



alaska judicial council

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ALASKA JUDICIAL COUNCIL

Alaska Judicial Council Trial Judge Questionnaire

2012 Candidates for Judicial Retention

October 2011

David R Wallace
Name

Anchorage District Court
Court

1. Please estimate your workload during your present term.

- | | |
|--------------------------------------|---|
| a) <u>30</u> % civil cases | b) <u>8</u> # of jury trials/year |
| <u>65</u> % criminal cases | <u>12</u> # of non-jury trials/year |
| <u>5</u> % court administrative work | <u>0</u> # of administrative appeals/year |
| 100 % Total | |

Most non-jury trials are small claims trials.

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

Member: Civil Rules Committee

Veterans Court Judge

MOA. Wellness Court: with Judge Easter

District Court Law Clerk hiring committee with Judge Easter

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 believe that I was appointed, in part, on my philosophy that litigants who appear before me and leave my courtroom will understand the court process and how I came to my decision. Part of that philosophy is not that the litigants necessarily agree with my decision but that they understand how and why I made my decision. While it is not possible to completely achieve this goal I will continue to work diligently to reach this goal. By making my rulings understandable to the lay person the judiciary is complimented and the field of law advanced.

Also, in District Court, we have the ability to assist litigants, mainly self-represented litigants, in their case by simply referring them to court publications that allows - landlord/tenants or debtors/creditors or small claim participants to be better prepared to present their case. These simple reference guides almost always leads to a more satisfactory and understandable explanation as to why the court made its decision.

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.

I am a Grace Christian School Board member since 2008. I also chair the Student/Teacher Committee. I was also the judicial officer for Every 15 minutes (O.U.I. presentation.)

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: M.O.A. Case Number: 3AN-11-0284 CR
 v. Toure

Attorneys Involved:

Name: <u>Matthew Michalski</u>	Name: <u>Mike Graper</u>
Address: <u>632 W. 6th Ave Suite 210</u>	Address: <u>737 M. St.</u>
City, State, Zip: <u>A/A 99501</u>	City, State, Zip: <u>A/A 99501</u>

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

Case Number 2

Case Name: M.O.A. Case Number: 3AN-11-0323 CR.
 v. Beasley

Attorneys Involved:

Name: <u>Cynthia Franklin</u>	Name: <u>William Ingaldson</u>
Address: <u>632 W. 6th Ave. Suite 210</u>	Address: <u>813 W. 3rd Ave.</u>
City, State, Zip: <u>A/A 99501</u>	City, State, Zip: <u>A/A 99501</u>

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

Case Number 3

Case Name: S.O.A. Case Number: 3AN-11-03222 CR
 v. Dasch

Attorneys Involved:

Name: <u>Adam Alexander</u>	Name: <u>Kevin Boots</u>
Address: <u>310 K St. Suite 520</u>	Address: <u>900 W. 5th Ave.</u>
City, State, Zip: <u>A/A 99501</u>	City, State, Zip: <u>A/A 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: Stahlman Case Number: 3AN-05-09130 CT.
v. Wolff

Attorneys Involved:

Name: Michael Lindeman Name: Michael McDonough
Address: 724 E. 15th Ave. Ste 1 Address: 1210 Business Blvd Ste 6139
City, State, Zip: A/A 99501 City, State, Zip: Eagle River, AK 99572

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

Case Number 2

Case Name: Paciencia Suarez Case Number: 3AN-10-5246 CI
v. Arctic Haven Assisted Living Homes Inc.

Attorneys Involved:

Name: Michael Patterson Name: Isaac Zorca
Address: 810 W. 2nd Ave Address: P.O. Box 210434
City, State, Zip: A/A 99501 City, State, Zip: A/A 99521

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

Case Number 3

Case Name: Northland Concrete Case Number: 3AN-10-06360 CT.
v. Robert Stone

Attorneys Involved:

Name: David Shoup Name: Todd Timmermans
Address: 508 W. 2nd Ave. Ste 300 Address: 717 K. St. Ste 200
City, State, Zip: A/A 99501 City, State, Zip: A/A 99501

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: Rosales - Clinch Case Number: 3AN-10-6676 CI.
 v. Career Academy Inc.

Attorneys Involved:

Name: Darryl Jones
 Address: 905 Photo Ave.
 City, State, Zip: A/A 99503

Name: Robert Richmond
 Address: 360 K. St. Ste 200
 City, State, Zip: A/A 99501

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

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

Case Number 2

Case Name: M.O.A. Case Number: _____
 v. Tami George

Attorneys Involved:

Name: Matthew Michalski
 Address: 632 W. 6th Ave Suite 210
 City, State, Zip: A/A 99501

Name: FRED Stone
 Address: 3003 Minnesota DR. Ste 301
 City, State, Zip: A/A 99503

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

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

Case Number 3

Case Name: Merrick Bank Corp. Case Number: 3AN-11-06841 CI.
 v. Walter L. Platt

Attorneys Involved:

Name: George Cruickshank
 Address: 3000 A St. Ste 200
 City, State, Zip: A/A 99503

Name: Bryon Collins
 Address: 310 K St. Ste 200
 City, State, Zip: A/A 99501

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

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: _____ 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 David R. Wallace, 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 Wallace 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	4.2	---	---	---	---
Impartiality	4.2	4.3	4.9	4.4	---
Integrity	4.3	4.3	---	4.4	---
Temperament	4.3	4.4	5.0	4.4	---
Diligence	4.2	4.4	---	4.4	---
Overall	4.2	4.2	5.0	4.4	---

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 Wallace on the categories summarized in the table above, using 5 as the highest rating possible. The attorney rating for Judge Wallace on overall performance was 4.2. Peace and probation officers gave Judge Wallace a rating of 4.2. Jurors rated him 5.0 overall and court employees gave him 4.4. No social workers or guardians ad litem rated Judge Wallace. The Alaska Judicial Observers rated him 3.51.

Recommendation: Vote "YES" to retain Judge David R. Wallace

For more information go to
www.knowyouralaskajudges.com

Judge David R. Wallace: 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		7		8		7		5		10		6
Direct Professional	4.2	97	4.2	96	4.3	97	4.3	99	4.2	94	4.2	98
Experience in last 5 yrs	4.2	91	4.2	90	4.3	91	4.3	93	4.2	88	4.2	92
Experience not in last 5 yrs	4.2	5	5.0	5	5.0	5	4.6	5	4.8	5	4.8	5
Professional Reputation	4.2	13	4.2	13	4.2	13	4.3	13	4.3	13	4.2	13
Other Personal Contacts	4.6	5	4.4	5	4.8	5	4.8	5	4.8	5	4.8	5
Type of Practice												
No Response		3		4		3		1		6		2
Private, Solo	4.1	27	4.2	26	4.2	27	4.2	27	4.2	25	4.2	27
Private, 2-5 Attorneys	4.2	17	4.1	16	4.5	15	4.4	17	4.3	16	4.3	16
Private, 6+ Attorneys	4.8	6	4.8	6	5.0	6	4.7	6	4.7	6	4.8	6
Private, Corporate Employee	4.0	1	4.0	1	5.0	1	4.0	1	4.0	1	4.0	1
Judge or Judicial Officer	4.3	17	4.3	16	4.3	17	4.4	17	4.3	15	4.2	17
Government	4.1	26	4.1	28	4.2	28	4.3	28	4.1	28	4.1	28
Public Service Agency/Org	--	0	--	0	--	0	--	0	--	0	--	0
Other	4.5	2	5.0	2	5.0	2	4.5	2	4.5	2	4.5	2
Years of Practice in Alaska												
No Response		3		4		3		1		6		2
5 Years or fewer	4.5	15	4.4	15	4.6	14	4.5	15	4.3	15	4.5	15
6 to 10 years	4.3	6	4.4	7	4.7	7	4.4	7	4.3	6	4.3	7
11 to 15 years	4.4	11	3.9	11	4.1	11	4.3	11	4.4	10	4.2	11
16 to 20 years	4.2	12	4.2	11	4.1	12	4.2	12	4.0	11	4.1	12
21 years or more	4.1	53	4.2	52	4.3	53	4.3	54	4.2	52	4.2	53
Gender												
No Response		3		4		3		1		6		2
Male	4.2	66	4.1	64	4.3	65	4.2	67	4.2	62	4.2	66
Female	4.3	30	4.4	31	4.5	31	4.5	31	4.2	31	4.3	31
Cases Handled												
No Response		3		4		3		1		6		2
Prosecution	4.2	14	4.3	15	4.4	15	4.4	15	4.2	15	4.3	15
Mainly Criminal	4.4	17	4.3	16	4.4	17	4.3	17	4.3	16	4.4	17
Mixed Criminal & Civil	4.0	28	4.0	27	4.1	27	4.1	28	4.1	26	4.0	28
Mainly Civil	4.3	36	4.4	35	4.4	35	4.4	36	4.2	34	4.3	35
Other	4.0	1	4.0	2	4.0	2	4.0	2	4.0	2	3.5	2
Location of Practice												
No Response		3		4		3		1		6		2
First District	4.0	4	4.0	4	4.0	4	4.0	4	4.0	4	4.0	4
Second District	--	0	--	0	--	0	--	0	--	0	--	0
Third District	4.2	90	4.2	89	4.3	90	4.3	92	4.2	87	4.2	91
Fourth District	3.5	2	4.0	2	4.0	2	3.5	2	4.0	2	4.0	2
Outside of Alaska	--	0	--	0	--	0	--	0	--	0	--	0

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

Distribution of Court Employee Ratings* 2012 Retention Evaluation David R. Wallace							
Survey Category	Number of Responses						
	Total	Excellent	Good	Acceptable	Deficient	Poor	Mean
Impartiality/Fairness	37	23	9	4	0	1	4.4
Integrity	37	22	10	4	0	1	4.4
Judicial Temperament	37	21	11	4	0	1	4.4
Diligence	37	24	8	3	1	1	4.4
Overall Evaluation	37	21	11	4	0	1	4.4

* Ratings are based on direct professional experience.

**Judge David R. Wallace
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		3		3		5		4
Direct Professional	4.3	18	4.3	19	4.4	19	4.4	17	4.2	18
Experience in last 5 yrs	4.3	17	4.3	18	4.4	18	4.4	16	4.2	17
Experience not in last 5 yrs	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1
Professional Reputation	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1
Other Personal Contacts	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
Type of Work										
No Response		2		1		1		3		2
State Law Enforcement Officer	4.2	9	4.2	9	4.2	9	4.3	8	4.0	8
Municipal/Borough Law Enforcement Officer	4.3	9	4.4	10	4.6	10	4.4	9	4.3	10
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		2		1		1		3		2
5 Years or fewer	5.0	1	5.0	1	5.0	1	5.0	1	5.0	1
6 to 10 years	4.4	7	4.4	7	4.4	7	4.6	7	4.3	7
11 to 15 years	3.7	6	3.8	6	4.0	6	3.8	6	3.4	5
16 to 20 years	5.0	2	4.7	3	5.0	3	5.0	1	4.7	3
21 years or more	4.5	2	4.5	2	4.5	2	4.5	2	4.5	2
Gender										
No Response		2		1		1		3		2
Male	4.2	14	4.3	15	4.4	15	4.3	13	4.1	14
Female	4.5	4	4.5	4	4.5	4	4.5	4	4.5	4
Location of Work										
No Response		2		1		1		3		2
First District	4.0	1	4.0	1	4.0	1	4.0	1	4.0	1
Second District	--	0	--	0	--	0	--	0	--	0
Third District	4.3	17	4.3	18	4.4	18	4.4	16	4.2	17
Fourth District	--	0	--	0	--	0	--	0	--	0
Community Population										
No Response		2		1		1		3		2
Under 2,000	--	0	--	0	--	0	--	0	--	0
Between 2,000 and 35,000	--	0	--	0	--	0	--	0	--	0
Over 35,000	4.3	18	4.3	19	4.4	19	4.4	17	4.2	18

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

**Juror Survey Results
2012 Retention Evaluation
David R. Wallace**

Survey Category	Mean	Excellent	Good	Acceptable	Deficient	Poor	Total Responses
Impartiality/Fairness	4.9	84	7	0	0	0	91
Respectful/Courteous	5.0	90	1	0	0	0	91
Attentive during Proceedings	5.0	87	4	0	0	0	91
Control over Proceedings	5.0	88	3	0	0	0	91
Intelligence/ Skill as a Judge	5.0	88	3	0	0	0	91
Overall Evaluation	5.0	88	3	0	0	0	91