

Alaska Judicial Council Recommendation

Judge Harold M. Brown, Superior Court, Kenai

I. Judicial Council Evaluation. The Alaska Judicial Council, a non-partisan citizens commission established by the Alaska Constitution, finds Judge Brown to be **Qualified** and recommends unanimously (6-0) that the public vote "YES" to retain him as a superior court judge.

II. Summary of Evaluation Information. In a survey sent to all 2,644 attorneys in Alaska, Judge Brown was rated in the good range on overall judicial performance (3.7, see graph). He scored highest (3.9) in the categories of "conduct free from impropriety" and "ability to control courtroom." He scored 3.6 or better in all sixteen categories.

Summary Categories	Attorney Survey	Peace Officer Survey	Juror Survey	Court Employee Survey
Legal Ability	3.6	---	---	---
Impartiality	3.7	4.1	4.7	---
Integrity	3.8	4.4	---	4.1
Temperament	3.8	4.3	4.8	4.3
Diligence	3.6	4.1	---	4.0
Special Skills	3.8	4.0	---	4.0
Overall	3.7	4.2	4.7	4.2

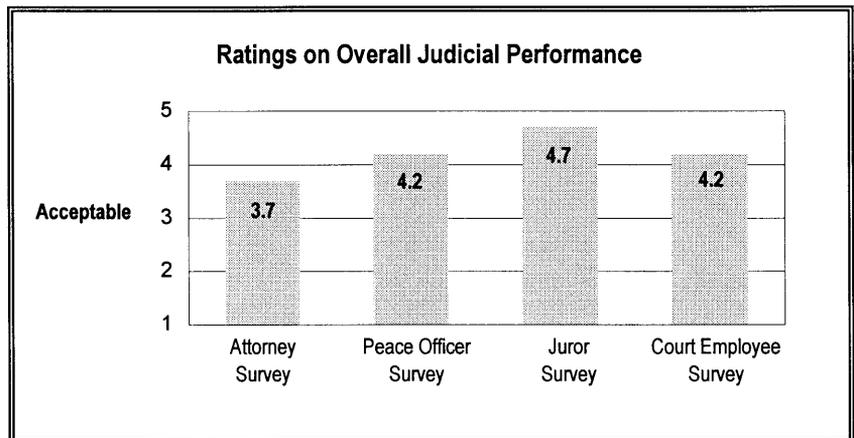
Ratings are based on a one to five scale. Five is the best rating and three is "acceptable."

Range Description
 4.0 - 5.0 = Excellent
 3.5 - 3.9 = Good
 3.0 - 3.4 = Acceptable
 2.5 - 2.9 = Below Acceptable
 1.0 - 2.4 = Poor

A survey of all 1,890 peace and probation officers in Alaska rated Judge Brown in the excellent range on overall judicial performance (4.2, see graph). He scored highest in the category of "conduct free from impropriety" (4.4). He scored 3.9 or better in all thirteen categories.

A survey of all jurors appearing before Judge Brown in 1998 and 1999 rated him in the excellent range (4.7) on overall performance. A survey of all court employees rated him in the excellent range (4.2) on overall performance.

The Council also completed a background investigation including a court records check, a disciplinary records check, a review of conflict of interest statements submitted to the court system, a review of any withheld salary warrants and a review of financial disclosure statements submitted to the Alaska Public Offices Commission. Attorneys, peace officers, court employees and jurors were asked to submit written comments about the judge. The Council actively encouraged the public to comment, both in writing and in a statewide public hearing teleconference.



Recommendation: Vote "YES" to retain Judge Brown

Contact the Judicial Council at 1029 W. 3rd, Suite 201, Anchorage, AK 99501 (telephone: (907) 279-2526) for more detailed information, or review the information on our Internet site at:

www.ajc.state.ak.us



alaska judicial council

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Alaska Judicial Council Questionnaire

AK Judicial Council

CHAIRMAN, EX OFFICIO
Warren W. Matthews
Chief Justice
Supreme Court

Trial Judge 2000 Candidates for Judicial Retention

November 19, 1999

HAROLD M. BROWN
Name

Superior Court - Kenai
Court

1. Describe your workload during your present term.

a) 60 % Civil Cases
40 % Criminal Cases
0 % Court Administrative
100 % Total

b) 31 # of trials/year/1999, including 12 jury trials, 16 non-jury trials and 3 CINA termination trials.
approx. 5 # Administrative Appeals

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

none during 1999

3. On a separate sheet of paper 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

The first three years of my first term has been a valuable learning experience. The workload in Kenai is heavy and the two Superior Court Judges "pull" weekend duty and travel frequently to Homer and Seward.

I have attended The National Judicial College in Reno twice. The last occasion was to participate in the Advanced Evidence course. I enjoy being a judge. There is something new happening every day and you get a real sense of contribution to the community.

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.

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 nonjudicial 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 .

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 witness in a case involving my sister's homicide. The trial
took place in Norfolk, Massachusetts during April of 1999. The case
is Commonwealth v. Magraw, Superior Court #97843. My ex-brother-in-
law was convicted.

Please provide any other information which you believe would assist the Council in conducting its evaluations and in preparing its recommendations for the 2000 retention elections.

5. Please list the names and case numbers of the three most recent jury cases tried before you, identify the attorneys involved, and show their current addresses. (Attach additional pages if necessary.)

Name of Case	Case Number
1 <u>St. v. Backus</u>	<u>3KN-99-1407 Cr.</u>

Attorneys Involved

Name: John Wolfe
Address: 120 Trading Bay Dr., STE 200
Kenai, AK 99611

Name: Kenneth Cole
Address: 150 N. Willow, #3
Kenai, Ak 99611

Name: _____
Address: _____

Name: _____
Address: _____

Name of Case	Case Number
2 <u>State Farm v. Plagge</u>	<u>3KN-98-153 CI</u>

Attorneys Involved

Name: Arthur Robinson
Address: 35401 Kenai Spur Hwy
Soldotna, Ak 99611

Name: Sean Parnell
Address: 731 I St., STE 203
Anchorage, Ak 99501

Name: _____
Address: _____

Name: _____
Address: _____

Name of Case	Case Number
3 <u>St. v. Turner</u>	<u>3KN-97-1990 Cr.</u>

Attorneys Involved

Name: Dwayne McConnell
Address: 120 Trading Bay Dr., STE 200
Kenai, Ak 99611

Name: Joe Montague
Address: 130 Trading Bay Dr., STE 390
Kenai, Ak 99611

Name: _____
Address: _____

Name: _____
Address: _____

6. Please list the names and case numbers of the three most recent non-jury cases tried before you, identify the attorneys involved, and show their current addresses. (Attach additional pages if necessary.)

1

Name of Case

Case Number

Applewhite v. Applewhite

3KN-99-171 CI

Attorneys Involved

Name: Carol Brenckle
Address: 130 Trading Bay, STE 340
Kenai, Ak 99611

Name: Phil Nash
Address: 110 S. Willow, STE 104
Kenai, Ak 99611

Name: _____
Address: _____

Name: _____
Address: _____

2

Name of Case

Case Number

MacCampbell v. MacCampbell

3HO-98-181 CI

Attorneys Involved

Name: Allan Beiswenger
Address: 35401 Kenai Spur Hwy
Soldotna, Ak 99669

Name: Elizabeth Anne McCord
Address: 150 N. Willow St., STE 2
Kenai, Ak 99611

Name: _____
Address: _____

Name: _____
Address: _____

3

Name of Case

Case Number

ITMO: O.K.

3KN-94-2 CP

Attorneys Involved

Name: Charlie Huguelet
Address: 1031 W. 4th Ave., STE 200
Anchorage, AK 99501

Name: Abigail Beacham
Address: 130 Trading Bay Dr. STE 390
Kenai, AK 99611

Name: John Rate
Address: 3691 Ben Walters Lane, STE 3
Homer, Ak 99611

Name: _____
Address: _____

7. Please list the names and case numbers of the three most recent cases which did not go to trial, but on which you did significant work (such as settlement conference, hearings, motion work, etc.), identify the attorneys involved, and show their current addresses. (Attach additional pages if necessary.)

1

<i>Name of Case</i>	<i>Case Number</i>
<u>Huddleston v. West</u>	<u>3HO-99-123 CI</u>

Attorneys Involved

Name: James Hornaday
Address: 3691 Ben Walters Lane, STE 2
Homer, AK 99603

Name: _____
Address: _____

Name: Susan Mack
Address: 310 K. Street STE 404
Anchorage, AK 99501

Name: _____
Address: _____

2

<i>Name of Case</i>	<i>Case Number</i>
<u>Resnick v. Phillips</u>	<u>3KN-96-167 CI</u>

Attorneys Involved

Name: Richard Vollertson
Address: 420 L. St., 5th Floor
Anchorage, Ak 99501

Name: Joe Huddleston
Address: 550 West 7th Ave, STE 1100
Anchorage, Ak 99501

Name: David Floerchinger
Address: 943 W. Sixth Avenue
Anchorage, Ak 99501

Name: Michael Nave
Address: 550 W 7th Ave., STE 1650
Anchorage, Ak 99501

3

<i>Name of Case</i>	<i>Case Number</i>
<u>Peter v. Pack</u>	<u>3KN-96-457 CI</u>

Attorneys Involved

Name: Murphy Clark
Address: 711 H. Street STE 210
Anchorage, Ak 99501

Name: _____
Address: _____

Name: Paul Waggoner
Address: 632 Christensen Dr., STE 200
Anchorage, Ak 99501

Name: _____
Address: _____

8. If you deem it helpful to the Council, please list the name, case number and attorneys' names and current addresses of any other cases during your judicial career in which you believe your work was particularly noteworthy. (Attach additional pages if necessary.)

1

Name of Case

Case Number

Attorneys Involved

Name: _____

Address: _____

2

Name of Case

Case Number

Attorneys Involved

Name: _____

Address: _____

3

Name of Case

Case Number

Attorneys Involved

Name: _____

Address: _____

MEMORANDUM

TO: Judicial Council Members

FROM: Staff

DATE: May 16, 2000

RE: Comparison of Previous Survey Results - Harold M. Brown

Harold M. Brown is standing for retention in 2000. The table on the following page compares retention and selection survey scores for Judge Brown. Changes in the form and content of the various surveys should be noted carefully in making any comparisons.

This is Judge Brown's first time to stand for retention. He was evaluated with the other non-retention judges in 1998.

Judge Brown applied for and was appointed to the Kenai Superior Court in 1996.

Judge Harold M. Brown appointed to Kenai Superior Court 4/8/96						
	2000 Retention		1998 Retention Preview		1996 Kenai Superior	
	Bar	PPO	Bar	PPO	Score	Range
Legal Ability	3.6	—	3.8	—	3.9	Good
Fairness	3.7	4.1	3.8	4.0	3.9	Good
Integrity	3.8	4.4	3.8	4.0	4.1	Excellent
Judicial Temperament	3.8	4.3	4.0	4.1	3.9	Good
Diligence	3.6	4.1	—	—	—	---
Administrative Skills	3.8	4.0	—	—	—	---
Suitability of Experience	—	—	—	—	3.9	Good
Overall Performance	3.7	4.2	3.8	4.1	3.9	Good