18	4.2	18	4.2	18	4.3	18

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

Judge Michael P. McConahy
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		0		0		0		0
Direct Professional	3.5	2	4.0	2	4.0	2	3.5	2	4.0	2
Experience in last 5 yrs	3.5	2	4.0	2	4.0	2	3.5	2	4.0	2
Experience not in last 5 yrs	--	0	--	0	--	0	--	0	--	0
Professional Reputation	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Other Personal Contacts	--	0	--	0	--	0	--	0	--	0
Type of Work										
No Response		0		0		0		0		0
Social Worker	3.5	2	4.0	2	4.0	2	3.5	2	4.0	2
Guardian ad Litem	--	0	--	0	--	0	--	0	--	0
Length of Experience										
No Response		0		0		0		0		0
5 Years or fewer	4.0	1	5.0	1	5.0	1	5.0	1	5.0	1
6 to 10 years	3.0	1	3.0	1	3.0	1	2.0	1	3.0	1
11 to 15 years	--	0	--	0	--	0	--	0	--	0
16 to 20 years	--	0	--	0	--	0	--	0	--	0
21 years or more	--	0	--	0	--	0	--	0	--	0
Gender										
No Response		0		0		0		0		0
Male	--	0	--	0	--	0	--	0	--	0
Female	3.5	2	4.0	2	4.0	2	3.5	2	4.0	2
Location of Work										
No Response		0		0		0		0		0
First District	--	0	--	0	--	0	--	0	--	0
Second District	--	0	--	0	--	0	--	0	--	0
Third District	--	0	--	0	--	0	--	0	--	0
Fourth District	3.5	2	4.0	2	4.0	2	3.5	2	4.0	2
Community Population										
No Response		0		0		0		0		0
Under 2,000	--	0	--	0	--	0	--	0	--	0
Between 2,000 and 35,000	--	0	--	0	--	0	--	0	--	0
Over 35,000	3.5	2	4.0	2	4.0	2	3.5	2	4.0	2

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