

**Alaska Judicial Council
Performance Evaluation for:**

**Judge Tracey Wollenberg
Alaska Court of Appeals**

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

Judge Tracey Wollenberg was appointed to the Alaska Court of Appeals in February of 2017. This is her first retention election.

Performance Summary:

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

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

Because Judge Wollenberg 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 judge standing for retention. Key findings for Judge Wollenberg include:

- **Ratings by justice system professionals:** Judge Wollenberg received very good ratings from attorneys who appeared before her, and from court employees.
- **Professional activities:** The Council’s review of Judge Wollenberg’s professional activities showed significant contributions to the community and to the administration of justice. Judge Wollenberg led a court system committee to revise policies prohibiting discrimination and discriminatory harassment, and served on a committee working to improve the rules of the appellate courts. She assisted with training for law clerks and judges, and she made educational presentations to students and members of the public. She has been actively involved in identifying and implementing solutions for the problem of appellate delay, and has taken steps to make the court of appeals’ orders more readily available to the public and lawyers.

- **Other records:** The Council reviews a variety of other records. The Council's review of Judge Wollenberg'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 Judge Wollenberg was paid on schedule, and she certified that she had no untimely decisions.
- **Ethics:** There were no public disciplinary proceedings against Judge Wollenberg, and the Council's review found no ethical concerns.

Documents:

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



Print Questionnaire

Received
NOV 29 2019
Alaska Judicial Council

alaska judicial council

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Alaska Judicial Council Appellate Judge Questionnaire

2020 Candidates for Judicial Retention

November 2019

Tracey Wollenberg
Name

Alaska Court of Appeals
Court

1. Please estimate your workload during your present term.

- a) 0 % civil cases
 - 95 % criminal cases
 - 5 % court administrative work
 - 100 % Total
- b) 0 # of trials/year (as trial judge, if any)

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

I serve as Chair of the Anti-Sexual Harassment Policy Working Group. This committee was created by the Chief Justice in February 2018 and tasked with reviewing and revising the court system's anti-harassment policy. I am also a member of the Appellate Rules Committee.

In addition, I regularly represent the Court of Appeals at judicial installations and swearing-in ceremonies for new bar members. In 2019, I organized and moderated a Public Sector Job Forum for court system law clerks to meet with attorneys from government agencies. I also help organize, and present at, our annual Court of Appeals law clerk training each September.

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

Judicial Education Obtained:

- New Appellate Judges Seminar (Institute of Judicial Administration, NYU), July 2018
- Alaska Court System Judicial Conference (Girdwood), Oct. 2017, Oct. 2018, & Oct. 2019
- Alaska Court System Newer Judges Training (various sessions, Anchorage), 2017, 2018, & 2019

Judicial/Legal Education Provided:

- Court of Appeals Off-the-Record (bench-bar CLE presented by the Court of Appeals judges), April 2019
- Presentation to the Appellate Section of the Alaska Bar Association ("If I Knew Then What I Know Now . . . Lessons for Practitioners from a New(ish) Court of Appeals Judge"), Oct. 2018
- Presentation to the Judicial Conference (Court of Appeals Roundtable), Oct. 2019
- Presentation to the Judicial Conference (Anti-Discrimination and Harassment Policy), Oct. 2018
- Presentation to the Judicial Conference (A Conversation with Appellate Court Judges), Oct. 2017
- Presentations to and discussions with the Employee Advisory Committee, Magistrate Judges Conference, Clerks Conference, and Newer Judges Training regarding the court system's anti-discrimination and harassment policy
- Meeting with delegation of Government of Nepal officials regarding the Alaska Court of Appeals, July 2017

4. Please describe any public outreach activities.

I am fortunate to have had several opportunities to meet and interact with members of the public regarding the court system and the criminal justice system. In 2018, I was invited to speak to an adult education class at the University of Alaska Anchorage on the topic, "Introduction to the Criminal Justice System." More recently, in October 2019, I met with another adult education class (State and Federal Courts and Current Legal Issues) as part of their tour of the Anchorage courthouses; we discussed the different levels of courts within the Alaska court system and in particular, the function of the appellate courts.

In October 2019, I served as a mock trial judge during the Color of Justice program in Anchorage. I have also met with student groups during their courthouse tours, introducing them to the Supreme Court Courtroom and describing the work performed by the appellate courts.

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 was appointed to the Court of Appeals in February 2017, and I began serving on March 28, 2017. It has been an honor and a privilege to serve on the Court of Appeals. Since my appointment, I have worked hard to be as effective, efficient, and competent as possible in my position. I strive to maintain the analytical rigor that is the historical hallmark of the court, and I review every case that comes before me carefully and diligently. I enjoy working on a multi-judge court, and I welcome the challenges and responsibilities that come with deciding issues of statewide importance.

The Alaska Court of Appeals is a high-volume court with a substantial caseload. The appellate backlog continues to be a challenge for the court and a personal and professional frustration for me. I have been actively involved in identifying and implementing solutions for the problem of appellate delay, and I am pleased and encouraged by the steps the court has taken to reduce the number of cases awaiting decision. Much work remains to be done, however, and I hope to continue my efforts to improve my efficiency, as well as our collective efforts as a court to ensure timely justice for all Alaskans.

Since taking the bench, I have taken steps to increase transparency in areas of concern to practitioners. I helped develop a portal on the court system's website to the Court of Appeals' orders in bail appeals, making these orders more readily available to the public and to other litigants. At my suggestion, the Court of Appeals adopted a policy of issuing a notification identifying the judges assigned to a given appeal (since the court has been operating with several pro tem judges, in addition to its permanent members). The court also issued a standing administrative order that clarified the court's position regarding particular judicial conflicts of interest.

In 2018, I spent substantial time collaborating with the Anti-Sexual Harassment Policy Working Group and other court system colleagues on revising the court system's policy prohibiting discrimination and discriminatory harassment. I presented the new policy to the Alaska Supreme Court for approval in September 2018. I am extremely proud of the work of the committee, and it is my strong belief that our contributions will serve all those individuals who work within the Alaska Court System.

I have applied myself fully to my judicial role, and I am committed to continuing to better myself as a judge. It would be an honor to continue to serve the people of Alaska in this position.

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.

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: Alan Michael Lynott Case Number: A-13001
v. State of Alaska

Attorneys Involved:

Name: Heather O'Brien Name: David Buettner
Address: 303 K Street Address: 510 2nd Avenue, Suite 200
City, State, Zip: Anchorage, AK 99501 City, State, Zip: Fairbanks, AK 99701

Case Number 2

Case Name: Rusty J. Redding Case Number: A-13023
v. State of Alaska

Attorneys Involved:

Name: Tristan Bordon Name: Glenn J. Shidner
Address: 900 W. 5th Avenue, Suite 200 Address: 515 E. Dahlia Street, Suite 150
City, State, Zip: Anchorage, AK 99501 City, State, Zip: Palmer, AK 99645

Case Number 3

Case Name: Frank Miller Kignak Case Number: A-12519
v. State of Alaska

Attorneys Involved:

Name: Michael Horowitz Name: Diane L. Wendlandt
Address: P.O. Box 652 Address: 1031 W. 4th Avenue, Suite 200
City, State, Zip: Kingsley, MI 49649 City, State, Zip: Anchorage, AK 99501

Case Number 4

Case Name: Thomas Alpiak **Case Number:** A-12582
v. State of Alaska

Attorneys Involved:

Name: Glenda Kerry	Name: Donald Soderstrom
Address: P.O. Box 1604	Address: 1031 W. 4th Avenue, Suite 200
City, State, Zip: Girdwood, AK 99587	City, State, Zip: Anchorage, AK 99501

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

Case Number 5

Case Name: David Alan Linden **Case Number:** A-13038
v. Municipality of Anchorage

Attorneys Involved:

Name: Richard K. Payne	Name: Sarah E. Stanley
Address: 360 N. Main Street	Address: 632 W. 6th Avenue, Suite 210
City, State, Zip: Wasilla, AK 99654	City, State, Zip: Anchorage, AK 99501

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

Case Number 6

Case Name: Mary Chessica Hauge **Case Number:** A-12684
v. State of Alaska

Attorneys Involved:

Name: Ariel J. Toft	Name: Diane L. Wendlandt
Address: 1016 W. 6th Avenue, Suite 100	Address: 1031 W. 4th Avenue, Suite 200
City, State, Zip: Anchorage, AK 99501	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 appeals. (Attach additional pages if necessary.)

Case Number 1

Case Name: Lanolan Anderson *Case Number:* A-12294
v. State of Alaska

Attorneys Involved:

Name: <u>Krista Maciolek</u>	Name: <u>Michal Stryszak</u>
Address: <u>518 E. Fireweed Avenue, Suite 101</u>	Address: <u>1031 W. 4th Avenue, Suite 200</u>
City, State, Zip: <u>Palmer, AK 99645</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Case Number 2

Case Name: Mark Daniel Torgerson *Case Number:* A-13416
v. State of Alaska

Attorneys Involved:

Name: <u>Mary Fleming Burnell</u>	Name: <u>Bonnie E. Bull</u>
Address: <u>900 W. 5th Avenue, Suite 200</u>	Address: <u>310 K Street, Suite 520</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: _____

Case Number 3

Case Name: Marquinn Jones-Nelson *Case Number:* A-11966
v. State of Alaska

Attorneys Involved:

Name: <u>Cynthia L. Strout</u>	Name: <u>Timothy W. Terrell</u>
Address: <u>P.O. Box 221090</u>	Address: <u>1031 W. 4th Avenue, Suite 200</u>
City, State, Zip: <u>Anchorage, AK 99502</u>	City, State, Zip: <u>Anchorage, AK 99501</u>
Name: _____	Name: _____
Address: _____	Address: _____
City, State, Zip: _____	City, State, Zip: _____

Table 13
Judge Tracey Wollenberg
Demographic Description of Respondents - Bar Association Members

	<i>n</i>	<i>%</i>
All respondents	151	100
Experience with Judge		
Direct professional experience	93	61.6
Professional reputation	41	27.2
Other personal contacts	17	11.3
Detailed Experience*		
Recent experience (within last 5 years)	86	94.5
Substantial amount of experience	42	46.2
Moderate amount of experience	27	29.7
Limited amount of experience	22	24.2
Type of Practice		
No response	3	2.0
Private, solo	14	9.3
Private, 2-5 attorneys	7	4.6
Private, 6+ attorneys	10	6.6
Private, corporate employee	-	-
Judge or judicial officer	34	22.5
Government	61	40.4
Public service agency or organization	6	4.0
Retired	13	8.6
Other	3	2.0
Length of Alaska Practice		
No response	3	2.0
5 years or fewer	15	9.9
6 to 10 years	26	17.2
11 to 15 years	14	9.3
16 to 20 years	22	14.6
More than 20 years	71	47.0
Cases Handled		
No response	3	2.0
Prosecution	15	9.9
Criminal	34	22.5
Mixed criminal & civil	56	37.1
Civil	35	23.2
Other	8	5.3
Location of Practice		
No response	3	2.0
First District	7	4.6
Second District	1	0.7
Third District	125	82.8
Fourth District	13	8.6
Outside Alaska	2	1.3
Gender		
No response	6	4.0
Male	75	49.7
Female	70	46.4

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

Table 14
Judge Tracey Wollenberg
Detailed Responses - Bar Association Members

	<i>n</i>	Legal Ability <i>M</i>	Impartiality/ Fairness <i>M</i>	Integrity <i>M</i>	Judicial Temperament <i>M</i>	Diligence <i>M</i>	Overall <i>M</i>
All respondents	151	4.7	4.6	4.7	4.7	4.7	4.7
Basis for Evaluation							
Direct professional experience	93	4.8	4.7	4.7	4.7	4.7	4.7
Experience within last 5 years	86	4.8	4.7	4.7	4.7	4.7	4.7
Experience not within last 5 years	5	4.5	4.5	4.8	4.8	4.6	4.8
Substantial amount of experience	42	4.8	4.7	4.8	4.8	4.7	4.7
Moderate amount of experience	27	4.9	4.8	4.9	4.8	4.7	4.8
Limited amount of experience	22	4.6	4.4	4.5	4.6	4.6	4.6
Professional reputation	41	4.5	4.3	4.5	4.5	4.5	4.4
Other personal contacts	17	4.9	4.8	4.9	4.9	4.9	4.9
Type of Practice*							
Private, solo	8	4.7	4.7	4.7	4.7	4.5	4.7
Private, 2-5 attorneys	2	5.0	5.0	5.0	5.0	5.0	5.0
Private, 6+ attorneys	5	5.0	4.8	5.0	5.0	5.0	5.0
Private, corporate employee	-	-	-	-	-	-	-
Judge or judicial officer	29	5.0	4.8	4.8	4.8	4.9	4.9
Government	37	4.6	4.5	4.6	4.6	4.5	4.6
Public service agency or organization	1	5.0	5.0	5.0	5.0	5.0	5.0
Retired	7	4.9	4.7	4.7	4.7	4.6	4.7
Other	1	5.0	5.0	5.0	5.0	5.0	5.0
Length of Alaska Practice*							
5 years or fewer	4	5.0	5.0	5.0	5.0	5.0	5.0
6 to 10 years	13	4.7	4.8	4.8	4.8	4.7	4.7
11 to 15 years	10	4.9	4.8	4.9	4.9	4.8	4.9
16 to 20 years	15	4.7	4.5	4.7	4.6	4.6	4.7
More than 20 years	48	4.8	4.7	4.7	4.7	4.7	4.7
Cases Handled*							
Prosecution	9	4.0	3.8	4.1	4.3	3.8	3.9
Criminal	22	5.0	5.0	4.9	4.9	4.9	5.0
Mixed criminal & civil	45	4.8	4.7	4.7	4.7	4.7	4.8
Civil	9	5.0	4.9	5.0	4.8	4.9	4.9
Other	5	5.0	5.0	5.0	5.0	5.0	5.0
Location of Practice*							
First District	3	5.0	5.0	5.0	5.0	4.7	5.0
Second District	1	5.0	5.0	5.0	5.0	5.0	5.0
Third District	76	4.7	4.6	4.7	4.7	4.7	4.7
Fourth District	9	5.0	5.0	5.0	4.9	5.0	5.0
Outside Alaska	1	5.0	5.0	5.0	5.0	5.0	5.0
Gender*							
Male	46	4.6	4.5	4.6	4.6	4.5	4.5
Female	42	5.0	4.9	4.9	4.9	4.9	5.0

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

Table 7
Judge Tracey Wollenberg
Description of Respondents' Experience - Court Employees

	<i>n</i>	<i>%</i>
All respondents	25	100
Experience with Judge		
Direct professional experience	17	68.0
Professional reputation	2	8.0
Other personal contacts	6	24.0
Detailed Experience*		
Recent experience (within last 5 years)	17	100
Substantial amount of experience	7	41.2
Moderate amount of experience	5	29.4
Limited amount of experience	5	29.4

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

Table 8
Judge Tracey Wollenberg
Detailed Responses - Court Employees

	<i>n</i>	Impartiality/ Fairness <i>M</i>	Integrity <i>M</i>	Judicial Temperament <i>M</i>	Diligence <i>M</i>	Overall <i>M</i>
All respondents	25	4.7	4.8	4.8	4.7	4.8
Basis for Evaluation						
Direct professional experience	17	4.9	4.9	4.9	4.9	4.9
Experience within last 5 years	17	4.9	4.9	4.9	4.9	4.9
Experience not within last 5 years	-	-	-	-	-	-
Substantial amount of experience	7	5.0	5.0	5.0	5.0	5.0
Moderate amount of experience	5	4.8	4.8	4.8	4.8	4.8
Limited amount of experience	5	4.7	5.0	5.0	4.8	5.0
Professional reputation	2	4.0	4.5	5.0	4.0	-
Other personal contacts	6	4.3	4.3	4.0	4.0	4.2